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**No. 26626**



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**CONTENTS**

No.		Page No.	Gazette No.
<b>PROCLAMATIONS</b>			
R. 38	Correctional Services Act (111/1998): Commencement; and repeal of the Correctional Services Act, 1959 (Act No. 8 of 1959).....	3	26626
<b>Correctional Services, Department of</b>			
<i>Government Notices</i>			
R. 914	Correctional Services Act (111/1998): Promulgation of Regulations.....	7	26626
R. 915	do.: Commencement of Delegations.....	86	26626

**INHOUD**

No.		Bladsy No.	Koerant No.
<b>PROKLAMASIES</b>			
R. 38	Wet op Korrektiewe Dienste (111/1998): Inwerkingtreding; en die herroeping van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959).....	3	26626
<b>Korrektiewe Dienste, Departement van</b>			
<i>Goewermentskennisgewings</i>			
R. 914	Correctional Services Act (111/1998): Promulgation of Regulations.....	7	26626
R. 915	do.: Commencement of Delegations.....	86	26626

# PROCLAMATION

*by the*

*President of the Republic of South Africa*

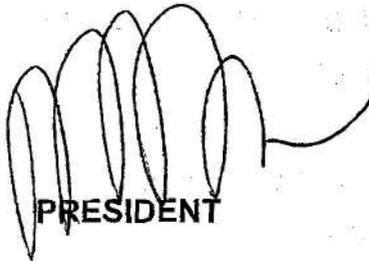
**No. R. 38, 2004**

**COMMENCEMENT OF THE CORRECTIONAL SERVICES ACT, 1998  
(ACT NO. 111 OF 1998) AND REPEAL OF THE CORRECTIONAL SERVICES  
ACT, 1959 (ACT NO. 8 OF 1959)**

In terms of section 138 of the Correctional Services Act, 1998 (Act No. 111 of 1998), I hereby determine 31 July 2004 as the date on which sections 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 96, 98, 99, 100, 101, 102, 131, 132 and 133 of Act No. 111 of 1998 shall come into operation and I further hereby determine 31 July 2004 as the date on which sections 2, 3, 3A, 6, 7, 8, 9, 9A, 9G, 10, 11, 12, 13, 13A, 13B, 14, 15, 16, 17, 18, 19, 21, 22, 22B, 23, 24, 26, 27, 28, 30, 34, 41, 42, 42A, 43, 44, 45, 46, 47, 48, 48A, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 73, 74, 74A, 75, 76, 77, 79, 80, 81, 82, 83, 85, 86, 87, 88, 89, 89A, 90, 91 and 94 of Act No. 8 of 1959 shall be repealed.

I also determine hereby that sections 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82 and 137 (only with reference to the amendment of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)) of Act No. 111 of 1998 shall come into operation on 1 October 2004 and I further hereby determine 1 October 2004 as the date on which sections 1, 5A, 5C, 22A, 31, 32, 32A, 33, 62, 63, 64A, 64B, 64C, 65, 66, 67, 68, 69, 70, 84, 84A, 84B, 84C, 84D, 84E, 89B, 92, 92A, 93 and 95 of Act No. 8 of 1959 shall be repealed.

Given under my hand and the Seal of the Republic of South Africa at Pretoria this 30th day of July Two Thousand and Four.



**PRESIDENT**

**By order of the President-in-Cabinet:**



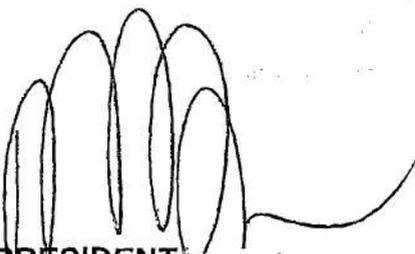
**MINISTER OF THE CABINET**

**PROKLAMASIE***van die**President van die Republiek van Suid-Afrika***No. R. 38, 2004****INWERKINGTREDING VAN DIE WET OP KORREKTIEWE DIENSTE, 1998 (WET NO. 111 VAN 1998) EN DIE HERROEPING VAN DIE WET OP KORREKTIEWE DIENSTE, 1959 (WET NO. 8 VAN 1959)**

Kragtens artikel 138 van die Wet op Korrektiewe Dienste, 1998 (Wet Nr. 111 van 1998), verklaar ek hierby 31 Julie 2004 as die datum waarop artikels 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 96, 98, 99, 100, 101, 102, 131, 132 en 133 van Wet No. 111 van 1998 in werking sal tree en bepaal ek verder hierby 31 Julie 2004 as die datum waarop artikels 2, 3, 3A, 6, 7, 8, 9, 9A, 9G, 10, 11, 12, 13, 13A, 13B, 14, 15, 16, 17, 18, 19, 21, 22, 22B, 23, 24, 26, 27, 28, 30, 34, 41, 42, 42A, 43, 44, 45, 46, 47, 48, 48A, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 73, 74, 74A, 75, 76, 77, 79, 80, 81, 82, 83, 85, 86, 87, 88, 89, 89A, 90, 91 en 94 van Wet No. 8 van 1959 herroep word.

Ek verklaar ook hierby dat artikels 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82 en 137 (slegs met betrekking tot die wysiging van die Strafproseswet, 1977 (Wet Nr. 51 van 1977)) van Wet Nr. 111 van 1998 in werking sal tree op 1 Oktober 2004, en bepaal ek verder hierby 1 Oktober 2004 as die datum waarop artikels 1, 5A, 5C, 22A, 31, 32, 32A, 33, 62, 63, 64A, 64B, 64C, 65, 66, 67, 68, 69, 70, 84, 84A, 84B, 84C, 84D, 84E, 89B, 92, 92A, 93 en 95 van Wet Nr. 8 van 1959 herroep word.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria  
op hede die 30ste dag van Julie Twee Duisend en Vier.



PRESIDENT



MINISTER VAN DIE KABINET

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## GOVERNMENT NOTICES

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### DEPARTMENT OF CORRECTIONAL SERVICES

**No. R. 914**

**30 July 2004**

CORRECTIONAL SERVICES ACT, 1998

#### PROMULGATION OF REGULATIONS

The Minister of Correctional Services has under section 134 of the Correctional Services Act, 1998 (Act No. 111 of 1998) made the regulations in the Schedule to commence on 31 July 2004.

**CORRECTIONAL SERVICES REGULATIONS**

**TABLE OF CONTENTS**

**CHAPTER I**

**DEFINITIONS**

1. Definitions

**CHAPTER II**

**CUSTODY OF ALL PRISONERS UNDER CONDITIONS OF HUMAN DIGNITY**

2. Admission
3. Accommodation
4. Nutrition
5. Clothing and bedding
6. Exercise
7. Health care
8. Contact with community
9. Death in prison
10. Development and support services
11. Recreation
12. Access to legal advice
13. Reading material
14. Discipline
15. Safe custody
16. Searches
17. Identification
18. Mechanical restraints
19. Non-lethal incapacitating devices

20. Firearms
21. Other weapons

### **CHAPTER III**

#### **SENTENCED PRISONERS**

22. Classification of sentenced prisoners
23. Labour with regard to sentenced prisoners
24. Case Management Committee
25. Location and transfer of prisoners

### **CHAPTER IV**

#### **UNSENTENCED PRISONERS**

26. General provisions

### **CHAPTER V**

#### **COMMUNITY CORRECTIONS**

27. Supervision Committee
28. Monitoring

### **CHAPTER VI**

#### **RELEASE FROM PRISON AND PLACEMENT UNDER CORRECTIONAL SUPERVISION**

#### **AND ON DAY PAROLE AND PAROLE**

29. Length and form of sentence

**CHAPTER VII**

**INTERNAL SERVICE EVALUATION**

30. Departmental inspectors, investigators and auditors

**CHAPTER VIII**

**HUMAN RESOURCE AND WORK ORGANISATION MATTERS**

31. Work facilities
32. Work hours
33. Discipline
34. Emergency work
35. Medical examination
36. Medical Board proceedings
37. Leave
38. Establishment of Correctional Services Facilities Fund
39. Establishment of departmental canteen

**CHAPTER IX**

**GENERAL**

40. Access to prisons
41. Delegation of authority

**Schedule A**

**Schedule B**

## **REGULATIONS**

**The Regulations in terms of Section 134 of the Correctional Services Act, 1998 (Act 111 of 1998) for the Administration of the Department of Correctional Services of the Republic of South Africa.**

### **CHAPTER I**

#### **DEFINITIONS**

1. In these regulations, unless inconsistent with the context, an expression defined in the Act has the same meaning as in the Act and -

**"Cared-for child"** means the child that a female prisoner is permitted, in terms of section 20 of the Act to have with her in prison;

**"Clinical trials"** means an investigation destined to discover or verify the clinical pharmacological or other pharmacodynamic effects of an investigational product on persons or to identify any adverse reactions in persons to an investigational product or to study absorption, distribution, metabolism and excretion of an investigational product with the object of ascertaining its safety or efficiency;

**"Correctional Services canteen"** means a canteen established in terms of section 132(1) of the Act;

**"Correction supervision official"** means a correctional official in control of one or more monitoring officials referred to in Regulation 27;

**"Disability"** means a long-term or recurring physical or mental impairment which substantially limits a person's ability to perform an activity in the manner or within a range considered normal for a human being;

**"Healthcare provider"** means a medical officer, medical practitioner, registered nurse or professional as defined in section 1 of the Act and "health care worker" has a corresponding meaning;

**"Emergency Support Team"** means a team of correctional officials who are specially trained for utilisation during emergency situations to ensure a safe and secure environment within the Department;

**"Health status"** means the assessment of the health of a person in terms of the absence of disease or disability and also of personal health habits, family history, occupational and environmental conditions and influences or a combination thereof which affect long-term health;

**"Primary health services"** means universally accessible, first-level contact, clinic-based health services essential to enable the prisoner population to acquire, maintain and promote health;

**"Prison hospital"** means accommodation and amenities specifically allocated to treat prisoners in need of direct in-patient bedside care;

**CHAPTER II****CUSTODY OF ALL PRISONERS UNDER CONDITIONS OF HUMAN DIGNITY****2. Admission to prison**

- (1)
  - (a) The Head of Prison or any correctional official authorised by him or her must take into safekeeping the money, valuables and any other articles in the possession of a prisoner on admission to the prison or during the period of imprisonment.
  - (b) The Commissioner may prescribe by Order the conditions for and circumstances under which taking into safekeeping, release or disposal of such money, valuables or other articles may take place.
- (2) Every prisoner who is admitted to a prison must bath or shower as soon as possible after admission, as prescribed by Order.
- (3)
  - (a) Every prisoner and every cared-for child must, within twenty four hours after admission and before being allowed to mix with the general prisoner population, undergo a medical examination by either a medical officer or a registered nurse, who must report on the health status of such prisoner or child and confirm such person's medical history.
  - (b) If a registered nurse has conducted such a medical examination he or she must refer the case of the prisoner or cared-for child to the medical officer as soon as reasonably possible if any of the following conditions are identified;
    - (i) the prisoner or cared-for child who, upon admission to the prison had been injured, was ill or has complained that he or she is injured or ill;

- (ii) the prisoner or cared-for child is using prescribed medication or receives medical treatment;
    - (iii) the prisoner or cared-for child is receiving continued or ancillary medical treatment;
    - (iv) the prisoner is pregnant; or
    - (v) there exists any other condition with regard to the prisoner or cared-for child which the registered nurse on reasonable grounds believes requires the medical officer to issue the admission report.
  - (b) The medical officer or registered nurse must screen all prisoners admitted to the prison for communicable, contagious or obscure diseases and record the presence thereof, as prescribed by Order.
- (4)
- (a) The registered nurse must upon admission record any medical assistance device in possession of a prisoner.
  - (b) Such device may not be removed without the written instruction of the attending medical practitioner.
- (5) Any medicine in possession of a prisoner must be recorded and handed to the registered nurse who must deal with it as prescribed by Order.
- (6)
- (a) The possession of an emergency identification locket or bracelet by a prisoner or cared-for child and the condition identified by it must be recorded by the registered nurse.
  - (b) Such a locket or bracelet may be worn by the prisoner unless it constitutes a security risk.
- (7) A prisoner may only mix with the general prisoner population after being medically assessed.

### 3. Accommodation

- (1) In every prison provision must be made for general sleeping and in-patient hospital accommodation, consisting of single or communal cells or both.
- (2)
  - (a) All cell accommodation must have sufficient floor and cubic capacity space to enable the prisoner to move freely and sleep comfortably within the confines of the cell.
  - (b) All accommodation must be ventilated in accordance with the National Building Regulations SABS 0400 of 1990 issued in terms of section 16 of the Standards Act, 1993 (Act No. 29 of 1993).
  - (c) Any cell utilised for the housing of prisoners must be sufficiently lighted by natural and artificial lighting so as to enable a prisoner to read and write.
  - (d)
    - (i) In every prison there must be sufficient, accessible ablution facilities that must be available to all prisoners at all times.
    - (ii) Such facilities include access to hot and cold water for washing purposes.
    - (iii) In communal sleeping accommodation ablution facilities must be partitioned off.
  - (e)
    - (i) Every prisoner must be provided with a separate bed and with bedding which provides adequate warmth for the climatic conditions and which complies with hygienic requirements as prescribed by Order.
    - (ii) In equipping a prison hospital, provision must be made for a standard range of hospital beds, bedding and clothing that specifically suit the needs for effective patient care.

- (f) Whenever separate prisons for males and females are established on the same site or on separate sites but in proximity of each other, or whenever separate sections of a prison are available for the reception of male and female prisoners, the following requirements must be observed:
  - (i) The locks of the doors and gates of the prison or section for males and those of the prison or section for females must not correspond.
  - (ii) The keys of a prison or section for females must be permanently in the possession of a female correctional official.
  - (iii) Any male person visiting a prison or section for females must be accompanied by a female correctional official during the full period of such visit.
- (g) Prisoners of a particular security classification must be detained separately from prisoners with a different security classification.
- (h) Prisoners between the ages of 18 and 21 years must be detained separately from prisoners who are over the age of 21 years.
- (i) Prisoners suffering from mental or chronic illness or whose health status will be affected detrimentally or whose health status poses a threat to other prisoners if detained in a communal cell must be detained separately on request of the medical officer or registered nurse.

#### **4. Nutrition**

- (1) Each prisoner must be provided with a diet consisting of a minimum protein and energy content of:

- (a) 2 000 kilo calories per day for adult females;
  - (b) 2 500 kilo calories per day for adult males; and
  - (c) 2 800 kilo calories per day for children, between the ages of 13 and 18 years of which at least 0.8 grams per kilogram of body weight per day must be from the protein group.
- (2) The diet must provide for a balanced distribution of food items amongst the five major food groups, namely:
- (a) food items rich in calcium;
  - (b) food items rich in protein;
  - (c) vegetables and fruits;
  - (d) cereals; and
  - (e) food items rich in fats and oils.
- (3) Food must be stored, prepared, cooked and served in compliance with the provisions of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) and the principles of good hygiene.

#### **5. Clothing and bedding**

- (1) On admission to a prison, a sentenced prisoner must be provided with a complete outfit of clothing and bedding as prescribed by Order and only the clothing issued may be worn, except when otherwise determined by the Commissioner.
- (2) When an unsentenced prisoner is issued with prison clothing, such clothing must be different from that issued to sentenced prisoners.
- (3) A prisoner may be allowed to wear for religious or cultural purposes such attire as prescribed by Order.

**6. Exercise**

- (1) The medical officer must certify whether the following categories of prisoners are fit to exercise:
  - (a) a prisoner who is injured, ill or complains that he or she is injured or ill;
  - (b) a prisoner who receives any prescribed medicines and or medical treatment;
  - (c) a prisoner who receives continued or additional medical treatment; and
  - (d) a prisoner who is pregnant.
- (2) In respect of each prisoner other than a prisoner mentioned in sub regulation (1), a medical officer or registered nurse must issue a certificate stating whether or not the prisoner is fit for exercise.
- (3) If a registered nurse in considering whether a prisoner is fit for exercise, is of the opinion that the prisoner is subject to any condition which should be evaluated by a medical officer, the registered nurse must refer the prisoner to the medical officer for a decision as to whether the prisoner concerned is fit for exercise.

**7. Health care**

- (1)
  - (a) Primary health care must be available in a prison at least on the same level as that rendered by the State to members of the community.
  - (b) When a prison is built, specifications must set for that part of the facility which will be utilised for the purposes of health care. (S)

- (2) The services of a medical officer and a dental practitioner must be available at every prison.
- (3) The prison's medical officer is responsible for the general medical treatment of prisoners and must treat a prisoner referred to him or her as often as may be necessary.
- (4) A registered nurse must attend to a sick prisoner as often as is necessary, but at least once a day.
- (5) If a prisoner is attended to by his or her own medical practitioner of choice such medical practitioner must provide written reports to the medical officer made pursuant to the findings of any special examination, diagnoses, proposed treatment, interventions and treatment regimes that may be prescribed by the medical practitioner.
- (6) Upon the illness of or injury to a prisoner, resulting in the prisoner's hospitalisation or his or her removal to an institution for treatment of a mental affliction, the Head of Prison must inform the prisoner's spouse, partner or next of kin accordingly.
- (7)
  - (a) A prisoner may not, even with his or her consent, be subjected to any medical, scientific experimentation or research.
  - (b) A prisoner may not participate in clinical trials except with the Commissioner's approval given on application made by the prisoner.
- (8)
  - (a) A request from a prisoner to donate or receive an organ or tissue by donation, in accordance with the provisions of the Human Tissue Act, 1983 (Act No. 65 of 1993) must be approved by the Commissioner.

- (b) A request from a person to receive any form of artificial fertilization in terms of the provisions of the Human Tissue Act, 1983 (Act No. 65 of 1983) from a prisoner must be approved by the Commissioner. A prisoner may not receive any form of artificial fertilisation.
- (9) (a) A prisoner may not be sterilised at State expense unless the procedure is required for medical reasons as certified by the medical officer.
- (b) The Commissioner may approve an abortion at State expense only in the circumstances contemplated in sections 2(1)(b)(i), (ii) or (iii) and 2(1)(c) of the Termination of Pregnancy Act, 1996 (Act No. 92 of 1996).
- (10) (a) The provision of medical assistance devices, but not including surgical implants, to prisoners at State expense must be prescribed by Order.
- (b) All medical assistance devices issued to or received by a prisoner from outside the prison must be recorded.
- (11) The medical officer, environmental health officer or registered nurse must inspect the prison at least once a month and report as prescribed by Order to the Commissioner on problems concerning environmental health conditions and health related issues.
- (12) (a) After release or placement under community corrections an injured prisoner is entitled to medical treatment at departmental expense for an injury sustained in prison until the injury is healed.
- (b) Such a person may be required to report to a prison for further treatment after release or placement under community corrections.

- (c) A person injured after release or placement under community corrections is not entitled to treatment at Departmental expense.
- (13) (a) A prisoner who is certified in terms of Chapter 4 of the Mental Health Act, 1973 (Act No. 18 of 1973) may not be detained in a prison and must be removed to a designated health establishment as defined in section 1 of that Act.
  - (b) Before the transfer of such a prisoner the prisoner must be placed under the special care of the medical officer.

#### **8. Contact with Community**

- (1) The Head of Prison must give special attention to the development and maintenance of good family relationships between prisoners and their family members and other relatives.
- (2) The Head of Prison must convey any important information regarding a prisoner's family, relatives or friends that may come to his or her attention, to the prisoner as soon as practicable.
- (3) On admission to a prison or when a prisoner is transferred, subject to the provision of Regulation 25(1)(b), the Head of Prison must, allow the prisoner to notify his or her spouse, partner or next of kin in the manner prescribed by Order, unless otherwise requested in writing by the prisoner.
- (4) The Head of Prison may authorise a correctional official, in writing, that communications between a prisoner and a member of the public, including letters, telephone conversations and communications in the course of a visit, be opened, read,

listened to or otherwise intercepted if not a subject of a legal privilege, by a correctional official, mechanical device, or electronic device, where the Head of Prison believes on reasonable grounds:

- (a) that the communications contain or will contain evidence of:
    - (i) an act that will jeopardise the security of the prison or the safety of any person; or
    - (ii) a criminal offence or a plan to commit a criminal offence; and
  - (b) that the interception of such communication is the least restrictive measure available in the circumstances.
- (5) Where a communication is intercepted under sub-regulation (4) the Head of Prison or the correctional official designated by him or her must as soon as reasonably practicable inform the prisoner, in writing, of the reasons for the interception and give the prisoner an opportunity to make representations with respect thereto, unless the information would adversely affect an ongoing investigation, in which case the prisoner will be informed of the reasons and given an opportunity to make representations with respect thereto on completion of the investigation.

## **9. Death in prison**

- (1) (a) The Head of Prison must keep a record and report all deaths in prison, such record and report must reflect all the particulars required by Order.
- (b) A deceased prisoner must be buried by the Head of Prison at a burial place in the magisterial district where he or she was detained, but the Commissioner may,

upon written request of the spouse, partner or next of kin allow them to remove and bury the deceased at their own expense.

- (c) For humanitarian reasons the Commissioner may at the written request of the spouse, partner or next of kin, allow the deceased prisoner to be transported at State expense to another magisterial district. The cost of the burial is to be born by the person requesting the transportation as prescribed by Order.

#### 10. Development and Support Services

- (1)
  - (a) Social work services must be rendered to sentenced prisoners and persons under community corrections who have a need for such services. Those services may be rendered only by a social worker duly registered as such in terms of the Social Work Act, 1978 (Act No. 110 of 1978).
  - (b) If the need for social work services arises at a prison or community corrections office where those services are not available, the relevant Head of Prison or Head of Community Corrections, as the case may be, must take the necessary steps to ensure that those services are made available as soon as possible to cater for that need.
- (2)
  - (a) Education and training services must be rendered to sentenced prisoners who have a need for such services, subject to paragraph (b), those services will be rendered in accordance with education and training programmes.
  - (b) The education of sentenced prisoners must be in accordance with the educational system of the country.

- (c) A qualified academic or technical educationist must, subject to paragraph (d), render those services.
  - (d) If such a qualified educationist is not available, a correctional official may be designated by the correctional official in charge of education and training programmes to perform these duties. However such a correctional official must be trained in the principles of academic or technical instruction.
  - (e) If such a qualified educationist or trained correctional official is not available, the Commissioner may appoint a temporary correctional official or voluntary worker who is qualified for the purpose, to perform the duties of such an educationist. Such Correctional Official, however, must be trained in the principles of academic or technical training.
- (3) (a) Psychological services must be available to all sentenced prisoners and persons under community corrections who have a need for such services. Psychologists and psychometrics who are to be trained as counsellors must be registered in terms of the Health Professions Act, 1974 (Act No. 56 of 1974).
- (b) If such psychologists and psychometrists are not available at a prison and the need for such services arise, the Head of the Prison must take the necessary steps to ensure that such services are available. A prisoner may also utilise his or her psychologist of choice but at own expense.

## 11. Recreation

Recreational activities as prescribed by Order must be provided in all prisons for the benefit of the mental and physical health of prisoners.

**12. Access to legal advice**

- (1) A prisoner may consult with his or her legal practitioner in connection with legal matters subject to the conditions determined by the Commissioner.
- (2) A consultation contemplated in sub regulation (1) is subject to the following:
  - (a) A legal practitioner must lodge proof of his or her identity and status as legal practitioner at the request of the Head of Prison;
  - (b) Such a consultation must take place only between 08h00 and 15h30 unless the Head of Prison, due to the existence of urgent or exceptional circumstances has given his or her prior permission;
  - (c) The consultation must take place in sight but out of earshot of a correctional official;
  - (d) The legal practitioner may be allowed to utilise his or her own interpreter, secretary or typist; and
  - (e) If a particular legal practitioner is refused access to the prisoner the prisoner may request to consult with another legal practitioner.

**13. Reading material**

- (1) A properly organised library containing literature of constructive and educational value, as prescribed by Order, must as far as reasonably practicable, be established and maintained at every prison.
- (2) A prisoner may receive reading material from outside the prison in the manner as prescribed by Order.
- (3) A correctional official may inspect an envelope or package sent or received by a prisoner to the extent necessary to determine

whether the envelope or package contains any article that may pose a danger to the security of the prison or the safety of any person, but the correctional official may not read the contents of the envelope or package, except in the circumstances contemplated in Regulation 8(4).

- (4) The Head of Prison or a correctional official designated by him or her may prohibit:
- (a) the entry into the prison or the circulation within the prison of any publication, video or audio material, film or computer program that he or she believes on reasonable grounds would jeopardise the security of the prison or the safety of any person; and
  - (b) the use by a prisoner, including the display of, any publication video or audio material, film or computer program that he or she believes on reasonable grounds –
    - (i) would likely be viewed by other persons; and
    - (ii) would undermine a person's sense of personal dignity by demeaning the person or causing personal humiliation or embarrassment to a person, on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.
- (5) (a) Documents and correspondence between prisoners and their legal practitioners may not be censored if they relate to legal matters.
- (b) Documents and correspondence between prisoners and their legal practitioners that purport to relate to legal matters may be examined only to determine whether in fact they do relate to such matters.

**14. Discipline**

- (1)
  - (a) The disciplinary hearing must be conducted as soon as possible, and if practicable within 14 days from the date the accused prisoner was informed of the charge against him or her, such notification may not be less than 7 days before the hearing.
  - (b) At every disciplinary hearing conducted by a disciplinary official, a correctional official, herein called the case presenter, will be appointed to arrange and co-ordinate the proceedings.
  - (c) At such a hearing the rules of the law of evidence will apply and evidence to prove or disprove any fact in issue, may be submitted in writing or orally.
  - (d) The disciplinary official must keep a full record of the proceedings, and it must be signed by him or her on conclusion of the proceedings.
  - (e) Every person testifying in such a hearing must take the prescribed oath or affirmation.
  - (f) The case presenter and the accused prisoner or the legal practitioner representing the accused prisoner, if any, may address the disciplinary official on the merits of the case.
  - (g) The disciplinary official must make a finding of guilty or not guilty on a balance of probabilities.
  - (h) If the disciplinary official makes a finding of guilty, the case presenter and the accused prisoner or the legal practitioner, if any, may address him or her on the appropriate penalty.
- (2)
  - (a) The disciplinary official may decide who will be allowed to attend the hearing.

- (b) If a disciplinary official is of the opinion that the accused prisoner is not mentally capable of understanding the proceedings he or she must refer the accused prisoner to a psychologist who must report on the ability of the prisoner to stand the hearing.
- (c)
  - (i) The case presenter must make arrangements for the attendance at the disciplinary hearing of the witnesses and the accused prisoner, including witnesses the accused prisoner may request to give evidence.
  - (ii) The case presenter may issue a subpoena, in the Order prescribed form, to any person to attend the hearing, to give evidence or produce any document or article in support of the charge or in defence of the accused prisoner.
- (d) A subpoena served on a person required to give evidence or to produce any book, record, document or article at the hearing must be signed by the disciplinary official and the service thereof will be subject to the rules of court applicable to the service of such process in a summary trial on a criminal charge in a magistrate's court.
- (e) Any person summoned as a witness at a disciplinary hearing to give evidence or to produce any document or article, who fails to attend such hearing or to produce any document or article or to answer any question put to him or her is guilty of an offence and is liable for a period of imprisonment not exceeding 6 months or to such imprisonment without the option of a fine or both.
- (f) If a witness makes a false statement under oath or affirmation knowing the same to be false, he or she is guilty of an offence and is liable on conviction for a period of imprisonment not exceeding 6 months or to such imprisonment without the option of a fine or both.

**15. Safe custody**

- (1) The Commissioner determines the security measures applicable at prisons.
- (2)
  - (a) A prisoner who is removed temporarily from a prison must at all times be in the safe custody of a correctional official subject to paragraph (b).
  - (b) Where a prisoner temporarily removed from a prison is to appear before a Court, or for purposes of a criminal investigation he or she may be placed in the safe custody of a member of the South African Police Services instead.
- (3) If a prisoner is temporarily removed from a prison, all necessary precautions must be taken to protect him or her from public abuse or curiosity.

**16. Searches**

- (1) A search contemplated in section 27(2) (b), (c), (d) and (e) of the Act:
  - (a) must be undertaken in the prison hospital, clinic or public hospital depending on the procedure necessary to conduct the search;
  - (b) will not include the administering of vomitories or enemas; and
  - (c) must at all times be witnessed by a correctional official of the same gender as the prisoner, who must record the outcome of the search.
- (2)
  - (a) Any prisoner detained for the purposes of a search contemplated in terms of section 27(2)(e) of the Act must be detained in a single cell.

- (b) Every such prisoner must be visited at least once a day by the Head of Prison, and his or her health status assessed at least once every four hours by a registered nurse.

**17. Identification**

- (1) The name, age, height, mass, full address, distinctive marks of a prisoner and other particulars as may be required must be recorded in the manner prescribed by Order.
- (2) If required the fingerprints and photographs of a prisoner must be taken, as prescribed by Order.

**18. Mechanical restraints**

- (1) If a prisoner is restrained by means of mechanical restraints a correctional official may only use one or more of the following mechanical restraints:
  - (a) handcuffs;
  - (b) leg-irons and-cuffs;
  - (c) belly chains;
  - (d) plastic cable ties;
  - (e) electronically activated high-security transport stun belts;
  - or
  - (f) patient restraints, where applicable.
- (2) An electronically activated high security transport stun belt may only be used for the purpose of restraining a prisoner when outside a cell.

**19. Non-lethal incapacitating devices**

- (1) The only non-lethal incapacitating devices that may be used by a correctional official are the following:

- (a) chemical agents;
  - (b) electronically activated devices; or
  - (c) rubber missiles.
- (2)
- (a) A prisoner may under no circumstances be allowed to handle any type of teargas.
  - (b) Gas masks must be issued to correctional officials who are involved in a situation in which teargas is used.
  - (c) The Head of Prison or the Head of Community Corrections must decide when teargas in the form of either cartridges or grenades must be used.
  - (d) The Head of Prison or the Head of Community Corrections must decide to which correctional officials teargas or spray-cans may be issued in the performance of their custodial duties.
  - (e) The seal of a teargas canister may only be broken if it is to be used.
  - (f) Teargas grenades may only be used in the open air. In buildings teargas cartridges and teargas canisters must be used.
  - (g) If teargas is used measures must be applied, if necessary, to provide prisoners with first aid or medical treatment.

## 20. Firearms

- (1) Whenever a firearm is fired, except for the purpose of training, the correctional official must report the incident and the action taken, in the manner prescribed by Order, to the Head of Prison, or the Head of Community Corrections as soon as practicable.

- (2) When correctional officials armed with firearms report for duty they must load their firearms according to the prescribed firearm training instructions. The same procedure must be followed with the unloading of firearms after completion of duty.
- (3) When correctional officials handle firearms they must adhere to the general safety measures in the manner prescribed by Order and training manuals.

**21. Other weapons**

- (1) Other weapons that may be used are:
  - (a) Baton-type equipment; and
  - (b) Pyrotechnical equipment.
- (2) The use of such weapons is restricted to the purposes described in sections 33(3) and 34(3) of the Act.
- (3)
  - (a) Batons may only be used by correctional officials trained in the specific techniques for the use of batons.
  - (b) Such training must be done by qualified trainers and correctional officials must receive refresher training at least once every six months.
  - (c) The Head of Prison or the Head of Community Corrections decides to which correctional officials batons may be issued.
- (4) If batons are issued it must be recorded in a register and the use thereof be dealt with as prescribed by Order.

- (5) (a) Pyrotechnical equipment may only be issued to trained correctional officials appointed by the Commissioner as members of Emergency Support Teams and then only for purpose of training or during emergency situations.
- (b) Pyrotechnical equipment may only be used on the direct instructions of the Emergency Support Team leader.
- (c) The issuing of pyrotechnical equipment must be recorded in a register.
- (d) Such equipment must be used according to the procedures prescribed in the orders.
- (e) (i) Apart from the initial training correctional officials authorised to use pyrotechnical equipment must receive refresher training at least on quarterly basis.
- (ii) All training must be done by a qualified person.

**CHAPTER III**  
**SENTENCED PRISONERS**

**22. Classification of sentenced prisoners**

- (1) Subject to the provisions of sections 7(3), 29, and 39 of the Act, a sentenced prisoner must be classified according to the security risk he or she poses, taking into account his or her suitability for treatment and training at a prison.
- (2) The Commissioner determines the classification in accordance with the following principles:
  - (a) individual classification in so far as the period of sentence permits and an analysis and assessment of the prisoner's previous record, aptitude, qualification or previous training, ability and other personal factors;
  - (b) the maintenance of regular contact with, spouse, partner and next of kin; and
  - (c) insofar as the duration of sentence permits, the application of progressive and flexible reclassification.

**23. Labour of sentenced prisoners**

- (1) Prisoners must, in accordance with the prevailing conditions, at the workplace, at all times be issued with the necessary protective clothing, footwear and other items that may be necessary to protect their health and safety.
- (2) (a) The Commissioner may contract with any institution or person for the utilisation of the labour or service of prisoners upon such terms and conditions as may be agreed between the parties.

- (b) The products of the labour or service in a prison may be sold to any person on such conditions as may be determined by the Commissioner.
- (3) (a) Every sentenced prisoner must, subject to the provisions of the Act, and also subject to any order of the court, be utilised and trained in such manner as the Commissioner may determine.  
(b) Such a prisoner must at all times perform labour, tasks and other duties as may be assigned to him or her for the purpose of such utilisation or training or for any other purpose connected with such prison.
- (4) A sentenced prisoner may not work more than 8 hours a day, unless the Commissioner, in terms of a classification scheme or course of treatment or otherwise, order that a prisoner be exempted from work on any day during any period.
- (5) A prisoner may not perform work for another prisoner, a correctional official or a private person or body without the approval of the Commissioner.
- (6) (a) On Sundays a prisoner may only perform that work which is prescribed by Order and which is essential for cleanliness and hygiene in and around the prison where he or she is detained, and work which is essential to provide for the basic needs of the prison population and for the purposes of animal production.  
(b) Paragraph (a) also applies to religious days of rest, other than Sundays, with reference to the faith to which a prisoner adheres, and to other non-religious public holidays determined by the Commissioner.

- (c) A prisoner may on the days referred to in paragraph (a) and (b) be allowed to perform other work as prescribed by Order.
  - (d) A prisoner must be exempted from one day of compulsory work for each day's work as described in paragraph (a), (b) and (c) above or be compensated in such other way as prescribed by Order.
- (7) If the nature of a specific place of work is in conflict with the religion or culture of a prisoner an alternative workplace must be allocated to the prisoner.

**24. Case Management Committee**

- (1) (a) A Case Management Committee consists of at least three correctional officials one of whom is designated by the Commissioner as chairperson of that Committee.
  - (b) A member of the Case Management Committee holds office for a period as determined by the Commissioner.
- (2) The chairperson must, as often as the Commissioner may determine, convene a meeting of the Committee.
- (3) The chairperson together with at least two other members of the Committee constitutes a quorum.
- (4) The chairperson must determine the agenda and procedure of meetings of the Committee.
- (5) (a) A decision of the majority of members present at a meeting constitutes a resolution of the Committee.
  - (b) In the case of an equality of votes on any matter, the chairperson has a casting vote in addition to a deliberative vote.

- (6) (a) In compiling the report contemplated in Section 42 (2)(d) of the Act the Committee is subject to the guidelines provided for in the Order to ensure uniformity in applying departmental policy.
- (b) A summary of the reasons for a recommendation on a prisoner's conditional placement or release must be provided to the Court, Correctional Supervision and Parole Board or the Area Manager who decides on the placement or release of a prisoner.

## 25. Location and transfer of prisoners

- (1) (a) When a prisoner is transferred the Head of Prison or a correctional official authorised by him or her must, subject to paragraph (b) convey the reason for the proposed transfer to the prisoner and allow the prisoner to make a representation in this regard, which must be recorded in writing, where after the Head of Prison or the authorised official may take a decision on the proposed transfer.
- (b) If the transfer is for security reasons the Head of Prison or the authorised official need not inform the prisoner of the proposed transfer, but the prisoner must be informed of the reasons as soon as practicable after his or her admission to the place where he or she is transferred to and must be allowed an opportunity to make a representation in this regard as well as an opportunity to notify his or her spouse, partner or next of kin in the manner prescribed by Order.
- (2) If a prisoner or cared-for child is being transferred, his or her medical history file and any prescribed medication must be transferred with him or her.

- (3) The correctional official in charge of education and training must be consulted when the transfer of a prisoner, who is a learner and involved in an education or training programme or who is involved in a final examination, is being considered.

**CHAPTER IV****UNSENTENCED PRISONERS****26. General provisions**

Unsentenced prisoners, must perform such duties as may be necessary to maintain the good order and cleanliness of any cell, room or other place occupied by them and may be permitted to perform other labour.

**CHAPTER V****COMMUNITY CORRECTIONS****27. Supervision Committee**

The Supervision Committee established at every community corrections office consists of the following:

- (a) the correctional supervision official; and
- (b) a monitoring official who is responsible for the monitoring of the offender and at the discretion of the chairperson, a social worker or psychologist if necessary and, if practicable, a person from the community who is an expert in behavioural sciences.

**28. Monitoring**

- (1) Electronic monitoring devices must be compact, un-obstructive and allow persons under community corrections as far as possible to carry out their normal daily activities.
- (2) The electronic monitoring device must be fitted to the ankle or wrist without causing a risk to the person's health.

- (3) Electronic monitoring equipment may be installed in the residence and workplace of the person under community corrections or the victim.

**CHAPTER VI****RELEASE FROM PRISON AND PLACEMENT UNDER CORRECTIONAL SUPERVISION  
AND ON DAY PAROLE AND PAROLE****29. Length and form of sentence**

- (1) A person sentenced to periodical imprisonment, in terms of section 285 of the Criminal Procedure Act, must serve the sentence in uninterrupted periods of not less than 24 hours and not more than 96 hours at a time as determined, with due regard to such person's employment, by the Head of Prison, at which the person surrenders him or herself to undergo such imprisonment.
- (2) Subject to the provision of sub regulation (2) the Head of Prison must determine the periods of imprisonment with due regard with the circumstances of the person serving periodical imprisonment.
- (3) A period of less than 24 hours may be ordered if -
  - (a) on the strength of the written application of the employer of the person serving periodical imprisonment, the Head of Prison decides that in the special circumstances of such person's employment a shorter period is justified; or
  - (b) any unexpired portion of the remainder of the sentence of periodical imprisonment is less than 24 hours.
- (4) Where a person serving a sentence of periodical imprisonment is released pending his or her return to prison to serve one or more further periods of periodical imprisonment in completion of that sentence, the Head of Prison must serve a notice on such person stipulating -

- (a) particulars of the sentence of periodical imprisonment;
  - (b) the period already served;
  - (c) the period still to be served; and
  - (d) particulars of where and when the person must report to serve the next period and containing any other instruction that reasonably may be regarded as necessary for that purpose.
- (5) Whenever a person's period of periodical imprisonment expires at any time after 15h00 on any day and before 06h00 of the following day, the person's release may be postponed with his or her written consent.
- (6) Reasonable steps must be taken to prevent a prisoner serving periodical imprisonment from associating with other categories of prisoners.

**CHAPTER VII****INTERNAL SERVICE EVALUATION****30. Departmental inspectors, investigators and auditors**

- (1)
  - (a) The Commissioner must appoint correctional officials as departmental inspectors, investigators and auditors to perform the functions as set out in section 95 of the Act.
  - (b) An inspector, investigator or auditor may be appointed to perform those functions within the Republic as a whole, or a particular province or area.
  - (c) Officials appointed as inspectors, investigators and auditors will be issued with a certificate or letter of appointment and an identity card to that effect.
- (2) In order to fulfil the functions as set out in section 95 of the Act, the departmental inspectors, investigators and auditors may enter any departmental premises and also have access to, or search and seize any Departmental record or document.
- (3) Any person who hinders or obstructs or refuses to comply with the lawful instructions of Departmental inspectors, investigators and auditors is guilty of an offence and is liable on conviction to a fine, or in default of payment, to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine or both.

**CHAPTER VIII****HUMAN RESOURCES- AND WORK ORGANISATION MATTERS****31. Work facilities**

The Commissioner may allocate official residential accommodation to a correctional official for occupation for such period and under such conditions as he or she may determine.

**32. Work hours**

The Commissioner determines the hours of work for correctional officials.

**33. Discipline**

Correctional officials are subject to the disciplinary code and procedure as provided for in resolution 1 of 2001 in the Departmental Bargaining Council as reflected in Schedule A and B hereto.

**34. Emergency work**

In an emergency, the Commissioner may require from a correctional official to perform work outside his or her normal hours of work.

**35. Medical examination**

- (1) (a) Any report received by the department from a medical practitioner and which is to the effect that a correctional official has become or is likely to become medically unfit to remain in the service of the Department must be submitted to the Commissioner without delay.
- (b) Upon receipt of such a report, the Commissioner -
  - (i) may require the correctional official concerned to undergo a further medical examination as a

- prerequisite to convening Medical Board proceedings in terms of regulation 37; and
- (ii) may, if so satisfied, convene such proceedings. However, nothing in this paragraph precludes such a correctional official from being granted sick leave in the interim.

### **36. Medical Board proceedings**

- (1) The Commissioner must convene a Medical Board to consider and determine whether any correctional official who allegedly has become on medical grounds unfit to remain in the service of the Department, and is in fact medically unfit for that purpose.
- (2) A correctional official whose case is considered by a Medical Board may, at his or her own expense arrange for a medical practitioner of his or her own choice and a trade union representative to be present at the proceedings of the Medical Board.
- (3) (a) The Medical Board must consist of medical practitioners designated by the Commissioner.
- (b) The proceedings of the Medical Board must be recorded and must duly reflect all documentary and oral evidence and representations by that Board including those tendered or made by or on behalf of the correctional official concerned and all medical and other reports, and must include the Board's findings, recommendations and report.
- (c) The record must be duly signed by the members of that Board.

- (4) The Commissioner may determine the form in which the report of a Medical Board must be submitted.
- (5) The Commissioner, may with due regard to the findings and recommendations of a Medical Board and if consistent therewith -
  - (a) grant further sick leave to the correctional official concerned;
  - (b) discharge the correctional official due to medical unfitness for duty; or
  - (c) instruct the correctional official to resume duty.
- (6) For the purposes of this regulation and regulation 36, medical unfitness means any physical or mental illness or disability which renders a correctional official unfit for his or her duties or to perform efficiently.

### **37. Leave**

The following categories of leave may be granted to correctional officials:

- (a) vacation leave;
- (b) sick leave;
- (c) special leave;
- (d) leave without pay;

as prescribed by Order, and may prescribe by Order such deviations from leave conditions as are justified.

### **38. Establishment of Correctional Services Facilities Fund**

- (1) A Correctional Services Facilities Fund was established in terms of the provisions of the Correctional Services Act, 1959 and continues to exist in terms of section 134 (1) (jj) of the Act.

- 
- (2) (a) The administration and control of the fund is vested in a Board of Trustees with the powers, functions and duties as prescribed by Order.
- (b) The Board consists of the Commissioner as chairperson or, in his or her absence, a Chief Deputy Commissioner or Deputy Commissioner, appointed by the Commissioner for this purpose and such other members as are necessary and are appointed by the Commissioner for a stipulated period.
- (3) The purpose of the Fund is to, in the interest of the Department, make provision for grants or loans:
- (a) to Correctional Services clubs for the promotion of sport and recreation;
- (b) for the establishment and maintenance of holiday resorts;
- (c) to correctional officials for the purpose of study or research;
- (d) for any other purpose which, in the opinion of the Board Trustees, is meritorious and in the interest of the Department.
- (4) The assets of the fund consist of:
- (a) monies, assets and investments, together with accrued interest or dividends which, with the approval of the Commissioner, have been paid or transferred by any existing Correctional Services benefit fund or association of the fund, for its sole benefit and ownership;
- (b) any grants made by the State; and
- (c) any other donations to the Fund, interest or dividends from investments, and any other income.

**39. Establishment of departmental canteen**

- (1) The Commissioner may approve the establishment of a departmental canteen contemplated in section 132 of the Act.
  
- (2)
  - (a) A departmental canteen established in terms of sub regulation (1) must be controlled by a committee of which the Area Manager concerned will be the chairperson. The committee will be constituted and exercise its functions as prescribed by Order.
  - (b) Any profits, assets or any proceeds from the liquidation of a departmental canteen may be distributed by the committee, as may be determined by the Commissioner, for any purposes contemplated in section 132 of the Act, or for the common benefit or welfare of correctional officials, pensioners, civilian employees and their dependants.
  - (c) A departmental canteen must be conducted on business principles and, with the exception of accommodation or other necessities which may be provided by the State and any expenditure which the Commissioner may, in consultation with the Department of State Expenditure, authorise from public funds, must be self-supporting.
  
- (3) A Correctional Services canteen must be managed for the sole use or benefit of:
  - (a) correctional officials;

- (b) civilian employees of the Department;
- (c) civilian persons employed in any work in or in connection with a Correctional Services canteen;
- (d) the families of persons referred to in paragraph (a) up to and including (d);
- (e) persons to whom permission, referred to in section 99 of the Act, has been granted to be present in a prison; and
- (f) prisoners in detention.

#### **40. Access to prisons**

(1) The Head of Prison must allow the following persons access to the prison under conditions as prescribed by Order:

- (a) healthcare workers and their support staff;
- (b) environmental health officers; and
- (c) any person with a statutory inspecting authority.

(2) Any person who is allowed access to a prison in terms of the Act or the Regulations is required to sign the official visitors register of such prison and subject to satisfactory confirmation of identity, such signature will be sufficient authority for admission to such prison.

#### **41. Delegation of authority**

The Commissioner may delegate any power vested in him or her by these regulations to any correctional official.

**SCHEDULE A****DISCIPLINARY PROCEDURE FOR THE DEPARTMENT OF CORRECTIONAL  
SERVICES****INDEX**

<b>1. Purpose</b>	<b>52</b>
<b>2. Principles</b>	<b>52</b>
<b>3. Scope of application</b>	<b>53</b>
<b>4. Disciplinary sanctions / progressive applications of discipline</b>	<b>53</b>
4.1 Informal disciplinary action	53
4.2 Formal disciplinary action	53
4.2.1 Verbal warning	53
4.2.2 Written warning	54
4.2.3 Serious written warning	54
4.2.4 Final written warning	54
4.2.5 Dismissal	54
<b>5. Validity duration of warnings</b>	<b>55</b>
<b>6. Responsibility and authority to take disciplinary action</b>	<b>55</b>
<b>7. The disciplinary process</b>	<b>55</b>
7.1 Investigation	56
7.2 Incident report	56
7.3 Notice of disciplinary hearing	56
7.4 Timeframe	57
7.5 Arrangements for a disciplinary hearing	57
7.6 Persons present at the hearing	58
7.7 Recusal of the chairperson	59
7.8 Hearing in absentia	59
7.9 Withdrawal of a hearing	59

7.10	Withdrawal of charges / acquittal	59
7.11	Rights of employees	59–60
7.12	The pre-hearing phase	61
7.13	The disciplinary hearing	61–62
7.14	Considering a verdict and suitable sanction	62
7.15	Procedure for Admission of Guilt	62
7.16	Appeals	62
	7.16.1 Grounds for appeal	62
	7.16.2 Application for appeal	63
	7.16.3 Persons involved in the appeal	64
	7.16.4 The appeal procedure	64
	7.16.5 Recommendations to the delegated authority	66
	7.16.6 Appeal sanctions	66
8.	<b>General matters</b>	67

**Annexures:**

<b>Annex A:</b>	<b>Incident report</b>	<b>68</b>
<b>Annex B:</b>	<b>Notification of disciplinary hearing</b>	<b>70–71</b>
<b>Annex C:</b>	<b>Warning form</b>	<b>72–73</b>
<b>Annex D:</b>	<b>Notification of dismissal form</b>	<b>74–75</b>
<b>Annex E:</b>	<b>Application for appeal form</b>	<b>76–77</b>
<b>Annex F:</b>	<b>Notification of appeal form</b>	<b>78–79</b>

**ANNEXURE B**

<b>Disciplinary Code</b>	<b>80–85</b>
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## **DISCIPLINARY PROCEDURE**

### **1. PURPOSE**

The purpose of the Disciplinary Code and Procedure is:

- To ensure that all disciplinary action against employees takes place in a fair manner (**consistent, uniform, timely, impartial and confidential**).
- To correct the unacceptable behaviour of employees;
- To ensure that the DCS attains its goals in an orderly manner;
- To act in a preventative, progressive and rehabilitative manner in respect of employees;
- To ensure that employees have job security;
- To support constructive labour relations in the DCS;
- To promote mutual respect between employees and employer;
- To ensure that managers and employees share a common understanding of misconduct and discipline;
- To provide employees and the employer with a quick and easy reference for the application of discipline;
- To prevent arbitrary or discriminatory actions by managers towards employees.

### **2. PRINCIPLES**

The Disciplinary Code and Procedure and any decision to discipline employees must be based on the following principles:

- Discipline is a corrective measure and not a punitive one;
- Discipline must be applied in a prompt, fair, consistent, uniform, timely, impartial, confidential and progressive manner;
- Discipline is a line management function;
- The Disciplinary Code is necessary for effective service delivery and for the fair treatment of employees. It ensures that employees:
  - Have a fair hearing in an informal or formal setting;
  - Are timeously informed of allegations of misconduct made against them;

- Receive written reasons for a decision taken; and
  - Have the right to appeal against any decision.
- 
- As far as possible, disciplinary procedures shall take place in the place of work and be understandable to all employees;
  - Employees can only be disciplined for work-related misconduct;
  - If an employee commits misconduct that is also a criminal offence, the criminal procedure and the disciplinary procedure will continue as different and separate proceedings;
  - Disciplinary proceedings do not replace or seek to imitate court proceedings.

### **3. SCOPE OF APPLICATION**

The Disciplinary Code and Procedure is applicable to all employees employed in the Department of Correctional Services (excluding the Commissioner in respect of whom the provisions of the Public Service Act shall apply).

### **4. DISCIPLINARY SANCTIONS / ACTIONS**

Disciplinary action can be informal or formal.

#### **4.1 Informal disciplinary action**

Informal disciplinary action entails performance counselling/verbal reprimands/warnings in respect of minor transgressions, usually after the first or second transgression. Depending on the nature and seriousness of the transgression, it is not a prerequisite that formal disciplinary actions be preceded by informal disciplinary actions.

#### **4.2 Formal disciplinary action**

Disciplinary action will usually be applied progressively. This implies that repeated similar or related offences might result in more serious disciplinary action. However, depending on the nature and seriousness of the transgression, a first transgression can result in serious disciplinary action.

##### **4.2.1 Verbal warning**

Although a verbal warning is a sanction usually imposed following informal disciplinary measures, it is also an option to

be considered following formal disciplinary measures for a first offence if found during the hearing that the offence was indeed a minor transgression.

#### 4.2.2 Written warning

A written warning can be imposed indicating to the employee that his or her behaviour is unacceptable to Management and that a similar or related transgression could result in more serious disciplinary action.

#### 4.2.3 Serious written warning

When a transgression is committed which is similar or related to a previous transgression in respect of which a written warning is still valid, or if a transgression is committed which is serious enough, a serious written warning may be issued.

#### 4.2.4 Final written warning

When a transgression is committed which is similar or related to a previous transgression in respect of which a previous serious written warning is still valid, or if a transgression is committed which is serious enough, a final written warning may be issued. A final written warning is an indication to the employee that a similar or related transgression could in all probability result in dismissal.

#### 4.2.5 Dismissal

Should a transgression be committed which is similar or related to a previous transgression in respect of which a final written warning is still valid, it can result in the dismissal of the employee.

If the presence of the dismissed person is undesirable in the workplace for a very good reason during the notice period, such a person can be dismissed with "payment in lieu of notice". This implies that the dismissed person will receive payment for thirty days in the place of the notice period and shall not return to work.

Furthermore, an employee can be summarily dismissed for an extremely serious transgression after application of this procedure. This course of action may even be followed in respect of a first transgression. In such a case an employee will not be entitled to a notice period.

**NB:** If an employee lodges an appeal upon a dismissal sanction, he or she remains in service until the outcome the appeal hearing.

## **5. VALIDITY DURATION OF WARNINGS**

- 5.1 A verbal warning is valid for three months.
- 5.2 All written warnings are valid for a period of six months.
- 5.3 At the expiry of warnings, it must be removed from the employee's personnel file and other related records and be destroyed.

## **6. LEVEL OF RESPONSIBILITY AND AUTHORITY TO TAKE DISCIPLINARY ACTION**

Discipline is a line-management function. The Commissioner shall delegate powers to different levels of line-management for the application of discipline.

## **7. THE DISCIPLINARY PROCESS**

When a transgression is committed which requires disciplinary action, the following process shall be followed:

**7.1 Investigation**

Upon being informed of an alleged transgression, the direct supervisor or investigator appointed by Management must investigate the incident. The investigation can be informal (in the event of a minor transgression) or formal (in the event of more serious misconduct).

The supervisor must inform the employee of any formal investigation, the results of which may be used at the disciplinary inquiry.

**7.2 Incident report**

Once the investigation has been completed and a decision taken to discipline an employee the direct supervisor/appointed Initiator must complete an incident report.

**(Annexure A).**

**7.3 Notice of disciplinary hearing / inquiry**

7.3.1 Employees must be given reasonable time, but at least seven (7) working days' written notice of the disciplinary hearing. The notice period can be waived upon mutual agreement between the alleged transgressor and the Initiator.

7.3.2 The notice must be in writing by means of the applicable notification form, which will indicate the alleged transgression as well as the date, time, and venue of the hearing **(Annexure B)**. The notice of the disciplinary hearing must contain information regarding the alleged transgression and the rights the employee is entitled to, and as is reasonably required to enable the employee to prepare for the hearing. It must include a clear description of the offence – i.e. the charges must be properly defined/formulated to provide a clear description of the alleged misconduct.

7.3.3 Upon being informed or notified of a disciplinary hearing, the employee may request the presence of his or her shop steward or union official or fellow employee to assist him or her. If the employee cannot secure the presence of his or her shop steward or union official or fellow employee within 24 hours, the employer shall continue to serve the notice on the employee in the presence of any witness.

7.3.4 Together with the notification, the employer must furnish the alleged transgressor with a summary of the investigation report and with a copy of statements. However, in order to protect witnesses from possible victimisation, the names and Persal numbers must be deleted or blocked out from the summary of the investigation report and the copy of statements. Cognisance must also be taken that not all disciplinary hearings will be preceded by formal investigations and or written statements by witnesses.

#### **7.4 Time frame**

The formal disciplinary hearing should be finalised within a period of 30 days from the date of finalisation of the investigation. If the time frame cannot be met, the parties involved must be informed accordingly with reasons for the delay. If the employer, without good reason, fails to institute disciplinary proceedings within a period of 3 (three) months after completion of the investigation disciplinary actions shall fall away.

#### **7.5 Arrangements for a disciplinary hearing**

The Initiator and the Head Personnel are co-responsible for arranging a venue, date and time for a disciplinary or appeal hearing and for notifying all involved parties.

The venue must be large enough to accommodate all persons that ought to be present. Since disciplinary and appeal hearings are held *in camera*, the venue should be free from any interruption.

#### **7.6 Persons present at the disciplinary hearing:**

Disciplinary hearings are regarded to be confidential and shall be held *in camera*. Only the persons mentioned hereafter should be allowed to be present.

**Chairperson** – to preside in the disciplinary hearing. The Chairperson must be conversant with the requirements and steps for a fair procedure and with the rules of evidence.

**Initiator and assistant** – To argue or present the employer's case against the alleged transgressor.

**Alleged transgressor** - (Accused/defendant)

**Representative(s)** - (shop steward or union official or fellow employee) representing the accused. Refer to clause 7.11.1

**Human Resource representative** – To advise the parties about the Procedure and to submit evidence about the disciplinary and personal record of the alleged transgressor.

**Interpreter** - At the commencement of hearing the Chairperson shall establish the necessity of an interpreter. The interpreter must be acceptable to all parties. Refer to clause 7.11.5

**Secretary** - A competent person to record or minute the proceedings.

**Witnesses** – May only be present when testifying.

### **7.7 Recusal of the Chairperson**

Provision is made that the Chairperson may be requested to recuse him or her from presiding in a disciplinary or appeal hearing. Refer to the Disciplinary Procedure Manual.

### **7.8 Hearing in absentia**

Provision is made that a disciplinary or appeal hearing may continue under certain circumstances in the absence of the alleged transgressor. Refer to the Disciplinary Procedure Manual.

### **7.9 Withdrawal of the hearing**

Provision is made that a disciplinary hearing may be withdrawn under certain circumstances. Refer to the Disciplinary Procedure Manual

### **7.10 Withdrawal of charges or acquittal**

Provision is made that charges against an alleged transgressor may be withdrawn, either before the alleged transgressor has pleaded or whilst the disciplinary hearing is in progress. Refer to the Disciplinary Procedure Manual.

### **7.11 Rights of employees**

#### **7.11.1 The right to representation**

Every employee has the right to be represented by a fellow employee, shop steward or union official of his or her choice.

An affiliated employee, i.e. an employee who belongs to an employee organization admitted/recognized by DCS, is entitled to be represented by at most two (2) representatives (shop steward(s) and/or union officials) of his or her choice.

An unaffiliated employee, i.e. an employee who does not belong to an employee organisation, is entitled to be represented by only one representative (a fellow employee) of his or her choice.

A legal practitioner may not represent either the employer or the employee, unless the employee is a legal practitioner. For this purpose, a legal practitioner is defined as a person admitted to practice as an advocate or lawyer in South Africa.

#### **Rules regarding representation**

An alleged transgressor may be represented by a fellow employee or shop steward from another Management Area/ within or outside his or her province under certain conditions. Refer to the Disciplinary Procedure Manual.

#### **7.11.2. Right to be heard**

The alleged transgressor has the right to state his or her side of the case and to submit evidence in his or her defence, or to remain silent.

#### **7.11.3 The right to witnesses**

The alleged transgressor has the right to call witnesses.

#### **7.11.4 The right to cross-examination**

The alleged transgressor and/or his or her representative and the Initiator have the right to be present when witnesses are called and have the right to question and cross-question witnesses regarding relevant matters. An alleged transgressor/representative and the Initiator have the right to re-examine their own witnesses after cross-examination

#### **7.11.5 The right to an Interpreter**

An impartial fellow employee shall be used for this purpose. Refer to clause to 7.6.

7.11.6 The right to appeal

A transgressor has the right to appeal against the verdict and/or sanction imposed during a disciplinary hearing. Refer to clause 7.16.

**7.12 The pre-hearing phase**

A pre-hearing meeting may take place between the Initiator and the representative of the alleged transgressor in an attempt to exchange information, clarify charges and any matter relevant to the disciplinary hearing and to eliminate aspects that may obstruct the flow of the hearing.

**7.13 The Disciplinary Hearing (Ensuring procedural fairness)**

The following steps must be applied in complying with the *audi alterem partem*- rule:

7.13.1 The chairperson with delegated authority must preside over the disciplinary hearing. At the commencement of the hearing the chair shall state the ground rules, read the charges and request the alleged transgressor to plead;

7.13.2 The Initiator shall lead evidence on behalf of the employer and argue the employer's case. The alleged transgressor or his or her representative may question any witness introduced by the Initiator;

7.13.3 The alleged transgressor shall be given the opportunity to lead evidence, either by him or herself and/or through witnesses. The Initiator may question any witness the alleged transgressor may introduce;

7.13.4 The chair may ask witnesses questions for clarification only related to matters already raised;

7.13.5 After having heard both the Initiator and the alleged transgressor, the chair must come to a finding (guilty/not guilty) on the balance of probabilities and must inform the Initiator and alleged transgressor accordingly;

7.13.6 If the alleged transgressor was found guilty, and before imposing a sanction, the chair must afford the transgressor the opportunity to present evidence in mitigation. The Initiator may present aggravating circumstances and the chair must consider the presence of extenuating circumstances;

7.13.7 The chair must consider the evidence heard and come to a decision.

**However, for a pro-forma model containing the steps aimed at ensuring a procedurally fair disciplinary hearing, refer to the Disciplinary Procedure Manual.**

**7.14 Considering a verdict and suitable sanction (Ensuring substantive fairness)**

The Chairperson must consider the requirements for substantive fairness. Refer to the evenly numbered clause in the Disciplinary Procedure Manual.

**7.15 Procedure for admission of guilt**

Provision is made for a shortened procedure should the alleged transgressor indicate his intention to plead guilty. Refer to the Disciplinary Procedure Manual.

**7.16 Appeals**

**7.16.1 Grounds for appeal**

An employee has the right to appeal against the verdict and sanction imposed in a disciplinary hearing.

The following general grounds of appeal may exist:

7.16.1.1 Substantive fairness - The allegation that the disciplinary measure is too strict in view of the circumstances.

7.16.1.2 The allegation that the chairperson of the hearing had been prejudiced.

7.16.1.3 The allegation that gross procedural errors occurred during the disciplinary hearing or that a fair procedure was not followed.

7.16.1.4 Should the employee wish to lead new evidence which was not available at the time of the hearing and the employee was not at fault in the failure to lead such evidence, or if the evidence could not reasonably be obtained by him or her.

7.16.2 Application for appeal

7.16.2.1 **NB.** – If an employee lodges an appeal following his or her dismissal, he or she remains in service until the outcome of the appeal hearing.

If an employee does not exercise the right to appeal (dismissal cases) in terms of clause 7.11.6 the sanction become effective from the date upon which the sanction was handed down, (i.e. 30 days' notice/30 days' payment in lieu of notice/summary dismissal).

7.16.2.2 Provision is made for a procedure that an employee must follow when applying for an appeal. Refer to the Disciplinary Procedure Manual.

### 7.16.3 Persons involved in the appeal

**Appeal Chairperson** - a line manager of higher grade than the Chairperson of the disciplinary hearing to preside in the hearing;

**Initiator and an assistant** - Initiator of the (initial) disciplinary hearing will normally officiate in the appeal hearing to argue on behalf of the employer. The employer may appoint another Initiator if he or she so wishes;

**Appellant** - (employee who appeals);

**Representative** for the appellant - (Shop steward/union official/fellow employee);

**Human Resource representative** - to advise participants about the Procedure – not compulsory;

**Interpreter** - (if necessary);

**Secretary** – a competent person to record/minute the proceedings; and

**Witnesses** - to testify on behalf of the employer or appellant.

### 7.16.4 The appeal procedure

7.16.4.1 At the commencement of the appeal hearing the chairperson must confirm the grounds for the appeal.

7.16.4.2 The appellant or representative must be given the opportunity to address the chair and motivate the grounds for appeal. Witnesses may be introduced. The initiator may question the witnesses of the appellant.

- 7.16.4.3 Following the evidence of the appellant, the initiator must be given the opportunity to address the chair and to argue on behalf of the employer in response to the evidence of the appellant. The initiator may introduce witnesses and the appellant or representative must be given the opportunity to question the witnesses of the Initiator.
- 7.16.4.4 The chair may ask witnesses questions for clarification;
- 7.16.4.5 After having heard both parties, the chairperson must:
- 7.16.4.5.1 **In a non-dismissal case** - come to a finding on the balance of probabilities and present his finding;
  - 7.16.4.5.2 **In a dismissal case** – in the event of a **not guilty** verdict, acquit the appellant and adjourn the hearing; or
  - 7.16.4.5.3 **In a dismissal case** – in the event of a **recommendation of guilty**, adjourn the hearing to forward a recommendation about a suitable verdict and sanction to the delegated authority for a decision.

**However, for a pro-forma model containing the steps aimed at ensuring a procedurally fair appeal hearing, refer to the Disciplinary Procedure Manual.**

**7.16.5 Recommendation to the delegated authority**

For the procedure for making recommendations to the delegated authority, refer to the Disciplinary Code & Procedure Manual.

**7.16.6 Appeal sanctions**

The delegated authority may impose one of the following sanctions:

7.16.6.1 Not guilty and set aside the verdict and sanction imposed in the disciplinary hearing;

7.16.6.2 Guilty and uphold the (initial) sanction imposed in the disciplinary hearing;

7.16.6.3 Guilty and award a less severe sanction; or

7.16.6.4 Guilty and award a more severe sanction. If the appeal chairperson is of the opinion that the misconduct warrants the penalty of dismissal, he or she may not come to a decision, but must adjourn the hearing to forward a motivation to this effect to the delegated authority via the Legal and Labour Relations offices who must make an objective and independent recommendation to be considered by the delegated authority before coming to a decision; or

7.16.6.5 Order a complete re-hearing by a new impartial chairperson, only if found that the initial hearing

contained gross procedural errors that were material to the employee's dismissal, or on request of the appellant.

**8. GENERAL MATTERS**

For an explanation of applicable terminology, refer to the Disciplinary Procedure Manual.

### Annexure A: Incident Report

<p><b><u>Incident Report</u></b> <b><u>Annexure A</u></b></p>	
<p>Name: .....                  Post title: .....                  Section: .....                  Supervisor's name: .....                  Supervisor's post title: .....</p>	
<p><b><u>Incident</u></b></p> <p>Date of incident: .....                  Time of incident: .....                  Place of incident: .....</p> <p>Nature of incident (Specify fully)</p> <p>.....</p> <p>.....</p>	
<p><b><u>Witnesses (if any)</u></b></p> <p>1. Name: .....                  Post title: ..... Section: .....</p> <p>2. Name: .....                  Post title: ..... Section: .....</p>	
<p>.....                  Signature of supervisor</p> <p>.....                  Signature of employee</p> <p>.....                  Signature of witnesses</p> <p>.....</p> <p>.....</p>	<p>.....                  Date</p> <p>.....                  Date</p> <p>.....                  Date</p> <p>.....</p> <p>.....</p>
<p>• Should an employee refuse to sign, the supervisor and the witnesses must note such refusal.</p>	
<p>Received by the Head of Personnel on ..... (date).</p> <p>.....                  Signature of Head of Personnel</p>	

*Continued on next page*

**Annexure A: Incident Report, Continued**

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**Usage**            **This form must be filled in, in triplicate and disposed of as follows:**

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<b>First copy</b>	<b>Second copy</b>	<b>Third copy</b>
Employee/Alleged transgressor	Supervisor	Personnel section

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**Annexure B: Notification of disciplinary hearing**

<b>Notification of Disciplinary Hearing Annexure B</b>		
1. Issued to: Name: ..... Post title: ..... Section: .....		
2. You are hereby notified that a disciplinary hearing will be held on ..... 20 ..... at ..... Description of the alleged offence/charges/code violation. .... Date of alleged offence: ..... Time: ..... Place: .....		
If not enough space add on P21 – Additional pages must be initialled		
3. You have the right to: <ul style="list-style-type: none"> <li>• a fellow-employee/shop steward as representative,</li> <li>• call witnesses to state your case,</li> <li>• submit evidence to support your case, and</li> <li>• an interpreter, if necessary.</li> </ul> <div style="text-align: right; margin-top: -10px;">} (Refer to clause 7.11 of the Disciplinary Procedure Manual)</div> <p>It is your own responsibility to ensure that these persons are present and to provide the supervisor with their names and the sections in which they are employed before .....</p>		
..... Signature of Supervisor/Initiator (Add full names and contact telephone number in print)	..... Date	
I hereby acknowledge receipt of the notification		
..... Signature of employee	..... Date	..... Time
..... Signature of witness / representative	..... Date	..... Time

*Continued on next page*

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**Annexure B: Notification of disciplinary hearing, continued****Usage**

This form must be filled in, in triplicate and disposed of as follows:

---

<b>First copy</b>	<b>Second copy</b>	<b>Third copy</b>
Employee/Alleged transgressor	Supervisor	Personnel section

---

## Annexure C: Warning

<b>Warning Annexure C</b>		
Issued to: .....	Section: .....	
Persal no: .....	Post title: .....	
Date and time of offence: .....		
.....		
Offence/Complaint: .....		
.....		
<b>Disciplinary Measure</b>		
In view of the offence described above, the following warning is issued (delete whichever is not applicable):		
A verbal warning (valid for 3 months)		
A written warning (valid for 6 months)		
A serious written warning (valid for 6 months)		
A final warning (valid for 6 months)		
Should you be found guilty of a further similar offence whilst this warning is in force, the disciplinary action then imposed will be affected by this warning. In terms of the Department's Disciplinary Procedure, you have the right to appeal against this decision. Refer to clause 7.11 of the Disciplinary Procedure Manual.		
.....	.....	.....
<b>Signature and name in print :</b>	<b>Post title</b>	<b>Date</b>
<b>Chairperson of disciplinary hearing</b>		
The signing of this warning by the employee means that he or she acknowledges that he or she received a warning and that he or she understands the contents thereof.		
In the event of the employee's refusal to sign, any person who was present when the warning was issued must sign.		
.....	.....	
<b>Signature of employee</b>	<b>Date</b>	
.....	.....	
<b>Witness and/or representative</b>	<b>Date</b>	
<b>NB:</b> At the expiry of warnings the form must be removed from the employee's personnel file and other related documents and be destroyed.		

*Continued on next page*

**Annexure C: Warning, Continued**

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**Usage**

This form must be filled in, in triplicate and disposed of as follows:

<b>First copy</b>	<b>Second copy</b>	<b>Third copy</b>
Employee/Alleged transgressor	Supervisor	Personnel section

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## Annexure D: Notification of dismissal

### Notification of Dismissal Annexure D

Issued to: ..... Section: .....  
 Persal no: ..... Post title: .....  
 Date and time of offence: .....  
 Offence/Complaint: .....

#### Disciplinary Measure

Due to the offence described above, your services with the Department of Correctional Services are

terminated with 30 days' notice.

terminated with 30 days' payment in lieu of notice.

summarily terminated.

(Delete whichever is not applicable)

You may appeal against this decision in terms of the disciplinary procedure. If you apply for an appeal you will remain in service until the outcome of the appeal – refer to paragraph 7.16.2.1 of the Disciplinary Procedure.

.....  
 Signature: Chairperson of disciplinary hearing      Post title      Date

The signing of this notification by the employee means that he or she acknowledges that he or she received the notification and understands the contents thereof.

.....  
 Signature of employee      Date

In the event of the employee refusing to sign, any person who is present when the notification is issued can sign as witness.

.....  
 Signature of witness and/or representative      Date

**Annex D: Dismissal continued**

**Usage** This form must be filled in, in triplicate and disposed of as follows:

<b>First copy</b>	<b>Second copy</b>	<b>Third copy</b>
Employee/Alleged transgressor	Supervisor	Personnel section

## Annexure E: Appeal form

### Appeal Form

#### Annexure E

#### Part 1

This form must be completed by the employee who wishes to appeal against the disciplinary measures imposed. The completed form must be handed over to the Head of Personnel within the period specified in the Disciplinary Procedure.

Employee's name: ..... Persal no: .....

Post title: ..... Section: .....

Disciplinary action: ..... Date: .....

Supervisor: .....

Furnish the reasons/grounds for appeal: .....

.....  
.....

Reasons for late submission (if any):

.....  
.....

.....  
Signature of appellant/representative

#### Part 2

You are hereby informed that your appeal was maintained/set aside (*delete which is not applicable*).

Not guilty and set aside the verdict and sanction imposed during the disciplinary hearing.

Guilty and uphold the sanction imposed in the disciplinary hearing.

Guilty and award a less severe sanction.

Order a complete re-hearing

(Delete whichever is not applicable)

.....  
Signature: Chairperson of Appeal hearing

.....  
Post title

.....  
Date

.....  
Signature of appellant

.....  
Date

.....  
Signature of witness/representative

.....  
Date

**Annex E: Appeal form, continued.****Usage**

This form must be filled in, in triplicate and disposed of as follows:

<b>First copy</b>	<b>Second copy</b>	<b>Third copy</b>
Employee/Alleged transgressor	Supervisor	Personnel section

## Annexure F: Notification of appeal hearing

Notification of Appeal Hearing Annexure F		
1. Issued to: Name: ..... Post title: ..... Section: .....		
2. You are hereby notified that an appeal hearing will be held on ..... 20 ..... in ..... at .....		
3. You have the right to: <ul style="list-style-type: none"> <li>• a fellow-employee/shop steward as representative,</li> <li>• witnesses to state your appeal,</li> <li>• submit evidence to support your appeal, and</li> <li>• an interpreter, if necessary.</li> </ul> (Refer to clause 7.11 of the Disciplinary Procedure Manual)		
It is your own responsibility to ensure that these persons are present and to provide the supervisor/initiator with their names and the sections in which they are employed before the appeal hearing.		
..... Signature of Head of Personnel		..... Date
I hereby acknowledge receipt of the notification		
..... Signature of appellant	..... Date	..... Time
..... Witness/representative	..... Date	
To: Head: Personnel/initiator		
Representatives and Witnesses required		
I, ..... confirm that I wish to have the following representatives and witnesses with regard to my appeal hearing arranged for ..... 20.....		
I have arranged for them to be present on the stipulated date at the stipulated time.		
..... Representative/Appellant	..... Date	
..... Witness	..... Date	

**Annex F: Notification for appeal form, continued****Usage**

This form must be filled in, in triplicate and disposed of as follows:

<b>First copy</b>	<b>Second copy</b>	<b>Third copy</b>
Employee/Alleged transgressor	Supervisor	Personnel section

## SCHEDULE B DISCIPLINARY CODE

The Disciplinary Code contains a list of unacceptable behaviour/offences within the DCS. It is not an all-inclusive list.

The Department of Correctional Services is committed to applying the principle of progressive discipline. However, cognisance must be taken that although this Code distinguishes between transgressions which could result in summary dismissal and other transgressions, an employee can be dismissed for a first offence even if it is listed under "Other Transgressions", if the transgression(s) was/were extremely serious in nature.

The DCS's Code of Conduct, of which a copy is attached hereto, will also form part of this Code. Any actions, which are not in accordance with the Code of Conduct, will justify disciplinary action, depending on the nature and seriousness thereof.

TRANSGRESSIONS WHICH COULD RESULT IN SUMMARY DISMISSAL [A]	OTHER TRANSGRESSIONS [B]
1. <b>Unauthorised absence</b>	1. <b>Unauthorised absence</b>
<b>2. Unsatisfactory performance</b>  2.1 <b>Gross negligence</b> in the execution of duties.  <u>Note:</u> Gross negligence is defined as any act or omission without considering the possible consequences thereof and where such consequences could be dangerous to human life or limb – an element of recklessness should be present.  2.2 <b>Sleeping on duty</b> whilst guarding prisoners/being in possession of a firearm.	<b>2. Unsatisfactory performance</b>  2.1 <b>Unsatisfactory work</b> due to negligence, apathy, carelessness, or a lack of interest (e.g. failure to meet return dates, non-compliance with directives, etc.)  2.2 <b>Sleeping on duty</b> whilst not guarding prisoners/not being in possession of a firearm.

TRANSGRESSIONS WHICH COULD RESULT IN SUMMARY DISMISSAL [A]	OTHER TRANSGRESSIONS [B]
<p><b>3. Gross Insubordination</b></p> <p>3.1 <b>Gross wilful/intentional Insubordination</b>, e.g. refusal to work or to carry out legitimate instructions or any form of gross insubordination towards seniors without just or reasonable cause.</p> <p><b>Definition of gross insubordination.</b>  <b>Gross Insubordination</b> – Include amongst others – the refusal to obey a lawful and reasonable command / request / instruction, resistance to or defiance of authority, or to be disobedient or rebellious and the refusal is wilful / intentional and very serious – a serious challenge to the employer's authority.  The insubordination must be extremely severe and gross.</p>	<p><b>3. Insubordination</b></p> <p>3.1 <b>Insubordination</b>, e.g. refusal to work or to carry out legitimate instructions or any form of insubordination towards seniors without just or reasonable cause.</p> <p><b>Definition of insubordination</b>  <b>Insubordination</b> – Include amongst others – the refusal to obey a lawful and reasonable command/ request / instruction, resistance to or defiance of authority, or to be disobedient or rebellious.</p>
<p><b>4. Dishonesty</b></p> <p>4.1 <b>Bribery or corruption:</b> Presenting or accepting or any attempt to present or accept bribes, or to influence someone or attempt to influence someone to corruption.</p> <p>4.2 <b>Assisting prisoners to escape.</b></p> <p>4.3 <b>Furnishing of false statements:</b> The intentional giving of false evidence or statements or any attempt to give false or misleading evidence/make a false or misleading statement.</p> <p>4.4 <b>Forgery or fraud:</b> The forgery or alteration of any documentation or any other information, or an attempt to commit fraud, alter or misrepresent, or generally to mislead in whatever respect (e.g. knowingly handing in forged medical certificates, or giving false evidence during disciplinary or grievance procedures).</p> <p>4.5 <b>Theft/unauthorised possession of government property:</b>  The theft/unauthorised possession of or any attempt to possess property that belongs to the Department or a prisoner, or any other employee (if work-related)</p>	<p><b>4. Dishonesty</b></p> <p>4.1 <b>Bribery or corruption:</b> Failing to report offers made to a person/fellow employee to the Head of the Prison or to the Area Manager, or any other authority.</p>

TRANSGRESSIONS WHICH COULD RESULT IN SUMMARY DISMISSAL [A]	OTHER TRANSGRESSIONS [B]
<p><b>4.6 Use of prison labour for personal purposes:</b> To instruct a prisoner/probationer under his supervision/control, or any other person subject to community corrections without permission to do so, to perform labour in respect of which he or any other person will benefit, irrespective of whether such labour is done against repayment.</p> <p><b>4.7 Provision, receipt or claiming of money or any other article/reward to/from prisoners or any other person subject to community corrections:</b> Other than in the performance or in terms of the requirements of his duties, to lend, sell, give or issue an article, tools or any other object to a prisoner or buy, borrow or receive as a gift, advantage, profit or other personal reward from a prisoner, or contrary to his duties and under any pretences, accept a promise of or conspire to obtain any of the above from a prisoner or a family member or friend of such prisoner.</p>	
<p><b>5. Disorderly/irregular/ uncontrolled behaviour</b></p>	<p><b>5. Disorderly/irregular/uncontrolled behaviour</b></p>
<p><b>5.1 Threaten and/or incite participation in violence and/or disruption of work and/or in an unprotected strike.</b></p> <p><b>5.2 Victimization of employees</b> e.g. for their membership of a trade union, for reporting corruption, etc.</p> <p><b>Note:</b> Victimization is defined as – To single out a person for punishment or unfair treatment and furthermore, to prey on, go after, pick on, bully, take an advantage of, persecute, oppress, torment, exploit, etc.</p> <p><b>5.3 Intimidation of fellow-workers.</b></p> <p><b>Note:</b> Intimidation is defined as – to inspire with fear, cow, specifically to influence conduct to compel someone to take action which is considered to be undesirable.</p> <p><b>5.4 Sabotage:</b> Any intentional or malicious act to interfere with the records and operations of the Department.</p>	<p><b>5.1 Threatening to cause bodily harm or fighting while on duty.</b></p> <p><b>5.2 Calling and holding of unauthorised meetings on Departmental property during or after working hours:</b> Prior arrangement must be made with the Head of the Prison (in the case of meetings in the prison) and from the Area Manager (any other place on the prison reserve) for all meetings which take place on Departmental property (The Labour Relations Act, 1995 and the recognition agreements must be complied with).</p> <p><b>5.3 Participation in unprotected industrial actions/strikes/pickets</b> (LRA, Schedule 8, Code of Good Practice: Dismissal, Item 6(1).]</p> <p><b>5.4 Damaging the public image of the Department:</b> Involvement in disorderly behaviour/conduct in the performance of duties in public or to act rudely when performing duties that could damage or adversely affect the public image of the Department.</p>

TRANSGRESSIONS WHICH COULD RESULT IN SUMMARY DISMISSAL [A]	OTHER TRANSGRESSIONS [B]
5.5 <b>Sexual harassment:</b> Behaviour of a sexual nature towards fellow employees and/or prisoners, or any other person subject to community corrections which injures the sexual dignity. Such behaviour is unacceptable if it is offensive to the recipient.	5.5 <b>Sexual harassment:</b> Behaviour of a sexual nature towards fellow employees and/or prisoners, or any other person subject to community corrections which injures the sexual dignity. Such behaviour is unacceptable if it is offensive to the recipient.
5.6 <b>Publication or unauthorised use/misuse of confidential information or any other behaviour which endangers the safety of the Department or which indicates harmful feelings.</b> This also includes the publicising of information obtained in the course of an employee's work, other than in the performance of his official duties, or the use of the information for purposes other than the performance of his activities or official duties, irrespective of whether or not the information is made public.	5.6 Gambling during working hours: Participation in any form of gambling.
5.7 Assault while on duty: Including fighting. (Objective self-defence will not constitute assault).	5.7 Making a fire in an area where this is prohibited.
5.8 <b>Firearms/other dangerous weapons:</b> Unauthorised possession of any firearm or other dangerous weapon/object whilst on duty.	5.8 Failure to report an injury or accident.
5.9 <b>Pointing of firearm:</b> To direct a firearm at any person (except in the scope of duty) or fire a firearm negligently or recklessly.	5.9 Failure to comply with safety standards and procedures.
5.10 Breaching of internal security arrangements.	5.10 Misuse of position for personal gain to the disadvantage of the employer.
5.11 Wilfully, intentionally endangering the lives of self or others by disregarding safety rules or regulations in accordance with the Occupational Health and Safety Act.	5.11 Use of improper language to any other person.
5.12 Misuse of position in the Department / Public Service to promote or to prejudice the interest of any political party.	5.12 Humiliating accusations directed at any other person.
5.13 Wilfully or intentionally discriminating against others on the basis of race, gender, disability, sexuality or other grounds outlawed by the RSA Constitution.	5.13 Indecent gestures and/or signs made to any other person.
	5.14 Without written approval from the Commissioner, performing work during working hours for compensation in a private capacity for another person or organisation.
	5.15 Breaching of conditions pertaining to authorised private work.
	5.16 Discriminating against others on the basis

	of race, gender, disability, sexuality or other grounds outlawed by the RSA Constitution.
	5.17 Operating a money-lending scheme or any other business (without permission) for own benefit during working hours or from the premises of the Department.
<b>6. Alcohol and drugs</b>	<b>6. Alcohol and drugs</b>
6.1 <b>Trading in prohibited drugs:</b> Trading also means supplying without return.	6.1 <b>Unfit to perform duties properly due to the influence of alcohol or drugs.</b>
6.2 <b>Trading in alcohol on Departmental premises without official authorisation:</b> Trading also means supplying without return.	6.2 <b>Being in possession of alcohol in his or her place of work, without authorisation.</b> "Possession" does not only mean "on his or her person" but also in a briefcase, luggage compartment which he or she has control over in/at the place of work.
6.3 <b>Being in possession of prohibited drugs on Departmental premises.</b> "Possession" does not only mean "on his or her person" but also in a briefcase or other luggage compartment which he or she has control over in/at the place of work.	
6.4 <b>Permitting a prisoner, or any other person subject to community corrections to take alcohol or prohibited drugs or to have the above in his or her possession.</b>	
6.5 <b>Using of alcohol without authorisation whilst being on duty.</b>	
6.6 <b>Using of prohibited drugs whilst being on Departmental premises.</b>	
<b>7. Government transport</b>	<b>7. Government transport</b>
7.1 <b>Driving a government vehicle under the influence of alcohol and/or drugs.</b>	7.1 <b>Misuse of a government vehicle</b> e.g. private use of a government vehicle.
7.2 <b>Driving a government vehicle without the necessary permission or without a valid driver's licence.</b>	7.2 <b>Reckless and/or negligent driving of a government vehicle.</b>
7.3 <b>Allowing an unauthorised person to drive a government vehicle whilst being aware of or reasonably expected to be aware of the fact that the said person is not authorised to drive a vehicle.</b>	7.3 <b>Contravening the traffic laws and the municipal bylaws whilst driving a government vehicle.</b>
	7.4 <b>Neglecting to comply with logistics and other directives in respect of the use of government vehicles:</b> General maintenance of the vehicle, failure to keep record, etc.

TRANSGRESSIONS WHICH COULD RESULT IN SUMMARY DISMISSAL [A]	OTHER TRANSGRESSIONS [B]
8. <b>Government property</b>	8. <b>Government property</b>
8.1 <b>Damage:</b> Deliberate damaging of Departmental property or property hired by the Department or allowing property in his or her care to be damaged.	8.1 <b>Loss through negligence:</b> Loss of Departmental property through negligence or carelessness or when an employee cannot account for such property to the satisfaction of the Department.
8.2 <b>Misuse/use of government premises to store stolen goods</b>	8.2 <b>Misuse:</b> Incorrect use of property or premises (using equipment for other purposes than it is intended for - in the workplace).  8.3 <b>Unauthorised use of Departmental/ Government property for personal purposes.</b>

**No. R. 915**

**30 July 2004**

**CORRECTIONAL SERVICES ACT, 1998**

**COMMENCEMENT OF DELEGATIONS**

The Commissioner and Minister of Correctional Services has in terms of section 97 of the Correctional Services Act, 1998 (Act No. 111 of 1998) made the delegations in the Schedule to commence on 31 July 2004 or the date as specifically indicated in the delegations as 1 October 2004.

A UNDER THE POWERS VESTED IN ME IN TERMS OF DELEGATION OF AUTHORITY IN TERMS OF SECTION 97(1) OF THE CORRECTIONAL SERVICES ACT, 1998 (ACT 111 OF 1998), I, BRYCE MATHEMBA NGCONDE BALFOUR, MINISTER OF CORRECTIONAL SERVICES HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON IN THE POST INDICATED AGAINST THE APPLICABLE COMPETENCY,

AND

B UNDER THE POWERS VESTED IN ME IN TERMS OF DELEGATION OF AUTHORITY IN TERMS OF SECTION 97(2) OF THE CORRECTIONAL SERVICES ACT, 1998 (ACT 111 OF 1998), I, LINDA MORRIS MTI, COMMISSIONER OF CORRECTIONAL SERVICES HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON IN THE POST INDICATED AGAINST THE APPLICABLE COMPETENCY,

PROVIDED THAT:

- (a) The level of delegation indicated hereunder against each competency, is the lowest level on which the competency may be exercised;
- (b) Any line-functionary with an equal or higher rank is also authorized to exercise the same power;
- (c) The delegation indicated hereunder, remains in force should a section of the Act, including any Amendments to the competency itself, and the number of the new section is considered to be the number of the relevant provision of the Act;
- (d) The exercise of a delegated authority is at all times subject to the provisions of the Act and Regulations, the Departmental Orders and any directives issued in this regard; and;
- (e) Levels of delegation indicated with Head Office, refer only to post structures which exist at the Correctional Services, Head Office, Pretoria.
- (f) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (g) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004



BRYCE MATHEMBA NGCONDE BALFOUR

MINISTER OF CORRECTIONAL SERVICES

DATE: 29/07/2004

- (h) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (i) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (j) The following abbreviations may be applicable:
- CO = Correctional Official  
 SCO = Senior Correctional Officer  
 ASD = Assistant Director  
 DIR = Director  
 DC = Deputy Commissioner  
 CDC = Chief Deputy Commissioner

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Section 3 (5) (f)	Grant approval for the payment of monetary rewards to personnel.	Commissioner
Section 3 (5) (f)	Grant approval for the payment of monetary rewards to private persons.	Commissioner
Section 3 (5) (g)	Appoint personnel under the post level of Assistant-Director.	<u>Management Area level:</u> Regional Commissioner  <u>Regional Office level:</u> Regional Commissioner  <u>Head Office level:</u> CDC Corporate Services
Section 3 (5) (g)	Appoint personnel from Assistant Director level and higher.	Commissioner
Section 3 (5) (g)	Appoint temporary correctional official.	Director Human Resource Administration and Utilization
Section 4 (2) (c)	Restrict, suspend or revise amenities for offenders of different categories.	<u>Policy:</u> Commissioner

<b>STATUTORY PROVISION</b>	<b>AUTHORITY DELEGATED</b>	<b>LEVEL OF DELEGATION</b>
Section 5	Establish correctional centres for the detention and treatment of offenders or for particular purposes in relating to offenders or particular categories of offenders.	Commissioner <b><u>NOTE: MUST BE DD LEVEL OR HIGHER (MINISTER)</u></b>
Section 5 (2) (b)	Authorise that an offender be detained in a police cell for a period longer than one month if there is no correctional centre in the district.	Head of Correctional Centre
Section 6 (1) (b)	Authorisation to detain a person at any correctional centre.	Head of Correctional Centre
Section 6 (6)	Make a preliminary security classification of an offender on admission.	Divisional Head: Case Management Administration
Section 7 (2) (d)	Detain offenders of specific age, health or security risk categories separately.	Head of Correctional Centre
Section 7 (2) (e)	Accommodate offenders in single or communal cells depending on the availability of accommodation.	Head of Correctional Centre
Section 7 (2) (f)	Detain offenders apart from other offenders where there is a danger of offenders while awaiting trial or sentence, that they will defeat the ends of justice by their association with other offenders.	Head of Correctional Centre
Section 7 (2) (f)	Extension of period of detention of offenders apart from other offenders where there is a danger of offenders while awaiting trial or sentence, that they will defeat the ends of justice by their association with other offenders.	Area Commissioner
Section 13 (6) (b)	Enable an offender to notify next-of-kin of admission or after transfer to a correctional centre.	Divisional Head: Case Management Administration
Section 13 (6) (c)	In the case of an offender who is a child, notify the parents and state authorities who have statutory responsibility for the education and welfare of children of admission or after transfer to a correctional centre.	Head of Correctional Centre
Section 24 (1)	Appoint a disciplinary official in writing.	Area Commissioner
Section 24 (1)	Appoint authorized official in writing.	Head of Correctional Centre
Section 24 (7) (b)	On review, confirm or set aside a decision or penalty and substitute it with an appropriate order in any penalty other than solitary confinement in terms of the Disciplinary Procedure for offenders.	Area Commissioner/ Area Coordinator: Corrections on a level higher than the

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
		chairperson of the disciplinary hearing.
Section 26 (3)	Classify and allocate accommodation to offenders in order to achieve the objective of safe custody.	<u>Policy:</u> Commissioner <u>Functional:</u> Head of Correctional Centre
Section 30 (1)	Segregation for a period of time, which may be for part of or the whole day and which may include detention in a single cell, other than normal accommodation in a single cell as contemplated in section 7 (2) (e).	Head of Correctional Centre
Section 30 (5)	Extend the period of segregation for a period more than seven days for a period not exceeding 30 days if the Head of the Correctional Centre believes it necessary to do so in terms of subsection (1) (c) to (f) and if the medical officer or the psychologist certifies that such an extension would not be harmful to the health of the offender.	Area Commissioner
Section 31 (3) (c)	Extend the minimum period necessary for the restraint of an offender by mechanical restraints for a maximum period not exceeding 30 days after consideration of a report by a medical officer or psychologist.	Area Commissioner
Section 35 (1)	Authorise the use of weapons other than non-lethal incapacitating devices or firearms as prescribed by Regulation.	<u>Policy:</u> Commissioner
Section 39 (2) (a)	Sentences of imprisonment: commencement, computation and termination of sentences.	<u>Policy:</u> DC Personnel Corrections  <u>Functional:</u> Head of Correctional Centre
Section 39 (5) (a)	Determine the order in which a sentence of correctional supervision must be served other than the one after the expiration, setting aside	<u>Policy:</u> DC Personal

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
	or remission of the other unless the Court specifically directs otherwise or unless the Court directs that such sentences shall run concurrently.	Corrections  <u>Functional:</u> Head of Satellite Community Corrections Office
Section 39 (6) (a)	Issue a warrant for the arrest of an offender, if the offender had been released from a correctional centre erroneously, to be re-admitted to correctional centre to serve the rest of his or her sentence.	Area Commissioner
Section 40 (4) (b)	Determine the amount of gratuity that sentenced offenders receive for their labour in concurrence with the Minister of Finance	Commissioner
Section 41 (2)	Compel sentenced offenders who are illiterate or children to take part in educational programmes offered in terms of subsection (1).	<u>Policy:</u> Commissioner  <u>Functional:</u> Head of Correctional Centre
Section 41 (6)	Compel sentenced offenders to participate in programmes and use services offered in terms of sub sections (1), (3) and (4) where of the opinion that their participation is necessary having regard to the nature of their previous criminal conduct and the risk they pose to the community.	<u>Policy:</u> Commissioner  <u>Functional:</u> Head of Correctional Centre
Section 43 (4)	Transfer a sentenced child to a reform school as contemplated in the Child Care Act, 1983 (Act no. 74 of 1983), in consultation with the Director General of the Department of Social Development.	Regional Commissioner
Section 44 (1)	Permit in writing on such conditions and for such periods, as specified, a sentenced offender to leave correctional centre temporarily for the purpose of:  (a) Compassionate leave; (b) Treatment, development or support programmes; (c) Preparation for release; or	Area Commissioner

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
	(d) Any other reason related to the successful integration of the offender into the community.	
Section 52 (1) read together with section 42 (2) (e) and section 75 (1)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	May stipulate the conditions applicable when Community Corrections are ordered in terms of paragraph (a) to (q) of this section, subject to the limitations in sub-section (2) and the qualifications in terms of Chapter 6 (Community Corrections) of this Act .	<u>Up to 12 months imprisonment:</u> Head of Correctional Centre  <u>Longer than 12 months imprisonment:</u> Correctional Supervision and Parole Board
Section 54 (2)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Determine the duration of placement on day parole except in cases of life imprisonment and dangerous criminals where the court will have to decide.	<u>Up to 12 months imprisonment:</u> Head of Correctional Centre  <u>Longer than 12 months imprisonment:</u> Correctional Supervision and Parole Board
Section 62 (a)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Permit a person subject to community corrections who is required in terms of section 52 (1) (d) to take up and remain in employment, to change his or her employment.	Supervision Committee under whose supervision offender is.
Section 62 (c)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Permit a person to leave the place of employment during working hours for purposes unrelated to the employment when a person subject to Community Corrections is required in terms of section 52 (1)(d) to take up and remain in employment.	Supervision official under whose supervision offender is.
Section 63 (a)	Demand that a probationer or parolee submit a statement of income	Head of Satellite

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
<u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	and expenditure, as often as may be deemed necessary in order to ascertain the financial ability of a probationer or parolee.	Community Corrections Office
Section 63 (b) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Demand proof as specified of payment of compensation as ordered by the court of a person subject to community corrections who is required to pay compensation.	Head of Satellite Community Corrections Office
Section 64 (4) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Grant leave of absence from a session where a person must attend programmes in terms of Section 52 (1) (f).	Divisional Head: Corrections Care
Section 65 (2) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Determine and adjust the contribution to costs that a person is required to make in terms of section 52 (1) (h) to the costs of the community corrections and a person on day parole during the period of supervision and day parole.	<u>Probationers and Parolees:</u> Head of Satellite Community Corrections Office <u>Day Parolees:</u> Head of Correctional Centre
Section 66 (1) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Authority to be consulted with when the court, Correctional Supervision and Parole Board or other body which has the authority to impose community corrections, requires a person to live at a fixed address in terms of section 52 (1) (j), determine such address.	Head of Satellite Community Corrections Office
Section 66 (2) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Declare a fixed address in terms of Section 52 (1) (j) to be unsuitable and refer the matter back to the Court, Correctional Supervision and Parole Board or other body, to stipulate another address.	Head of Satellite Community Corrections Office
Section 66 (2) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Authority to be consulted with when the authorized person declare an address unsuitable and refer the matter back to the court, Correctional Supervision and Parole Board or other body to stipulate another address.	Head of Satellite Community Corrections Office
Section 70 (1) (a) and (b)	(a) When a person subject to community corrections has failed to comply with any aspect of the conditions imposed on him or her or	

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
<u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	<p>any duty placed on him or her in terms of any section of Chapter 6 (Community Corrections) depending on the nature and seriousness of the non-compliance as stipulated in the Order—</p> <p>(i) reprimand the person.</p> <p>(ii) Instruct the person to appear before the Court, Correctional Supervision and Parole Board or other body which imposed the Community Corrections;</p> <p>(iii) Issue a warrant for the arrest of such person.</p> <p>(b) instruct that the community corrections be resumed subject to the same conditions or duties applicable to that person if satisfied that the person has a valid excuse for not complying with any such condition or duty.</p>	<p>(i) <u>Less serious:</u> Supervision Official under whose supervision offender is.</p> <p><u>Serious:</u> Supervision Committee under whose supervision offender is.</p> <p>(ii) Head of Satellite Community Corrections Office</p> <p>(iii) Head of Satellite Community Corrections Office</p> <p>(b) Head of Satellite Community Corrections Office</p>
Section 70 (3) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Instruct a person to appear before the court, Correctional Supervision and Parole Board or other body which imposed the community corrections if a person subject to community corrections has failed to meet the conditions imposed on him or her but that such failure is due to a change in circumstances beyond	Head of Satellite Community Corrections Office

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
	the control of the person concerned.	
Section 70 (4)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Issue a warrant in terms of subsection (1) (c) and act in terms of subsection (2) if a person subject to community corrections fails to obey an instruction issued in terms of subsections (1) (b) or (3).	Head of Satellite Community Corrections Office
Section 71 (1) read together with section 276 A (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Apply to the court, Correctional Supervision and Parole Board or other body which ordered the imposition of community corrections, to amend the conditions which make up the community corrections in a particular case if it is the opinion that a change of circumstances calls for a change in the conditions.	Head of Satellite Community Corrections Office
Section 71 (3)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Issue a warrant in terms of section 70 (1)(c) for arrest if a person fails to appear when instructed to do so before a court, Correctional Supervision and Parole Board or other body in terms of subsection (2).	Head of Satellite Community Corrections Office
Section 74 (1)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	(a) Name each Correctional Supervision and Parole Board; (b) Specify the seat for each Board; (c) Determine and amend the area of jurisdiction of each Board.	Minister <u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u>
Section 74 (2) (e)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Nominate one official of the Department to form part of the Correctional Supervision and Parole Board appointed by the Minister.	Area Commissioner
Section 74 (7) (a) (i)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Determine the period and conditions, a member of a Correctional Supervision and Parole Board holds office for.	Minister <u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u>
Section 74 (7) (b)  <u>EFFECTIVE AS FROM 1</u>	Remove a member of the Correctional Supervision and Parole Boards from office on grounds of misbehaviour, incapacity or incompetence.	Minister <u>NOTE: MUST BE DD LEVEL OR HIGHER IF</u>

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
<u>OCTOBER 2004</u>		<u>COMPETENCY IS DELEGATED)</u>
Section 74 (7) (c)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Fill the vacancy by appointing a person for the unexpired portion of the term of office of the predecessor if a member of a Correctional Supervision and Parole Board resigns, is removed from office or dies.	Minister <u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u>
Section 74 (8)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Determine on recommendation of the Commission for Administration with the concurrence of the Minister of Finance the remuneration and allowances, a member of a Board who is not in the fulltime service of the State may receive.	DC: Human Resource Management
Section 75 (1) (a)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Make recommendations to the court a quo in terms of section 276 A (3) of the Criminal Procedure Act, 1977 (Act no 51 of 1977) for the conversion of an offender's term of imprisonment to any other sentence for offenders serving sentences: -of more than 12 months but less than 5 years -of more than 5 years excluding life imprisonment and dangerous criminals.	Correctional Supervision and Parole Board
Section 75 (1) (a)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Place an offender serving a sentence exceeding 12 months under correctional supervision or on day parole or parole and set the conditions for community corrections.	Correctional Supervision and Parole Board
Section 75 (1) (b)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Make recommendations to the court for placement under correctional supervision or on day parole or parole and set the conditions of community corrections regarding offenders declared as dangerous criminals.	Correctional Supervision and Parole Board
Section 75 (1) (c)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Make recommendations to the court for placement on day parole or parole and set the conditions of community corrections regarding offenders serving life imprisonment.	Correctional Supervision and Parole Board
Section 75 (1B) (a)  <u>EFFECTIVE AS FROM 1</u>	Identify offences for purposes of subsection (1A) with the concurrence of the National Commissioner of the South African Police Service, the Director-General of the Department of Justice	Commissioner

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
<b><u>OCTOBER 2004</u></b>	and the National Director of Public Prosecutions.	
Section 75 (7)  <b><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u></b>	Despite subsections (1) to (6), authorizes: (a) Placement under correctional supervision or day parole or grant parole to an offender serving a sentence of up to 12 months imprisonment and prescribe conditions in terms of sections 52; (b) Cancellation of correctional supervision or day parole or parole and alter the conditions for community corrections applicable to such person.	Head of Correctional Centre
Section 75 (8)  <b><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u></b>	Refer a decision to the Correctional Supervision and Parole Review Board for reconsideration.	CDC Corrections
Section 79  <b><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u></b>	Consider placement under correctional supervision or on parole to die a consolatory and dignified death of a person serving any sentence in a correctional centre and who, based on the written evidence of the medical practitioner treating that person, is diagnosed as being in the final phase of any terminal disease or condition.	<u>Up to 12 months imprisonment:</u> Head of the Correctional Centre  <u>Longer than 12 months imprisonment excluding persons sentenced to life imprisonment:</u> Correctional Supervision and Parole Board  <u>Persons sentenced to life imprisonment and dangerous criminals from date of commencement of Act 111 of 1998:</u> Court a quo

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
		<b>Persons sentenced to life imprisonment prior to commencement of Act 111 of 1998</b> Minister
Section 80  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Recommend to the Correctional Supervision and Parole Board that an offender be granted special remission of sentence not exceeding two years either unconditionally or subject to such conditions as the Board may determine when such an offender has acted highly meritoriously excluding offenders serving life sentences or declared as dangerous criminals.	Head of Correctional Centre
Section 81 (4)  <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Release of unsentenced offenders or group of unsentenced offenders subject to such conditions as may be determined with the concurrence of the Minister of Justice.	Minister <b><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u></b>
Section 83 (3) (a)	Determine the period a member of the National Council holds office.	Minister <b><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u></b>
Section 83 (3) (b)	Terminate the appointment of a member of the National Council on valid grounds.	Minister <b><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u></b>
Section 83 (7)	Determine the allowances for a member of the National Council who is not in the service of the State, in consultation with the Minister of State Expenditure.	Commissioner <b><u>NOTE: MUST BE DD LEVEL OR HIGHER (MINISTER)</u></b>
Section 93 (8)	Determine remuneration and allowances to be paid to the Independent Prison Visitors who are not in the full-time service of	Commissioner

<b><u>STATUTORY PROVISION</u></b>	<b><u>AUTHORITY DELEGATED</u></b>	<b><u>LEVEL OF DELEGATION</u></b>
	the State on the recommendation of the Department of Public Service and Administration and with the concurrence of the Minister of Finance.	
<b>Section 95</b>	<b>Authorize the inspection of correctional facilities by personnel.</b>	<b>DC Executive Management</b>
<b>Section 95 (1) read together with regulation 30 (1) (a)</b>	<b>Appoint <u>inspectors</u> to conduct an internal service evaluation by means of inspections specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections).</b>	<b><u>Management Area level:</u> None</b>  <b><u>Regional Office level:</u> None</b>  <b><u>For Head Office and Regional Level:</u> DC: Executive Management</b>
<b>Section 95 (1) read together with regulation 30 (1) (a)</b>	<b>Appoint <u>investigators</u> to conduct an internal service evaluation by means of investigations specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections).</b>	<b><u>Management Area level:</u> None</b>  <b><u>Regional Office level:</u> None</b>  <b><u>For Head Office and Regional Level:</u> DC: Legal and Special Operations</b>
<b>Section 95 (1) read together with regulation 30 (1) (a)</b>	<b>Appoint <u>internal auditors</u> to conduct an internal service evaluation by means of audits specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections).</b>	<b>Commissioner</b>
<b>Section 95 (3A) (b)(i)</b>	<b>Appoint initiators to initiate in disciplinary proceedings resulting from any investigation in terms of subsection (2) (g) and which has been submitted to the Director Code Enforcement to conduct a disciplinary hearing.</b>	<b>Dir. Code Enforcement</b>
<b>Section 95 read with paragraph 6 of the</b>	<b>Appoint Presiding Official for disciplinary hearings and appeal hearings emanating from investigations under section 95.</b>	<b>DC: Executive Management</b>

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Disciplinary Manual in terms of Departmental Bargaining Council Resolution 1 of 2001		
Section 95 read with Departmental Bargaining Council Resolution 1/2001 Clause 7.16.4	Decisions regarding Appeals against dismissals emanating from investigations under section 95.	<u>Management Area level:</u> None  <u>Regional Office level:</u> Regional Commissioner  <u>Head Office level:</u> CDC: Corporate Services
Section 96 (3) (d)	Approve appointment or promotion of persons, despite the provisions of paragraph (c), subject to the conditions prescribed by regulation to promote the basic values and principles referred to in section 195 (1) of the Constitution.	Commissioner
Section 96 (3) (d)	Transfer and placement of officials: All transfers from level 13 and higher.	Commissioner
	All transfers on state cost up and to the level 12.	CDC Corporate Services
	All transfers of officials from level 8 (SCO or equivalent) to level 12 (DD or equivalent) on own time and cost	<u>Region:</u> Deputy Regional Commissioner  <u>Head Office level:</u> DC Human Resource Management
	All transfers of officials from level 2 to 7 (CO III or equivalent) on own time and cost	<u>Management Area level:</u> Regional Head: Corporate Services  <u>Regional Office level:</u> Regional Head:

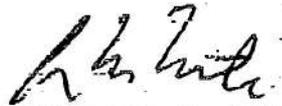
<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
		Corporate Services  <u>Head Office level:</u> DD Auxiliary Services
Section 96 (3) (e)	Exempt a correctional official from the requirements of the Code of Remuneration for the purposes of promotion or transfer, who is exceptionally skilled, has special training, renders exceptional service or who has successfully completed a prescribed departmental training course.	Commissioner
Section 96 (4)	Appoint unpaid voluntary workers who are not employees of the Department, and determine the extent of the powers they may exercise.	Director Human Resource Administration and Utilization
Section 99 (5)	Permit any person other than those mentioned in subsections (1) to (4) in terms of this section to visit an offender, a correctional centre or any specific section of a correctional centre for any special or general purpose.	<ul style="list-style-type: none"> <li>- <u>International Committee of the Red Cross:</u> Regional Commissioner</li> <li>- <u>Visitors from overseas:</u> Regional Commissioner</li> <li>- <u>Politicians:</u> Regional Commissioner</li> <li>- <u>Orientation by community leaders, academics, senior students and other persons who are of functional</u></li> </ul>

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
		<p><u>importance on local level:</u> Area Commissioner</p> <ul style="list-style-type: none"> <li>- <u>Other functional visits with whom the DCS liaises, representatives of other organizations or state departments:</u> Area Commissioner</li> <li>- <u>Media:</u> Area Commissioner/ Dir. Communication Services</li> </ul>
Section 101 (2) (a)	Authorise a correctional official to search another correctional official or seize his or her property without his or her consent.	<p><u>Correctional Centre level:</u> Head of Correctional Centre</p> <p><u>Community Corrections office:</u> Head of Satellite Community Corrections Office <u>Management Area level:</u> Area Coordinator: Corrections</p> <p><u>Regional Office level:</u></p>

<b><u>STATUTORY PROVISION</u></b>	<b><u>AUTHORITY DELEGATED</u></b>	<b><u>LEVEL OF DELEGATION</u></b>
		<b>Regional Coordinator: Safety and Security</b>  <b><u>Head Office level:</u> DD Auxiliary Services</b>  <b><u>Minister and Commissioner's office:</u> Dir. Minimum Information Security Standards</b>
Section 101 (4) (a)	Sell any property seized in terms of this Act or the property of a deceased or escaped offender which is in the care of the Department, by public auction, if it is not lawfully claimed within six months after being seized or after the death or escape.	Area Commissioner
Section 101 (4) (c)	Pay over the balance of the proceeds of a sale in terms of subsection 101 (4) (a) after the period of six months and a person proves that he or she is lawfully entitled to the balance of the proceeds.	Regional Commissioner
Section 103 (1)	Enter into a contract to design, construct, finance and operate any correctional centre or part of a correctional centre established or to be established in terms of section 5, subject to any law governing the award of contracts by the State, with the concurrence of the Minister of Finance and the Minister of Public Works.	Minister <b><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u></b>
Section 105	Appoint a Controller for every joint venture correctional centre.	Commissioner
Section 107 (1)	Grant approval for the proposed appointment of Director by the Contractor to serve as head of a joint venture correctional centre.	Commissioner
Section 109 (2)	Certify the appointment of custody officials.	Dir. Human Resource Administration and

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
		Utilisation
Section 109 (4)	Keep a register containing the particulars of each certified custody official.	Dir. Human Resource Administration and Utilization
Section 109 (6)	Revoke suspension or certification of custody official, after a custody official has been suspended.	Dir. Human Resource Administration and Utilization
Section 111 (1) (b)	Authorise an employee of the Contractor or an employee of a sub-contractor to disclose information regarding the functioning of a joint venture correctional centre or any information related thereto.	DC Communications
Section 112	Appoint a Temporary Manager to act as the Head of a joint venture correctional centre and replacement of custody officials with correctional officials to the extent necessary. If in consultation with the Minister it is the opinion that the Director has lost, or is likely to lose, effective control of a joint venture correctional centre or any part of it; and it is necessary, in the interest of safety and security to take control of such correctional centre or part of it.	Commissioner
Section 123 (2) (a)	Permit a person to publish any account of an offence for which an offender or person subject to community corrections is serving a sentence, except if the information that is published forms part of the official court record where permission is not required.	Dir. Communication Services
Section 132 (1)	Grant approval of the establishment of canteens for the exclusive use or benefit of correctional officials, the families of such officials and other persons or categories of persons prescribed by regulation.	DC Equity and Recreation
Section 132 (3)	Sign an official document indicating that a canteen has been certified as a canteen as contemplated in subsection (1).	DC Equity and Recreation <b><u>NOTE: MUST BE DD LEVEL OR HIGHER (MINISTER)</u></b>
Section 133 (2)	Authorise specific services necessary or expedient and in the public interest or in the interest of any deserving charity to be rendered gratuitously.	Head of Satellite Community Corrections Office

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Section 134 (4)	Modify the application of a regulation to a correctional centre or community corrections office if it is considered not to be suited to the circumstances of a particular correctional centre or community corrections office.	Commissioner <u>NOTE: MUST BE DD LEVEL OR HIGHER (MINISTER)</u>
Section 136 (3) (c)	Grant approval that an offender be placed under day parole or parole, as the case may be, when an offender serving a sentence of life imprisonment immediately before the commencement of Chapters IV, VI, VII is entitled to be considered for day parole and parole after he or she has served 20 years of the sentence and the recommendation of the National Council is favourable.	Minister <u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u>



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004



BRYCE MATHEMBA NGCONDE BALFOUR

MINISTER OF CORRECTIONAL SERVICES

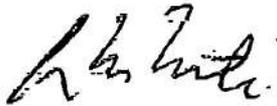
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29/07/2004

UNDER THE POWERS VESTED IN ME IN TERMS OF REGULATION 41 ISSUED IN TERMS OF SECTION 134 OF THE CORRECTIONAL SERVICES ACT 111 OF 1998, I LINDA MORRIS MTI, COMMISSIONER OF CORRECTIONAL SERVICES, HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON IN THE POST INDICATED AGAINST THE APPLICABLE COMPETENCY, PROVIDED THAT:

- (a) The level of delegation indicated hereunder against each competency, is the lowest level on which the competency may be exercised;
- (b) Any line-functionary with an equal or higher rank is also authorized to exercise the same power;
- (c) The delegation indicated hereunder, remains in force should a regulation or section of the Act, including any Amendments to the competency itself, and the number of the new regulation or section is considered to be the number of the relevant provision of the Regulations or Act;
- (d) The exercise of a delegated authority is at all times subject to the provisions of the Act and Regulations, the Departmental Orders and any directives issued in this regard; and;
- (e) Levels of delegation indicated with Head Office, refer only to post structures which exist at the Correctional Services, Head Office, Pretoria.
- (f) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (g) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (h) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (i) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (j) The following abbreviations may be applicable:

CO	=	Correctional Official
SCO	=	Senior Correctional Officer
ASD	=	Assistant Director
DIR	=	Director
DC	=	Deputy Commissioner
CDC	=	Chief Deputy Commissioner



LINDA MORRIS MTI

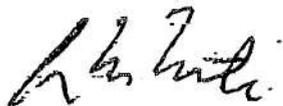
COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Regulation 5 (1)	Permit a sentenced offender to wear other clothes than clothing issued to him or her on admission to a correctional centre.	Head of Correctional Centre
Regulation 5 (3)	Permit a sentenced offender to wear clothes for religious or cultural purposes other than clothing issued to him or her on admission to a correctional centre.	Head of Correctional Centre
Regulation 7 (7) (b)	Grant approval that an offender may participate in clinical trials on application made by the offender.	Regional Commissioner
Regulation 7 (8) (a)	Grant approval on request of an offender to donate or receive an organ or tissue by donation, in accordance with the provisions of the Human Tissue Act, 1983 (Act no. 65 of 1983).	Regional Commissioner
Regulation 7 (8) (b)	Grant approval on request from a person to receive any form of artificial fertilization in terms of the provisions of the Human Tissue Act, 1983 (Act no. 65 of 1983) from an offender.	Regional Commissioner
Regulation 7 (9) (a)	Grant approval that an offender may be sterilized at State expense when the procedure is required for medical reasons as certified by the medical officer.	Regional Commissioner
Regulation 9 (1) (b)	Grant approval on written request of the spouse, partner or next-of-kin of a deceased offender to allow them to remove and bury the deceased at their own expense.	Head of Correctional Centre
Regulation 9 (1) (c)	Grant approval on written request of the spouse, partner or next-of-kin of a deceased offender to allow them to transport the deceased offender at State expense to another magisterial district, the cost of the burial to be born by the person requesting the transportation.	Regional Commissioner
Regulation 10 (2) (e) read with section 3 (5) (g)	Appoint a <u>temporary correctional official</u> who is qualified for the purpose, to perform the duties of an educationist if such a qualified educationist or trained correctional official is not available.	Director Human Resource Administration and Utilization
Regulation 10 (2) (e)	Appoint a <u>voluntary worker</u> who is qualified for the purpose, to perform the duties of an educationist if such a qualified educationist or trained correctional official is not available.	Area Commissioner

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Regulation 12 (1)	Permit an offender to consult with his or her legal practitioner in connection with legal matters subject to certain conditions.	Head of Correctional Centre
Regulation 14 (1) (b)	Appoint a Case Presenter in writing in a disciplinary hearing for offenders.	Head of Correctional Centre
Regulation 15 (2) (b)	Grant approval that when an offender temporarily removed from a correctional centre is to appear before Court, or for the purposes of a criminal investigation, that such an offender may be placed in the safe custody of a member of the South African Police Services instead.	<u>For a period shorter than 48 hours:</u> Area Commissioner <u>For a period of 48 hours and longer:</u> Regional Commissioner
Regulation 21 (5) (a)	Appointing correctional officials as members of Emergency Support Teams.	Area Commissioner
Regulation 21 (5) (a)	Authorise <u>the issue</u> (not the use) of pyrotechnical equipment to trained correctional officials appointed as members of the Emergency Support Teams and then only for the purpose of training or during emergency situations.	Area Commissioner
Regulation 22	Classification of sentenced offenders.	Case Management Committee
Regulation 23 (2) (a)	Enter into a contract with any institution or person for the utilization of the labour or service of correctional centres upon such terms and conditions as may be agreed between the parties.	Head of Correctional Centre
Regulation 23 (2) (b)	Sell the products of the labour or service in a correctional centre to any person on such conditions as may be determined.	Area Commissioner
Regulation 23 (4)	Order that a sentenced offender may be exempted from work on any day during any period in terms of a classification scheme or course of treatment or otherwise.	Head of Correctional Centre
Regulation 23 (5)	Grant approval that an offender may perform work for another offender, correctional official or a private person or body.	Head of Correctional Centre
Regulation 24 (1) (a)	Designation as chairperson of a Case Management Committee.	Area Commissioner
Regulation 24 (1) (b)	Determine the period a member of the Case Management Committee holds office for.	Area Commissioner
Regulation 26	Permit unsentenced offenders to perform other labour than duties necessary to maintain the good order and cleanliness of any cell, room or other place occupied by them.	Head of Correctional Centre
Regulation 30 (1) (a) read together with section 95	Appoint <u>inspectors</u> to conduct an internal service evaluation by means of inspections specifically or in general (at national and provincial, individual	DC: Executive Management

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
(1)	correctional centres including joint venture correctional centres and community corrections).	
Regulation 30 (1) (a) read together with section 95 (1)	Appoint <u>investigators</u> to conduct an internal service evaluation by means of investigations specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections).	DC: Legal and Special Operations
Regulation 30 (1) (a) read together with section 95 (1)	Appoint <u>internal auditors</u> to conduct an internal service evaluation by means of audits specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections).	Commissioner
Regulation 31	Allocate official residential accommodation to a correctional official for occupation for such period and under such conditions as may be determined.	Area Commissioner
Regulation 34	Require from a correctional official to perform emergency work outside his or her normal hours of work.	Area Commissioner
Regulation 39 (1)	Approve the establishment of a departmental canteen contemplated in section 132 of the Act.	DC Equity and Recreation
Regulation 39 (2) (b)	Determine how and when any profits, assets or any proceeds from the liquidation of a departmental canteen may be distributed by the committee for any purposes contemplated in section 132 of the Act, or for the common benefit or welfare of correctional officials, pensioners, civilian employees and their dependants.	DC Equity and Recreation
Regulation 39 (2) (c)	Authorise any expenditure for accommodation or other necessities provided by the State in consultation with National Treasury relating to a departmental canteens.	DC Equity and Recreation



LINDA MORRIS MTI

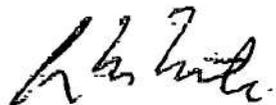
COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2006

**DELEGATION OF AUTHORITY: SUSPENSION OF EMPLOYEES IN THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE CHAIRING OF DISCIPLINARY AND APPEAL HEARINGS AND IMPOSING OF SANCTIONS: DISCIPLINARY PROCEDURE OF THE DEPARTMENT OF CORRECTIONAL SERVICES: DBC RESOLUTION 1/2001**

Under the powers vested in me in terms of section 97 (2) of the Correctional Services Act, 1998 (Act No. 111 of 1998), I, Linda Morris Mti, Commissioner of Correctional Services, hereby delegate the under-mentioned competency to the person(s), indicated against the applicable competency, provided that-

- (a) All previous delegations pertaining to the competencies mentioned hereunder are hereby repealed;
- (b) the level of delegation indicated hereunder against each competency is the lowest level at which the competency may be executed;
- (c) the presiding officer occupies a post that is at least one (1) post level higher than that of the accused;
- (d) the exercising of the delegated competency is at all times subject to the provisions of the Correctional Services Act, 1998, and the Regulations thereto and Departmental Orders and any directives issued in this regard.
- (e) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (f) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (g) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (h) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004

(i) The following abbreviations are used:

- CO = Correctional Officer
- SCO = Senior Correctional Officer
- ASD = Assistant Director
- DIR = Director
- DC = Deputy Commissioner
- CDC = Chief Deputy Commissioner

<u>PROVISION OF THE DISCIPLINARY PROCEDURE: DBC RESOLUTION 1/2001 ANNEXURE B</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Clause 4.1 Informal discipline	Verbal warning	Direct supervisor
Clause 4.2 Formal discipline Clause 4.2.1	Verbal warning	Second level supervisor
Clause 4.2.2	Written warning	Second level supervisor
Clause 4.2.3	Serious written warning	Second level supervisor

<u>PROVISION OF THE DISCIPLINARY PROCEDURE:</u> <u>DBC RESOLUTION 1/2001</u> <u>ANNEXURE B</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
<b>Clause 4.2.4</b>	<b>Final written warning</b>	<b>Second level supervisor</b>
<b>Clause 4.2.5</b>	<b>Dismissal</b>	<u>Management Area Level:</u> All managers with a minimum rank of ASD.  <u>Regional Level:</u> All managers with a minimum rank of ASD.  <u>Head Office Level:</u> All managers with a minimum rank of ASD  <u>Office of the Commissioner</u> All managers with a minimum rank of ASD  <u>Office of the Minister</u> All managers with a minimum rank of ASD

<u>PROVISION OF THE DISCIPLINARY PROCEDURE:</u> <u>DBC RESOLUTION 1/2001</u> <u>ANNEXURE B</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
		<u>Office of the Inspecting Judge</u> All managers with a minimum rank of ASD
Clause 7.16.4	Chairing and deciding of non-dismissal appeals	One post level higher than the chair of the disciplinary hearing
Clause 7.16.4	Chairing appeals against dismissals	One post level higher than the chair of the disciplinary hearing
Clause 7.16.4	Decisions regarding appeals against dismissals	DC: Human Resource Management/equivalent/higher regarding employees in DCS Head Office; and Deputy Regional Commissioner/ equivalent/higher regarding employees in the region.
Clause 5 Suspension policy.	Suspension of employees	<u>Management Area Level:</u> All managers with a minimum rank of ASD.  <u>Regional Level:</u> All managers with a minimum rank of ASD.

<u>PROVISION OF THE DISCIPLINARY PROCEDURE:</u> <u>DBC RESOLUTION 1/2001</u> <u>ANNEXURE B</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
		<p><u>Head Office Level:</u> All managers with a minimum rank of ASD</p> <p><u>Office of the Commissioner</u> All managers with a minimum rank of ASD</p> <p><u>Office of the Minister</u> All managers with a minimum rank of ASD</p> <p><u>Office of the Inspecting Judge</u> All managers with a minimum rank of ASD</p>



LINDA MORRIS MTI

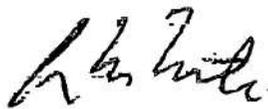
COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004

DELEGATION OF AUTHORITY: CONDITIONS OF CONTRACTS FOR JOINT VENTURE PRISONS

UNDER THE POWERS VESTED IN ME IN TERMS OF SECTION 97 (2) OF THE CORRECTIONAL SERVICES ACT, 1998 (ACT 111 OF 1998), I LINDA MORRIS MTI, COMMISSIONER OF CORRECTIONAL SERVICES, HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON INDICATED AGAINST THE APPLICABLE COMPETENCY, PROVIDED THAT:

- (a) the level of delegation indicated hereunder is the lowest level at which the competency may be exercised;
- (b) the delegation indicated hereunder, remains in force should a clause of the contract be renumbered in terms of an amendment of the contract, precluding any amendments to the competency itself, and the new number of the clause is considered to be the number of the relevant provision of the Contract;
- (c) the exercising of the delegated competency is at all times subject to the provisions of the Correctional Services Act, 1998 and the Regulations thereto the Conditions of Contract, the Departmental Orders and any directives issued in this regard.
- (d) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (e) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (f) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (g) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
  
- (h) The following abbreviations are used:
  - CO = Correctional Officer
  - SCO = Senior Correctional Officer
  - ASD = Assistant Director
  - DIR = Director



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2006

DC = Deputy Commissioner  
 CDC = Chief Deputy Commissioner  
 CFO = Chief Financial Officer

<u>PROVISION OF THE CONTRACT</u>	<u>COMPETENCY WHICH IS DELEGATED</u>	<u>DELEGATION LEVEL</u>
3.1	Approval of maximum amount of Lender Liabilities	CFO
3.1	Approval of any amendment of the Financing Agreement which increases or may increase the Lender Liabilities	CFO
4.10(c)	Approval for settlement of any claim by a third party not exceeding R50 000-00 to which the Department is not likely to become a party.	CFO, with written recommendations from the Dir : Legal Services
5.2	Approval of terms of Insurances taken by the Contractor with Insurers.	CFO
5.7	Approval of any insurance claim above R50 000 or any insurance claim whatsoever relating to the infringement of an offender's rights.	Commissioner
7.1	Granting approval for any of the Contractor's obligations under the Contract to be performed or undertaken by any other person.	Commissioner
7.4	Granting approval for the appointment of a replacement Construction Sub-contractor or Operating Sub-contractor.	Commissioner
8.1	Granting approval in the case of the Contractor Change, or where the Independent Engineer reasonably determines that an application by the Contractor for Design Development under Part 3 of Schedule A constitutes a Contractor Change.	CDC : Corrections
9.	Granting of- and subsequent approval of Departmental changes.	CDC Central Services CDC Corrections CDC Corporate Services
9.9	Acceptance/approval of estimates of the increase or decrease in the Contract fee which occurs as a result of the changes set out in the Notice to Change.	CFO
12.2	Assisting the Contractor in connection with the obtaining of all requisite planning permissions.	DC Facilities and Security
16.2	Effecting variation in accordance with Clause 62 (Variations).	Named Representative
19.1	A dilapidation survey for the purpose of determining the physical condition and state of maintenance of the Correctional Centre Assets and	Dir Buildings and Maintenance

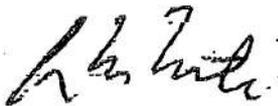
<u>PROVISION OF THE CONTRACT</u>	<u>COMPETENCY WHICH IS DELEGATED</u>	<u>DELEGATION LEVEL</u>
	the road	
19.2	Notifying the Contractor of the work the Department reasonably believes is required to be done consequent to the survey referred to in Clause 19.1 or Clause 52.1	Named Representative
19.3	Carrying out such unremedied repairs and/or maintenance itself, or to procure same, at the Contractor's reasonable cost, where the latter has failed to effect any and all repairs and/or maintenance required pursuant to Clause 19.2	Dir Buildings and Maintenance
20.2	Approval of such part of the Operation Proposals as do not comply with the Contract	Dir of Function
20.3 and 20.6	Approval of the operation proposals.	Dir of Function
20.5	Approval of the Operation Proposals subject to satisfactory completion of the tests in accordance with Clause 20.6	Dir of Function
22.1(b)	Electing, at his discretion to utilize available offender places made available by the Contractor.	Dir Offender Administration
22.2	Suspending the Phase-in-Period by issuing a Rectification Notice in accordance with Clause 44 (default).	CDC : Corrections
24.	Granting the Delay Notice:	
	0-90 days	Dir : Contract Management
	91 days and more	Commissioner
31.3	Approval of any change to the person occupying the position of a Director.  NB: Appointment of a Director is regulated by section 107 of the Correctional Services Act, No. 111 of 1998.	Commissioner
33.3	Approval of uniforms or standard of dress to be used by the Contractor or the Operating Sub-contractor.	Dir : Human Resource Administration and Utilisation In consultation with CDC : Corporate Services
33.4	Approval of the appointment of members of staff who are not required to	Dir : Human Resource

<u>PROVISION OF THE CONTRACT</u>	<u>COMPETENCY WHICH IS DELEGATED</u>	<u>DELEGATION LEVEL</u>
	be certified as custody officials.	Administration and Utilization In consultation with CDC : Corporate Services
33.6 (b) and (c)	Consent to the varying of the numbers of Staff as referred to in the table headed "Staffing Summary" in Schedule D (the "Staffing Summary Table") and the table headed "Minimum Staffing Levels" in Schedule D.	Dept. Representatives
33.8	Granting approval to the Contractor to engage a new member of staff who has not been a subject of prior approval or certification in accordance with clause 31 and 32.	Dir : Human Resource Administration and Utilization In consultation with CDC : Corporate Services
41.	Approval of the Contractor's strategic development plan to operate the Prison.	Dir : Contract Management
45.1	Granting the Rectification Notice:	
	0 - 30 days	DD Contract Compliance
	31 - 90 days	Dir : Contract Management
	90 days and more	Commissioner
45.1	Granting a Termination Notice.	Commissioner
49.1 and schedule F	Determination of payment and/or set-off amounts owing under the Contract prior to termination, where the Contract terminates by virtue of Clause 45 (Termination for Contractor Default).	CFO
49.2	Determination of payment and/or set-off amounts owing under the Contract prior to termination, where the Contract terminates by virtue of Clause 47 (Termination of Department Default) of Clause 44.2 (Material Adverse Governmental Action).	CFO
49.3 Schedule H	Determination of payment and/or set-off amounts owing under the Contract prior to termination in the event of a termination under Clause 48 (Force Majeure) or Clause 5.13 (a) and (b) (Insurance)	CFO
49.5	Granting consent to an agreement, acceptance or settlement of any claim or issue or dispute relating to any liability for Taxation.	Commissioner
50.	Change in the beneficial ownership of the Contractor. Approval of such	Commissioner

<u>PROVISION OF THE CONTRACT</u>	<u>COMPETENCY WHICH IS DELEGATED</u>	<u>DELEGATION LEVEL</u>
	change of control or exercising the right to terminate the Contract at its election, if such approval is not obtained.	
57.2	Approval of communication with representatives of the press, television, radio or other communication media on any matter concerning the Contract by the Contractor.	Dir: Communications Services with prior consent by Dir Contract Management.
57.3	Approval for photographing or taking film of the correctional centre.	DC : Communications
62.	Any appointment / replacement of the named Representative of the Department.	Commissioner
62.2.2	Approval of any amendment to the Contract which is to the financial detriment of the State. (This will also require Treasury approval under Section 76(1)g of the Public Finance Management Act (Act 1 of 1999) read with Treasury Regulation 8.7.1 and 16.10	Commissioner
64.3	Review whether the Contractor has complied with the provisions of Schedule N, and, where appropriate impose penalties on the Contractor as set out in Part II and Part III of Schedule M.	Supervisory Committee
Part 2 Schedule B	Approval of the Data Collection and Reporting Plan	CDC: Corrections
Schedule C Paragraph C.1	Approval of a Maintenance Programme	Dir. Building and Maintenance
Schedule D Goal 1	Approval of the security manual and contingency planning manual	Dir Facilities and Security
Goal 1.3	Approval of system of monthly review of offenders, to include categorization and further allocation.	DC: Personnel Corrections
Goal 1.4.1	Approval of Emergency Services	Dir Security Management
Goal 1.8.5	Approval of a full movement control policy to be included in the general operational instructions	CDC : Corrections Management
Goal 1.14.1	Approval of a detailed policy on arrangement for patrols	CDC : Corrections Management
Goal 1.15	Approval of proceedings for emergencies situations as part of contingency planning	Dir Security Management
Goal 2.1	Approval of a system of incentives and earned privileges based on the	Dir: Corrections Administration

<u>PROVISION OF THE CONTRACT</u>	<u>COMPETENCY WHICH IS DELEGATED</u>	<u>DELEGATION LEVEL</u>
	minimum standards of the DCS programme.	
Goal 2.5.2	Approval of a procedure, which specifies when and what action is to be taken as a result of any loss or damage.	DC: Facilities and Security
Goal 2.8.2	Approval of a policy which covers the following aspects.	
	➤ Staff training in conflict resolution techniques	Dir: Core Curriculum
	➤ The role of Correctional Services Controller ("CSC") concerning disciplinary action policies, and procedures as they relate to offenders	DC: Personnel Corrections
	➤ Under what circumstances an offender can be housed in the segregation unit.	Dir : Offender Administration
Goal 2.9.1	Approval of anti-bullying policy and procedure.	Dir :Security Management
Goal 2.10.1	Approval of the control and restraint techniques.	Dir :Security Management
Goal 3.1.4	Approval of a system of screening those at risk of self-harm or suicide.	DC Personal Corrections
Goal 3.1.7	Approval of a means of communication for offenders to contact a relative or friend on admission	Dir : Offender Administration
Goal 3.16.2	Approval of the induction programme.	Dir : Corrections Programmes
Goal 3.16.7.3	Approval of provision (for maintaining ties with family, etc.) for those offenders who cannot read or write.	Dir :Corrections Programmes
Goal 3.18.7	Approval of comprehensive programmes for pest control	Dir : Health Care Services
Goal 3.30.11	Approval of a comprehensive programme for management of acute mental disorders	Dir Psychological Services
Goal 3.30.29	Approval of the deaths (natural and unnatural) policies and procedures.	Dir : Health Care
Goal 4.1	Approval of system for security risk assessment and	Dir: Risk Assessment.
Goal 4.8	Approval of the policy for Religious Care Services	Dir: Spiritual Care.
Goal 4.15	Approval of a full schedule of fostered attendance at the library as part of the development programme.	Dir : Formal Education
Goal 6.4.3	Approval of the Equal Opportunities policy and Affirmative Action Policy.	Dir : Equity
Goal 6.5.2	Approval of the Contractors policy statement on drug and alcohol free work place.	Dir : Human Resource Administration and Utilisation In consultation with CDC : Corporate Services

<u>PROVISION OF THE CONTRACT</u>	<u>COMPETENCY WHICH IS DELEGATED</u>	<u>DELEGATION LEVEL</u>
Goal 6.7.1	Approval of the policy on uniform and dress code for custodial and non-custodial staff.	Dir : Human Resource Administration and Utilisation In consultation with CDC : Corporate Services
Goal 6.7.2	Approval of samples of all uniforms to be worn by the staff of the correctional centre.	Dir: Human Resource Administration and Utilisation. In consultation with CDC : Corporate Services
Goal 6.8.12	Approval of media statements relating to personnel issues.	Dir: Communication Services In consultation with CDC : Corporate Services
Goal 6.9	Approval of all training curricula.	Dir : Core Curriculum
Goal 6.9	Approval of all Control and Restraint trainers.	Dir : Core Curriculum
Goal 7.3	Approval of all community involvement activities.	Dir : Community Liaison
Schedule M 1.1	Ruling on whether; and to what extent, penalties should be imposed for breaches of the Contract by the Contractor.	Supervisory Committee
2.8	Waiving of fixed penalties	Supervisory Committee
2.8	Decision to sue the Contractor for breach of Contract.	Commissioner



LINDA MORRIS-MTI

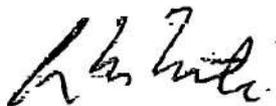
COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2000

**DELEGATIONS OF AUTHORITY AND RESPONSIBILITIES IN TERMS OF THE PUBLIC SERVICE REGULATIONS**

It has pleased the Minister and Commissioner of Correctional Services, under the powers granted to them by the provisions of the Public Service Regulations, 2001 to delegate the under mentioned competencies to the post incumbent against the applicable competency, provided that:

- (a) The level of delegation indicated hereunder against each competency, is the lowest level at which the competency may be exercised;
- (b) Where a delegation is not linked to a specific post, any functionary responsible for the specific function on a higher post level, is authorized to exercise that competency;
- (c) A functionary cannot exercise a discretion to approve of any matter in respect of a functionary on a higher or equivalent post level;
- (d) The delegations indicated hereunder, remains in force should a regulation be renumbered in terms of an amendment of the regulation, precluding any amendments to the competency itself, and the number of the new regulation is considered to be the number of the relevant Regulation;
- (e) The summary of the competencies herein does not necessarily reflect the full details of the competencies contained in the Regulations and the exercise of the delegated competencies are at all times subject to the provisions of the Regulations and any directives issued in this regard;
- (f) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)
- (g) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (h) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (i) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (j) The following abbreviations are used:
  - CO = Correctional Officer
  - SCO = Senior Correctional Officer
  - ASD = Assistant Director
  - DIR = Director
  - DC = Deputy Commissioner
  - CDC = Chief Deputy Commissioner
  - DPSA = Department of Public Service and Administration
  - DBC = Departmental Bargaining Chamber



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004



BRYCE MATHEMBA NGCONDE BALFOUR

MINISTER OF CORRECTIONAL SERVICES

DATE

29/07/2004

<u>STIPULATION IN PUBLIC SERVICE REGULATIONS</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
PART I/H.1	Enquiries to Minister of DPSA through DG of DPSA.	<u>Policy:</u> Commissioner <u>Functional:</u> Dir. Human Resource Administration and Utilization
PART I/H.3	Consultation with DG: DPSA which impacts on the power or duties of the Minister of Public Services and Administration on legislation.	Commissioner
PART I/H.4	Establish policy on how employees may communicate in the media.	DC: Executive Manager
PART II/C.3	Ensure compliance with Regulations, Collective Agreements and any other Statutory obligations and deal with any breach thereof.	DC: Executive Manager
PART II/CS	Ensure prior Treasury approval for any decision that involves expenditure from revenue.	CFO
PART III/B.1	Prepare a strategic planning for the department.	DC: Executive Manager
PART III/B.2(b)	Decision on the grading of proposed new jobs:  -Up to level of salary level14  -Up to level of salary level 15	CDC Corporate Services  Commissioner
PART III/B.2(c)	Determine posts necessary and constitute the department's approved establishment.	Commissioner
PART III/B.2(d)	Based on strategic plan engage in human resource planning to meet Human Resource.	CDC Corporate Services
PART III/B.2(c)	Defining of posts	CDC Corporate Services
PART III/C.1	Establishment and sustaining of service delivery improvement programme.	CDC Management Services
PART III/C.2	Publication of annual statement of public service commitment.	CDC Management Services

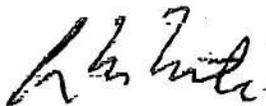
<u>STIPULATION IN PUBLIC SERVICE REGULATIONS</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
PART III/D.1 (a)	Assess human resources which is necessary (needs) with reference to: <ul style="list-style-type: none"> <li>• Number of employees</li> <li>• Competencies of the employees</li> <li>• Capacities in which appointed</li> </ul>	CDC Corporate Services
PART III/D.1 (b)	Assess existing human resources by race, gender and disability as well as by occupational category, organizational component and grade.	CDC Corporate Services
PART III/D.1 (c)	Plan within the available budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework, for the recruitment, retention, deployment and development of human resources.	CDC Corporate Services
PART III/D.1(d)	Addressing the position of employees affected by the elimination of unnecessary posts.	CDC Corporate Services
PART III/D.2	Development and implementation of affirmative action programme	DC Equity and Recreation
PART III/D.3	Communication of Human Resources Plan and Affirmative Action Plan within the Department	CDC Corporate Services
PART III/E. (a)	Establishment of an information plan that supports the strategic planning process of the Department	DC: Executive Manager
PART III/E. (b)	Establishment of an information technology plan that supports the information plan of the Department	CDC Central Services
PART III/E.1 (c)	Establishment of an information plan for implementation of information technology plan and information management	CDC Central Services
PART III/F. (b)	Evaluation of newly defined jobs in terms of the job evaluation system	DC: Human Resource Management
PART III/F. (c)	Evaluation of job in case of vacant post in grade 9 or higher, if not evaluated before.	DC: Human Resource Management
PART III/F. (d)	Ensuring that sufficient funds are available for filling a post	Dir. Human Resource Administration and Utilization
PART III/G	Employment of persons additional to approved establishment	Dir. Human Resource Administration and Utilization

<u>STIPULATION IN PUBLIC SERVICE REGULATIONS</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
PART III/I.1	Establishment of job descriptions and job titles.	Dir. Human Resource Planning
PART III/I.2	Review job descriptions and titles every 3 years.	Dir. Human Resource Planning
PART III/I.5	Linking of posts to relevant CORE and occupation	Dir. Human Resource Planning
PART III/J	Publication of Annual Report to the relevant legislature, the media and public	DC Communication
PART IV/B.3	Job evaluation and re-evaluation.	DC Human Resource Management
PART V/A.2	Determination of employee's salary.	CDC Corporate Services
PART V/C.1	Determination of grading of a post and setting of commencing salary (minimum notch)	CDC Corporate Services
PART V/C.2	Determination of relevant salary range in the case of a job weight applying to more than one salary range.	CDC Corporate Services
PART V/C.3	Setting of salary for a post above the minimum notch of salary range indicated by the job weight.	CDC Corporate Services
PART V/C.4	Effecting changes to work organization or regrading of post if job weight demonstrates that the post is over-/under-graded.	CDC Corporate Services
PART V/C.5	Increase in salary of a post to a higher salary range to accord with job weight -Up to level 14. -Level 15	CDC Corporate Services Commissioner
PART V/C.6	Employment of incumbent employee in higher graded post without advertising post -Up to level 12 -Level 13 and higher	CDC Corporate Services. Commissioner
PART V/C.8	Redesigning job or/ transfer of incumbent to another job when salary range of an occupied post exceeds the range indicated by job weight.	DC Human Resource Management

<u>STIPULATION IN PUBLIC SERVICE REGULATIONS</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
PART V/C.9	Setting of salary of part-time, sessional or temporary employees.	DC HR Management
PART V/D.2	Compensation of employees for abnormal overtime work	DC Human Resource Management
PART V/D.3	Compensation of senior management services for overtime	CDC Corporate Services
PART V/D.5	Establishment of employee overtime policy.	CDC Corporate Services
PART V/E.3	Provide cash equivalent of benefits received by permanent employees to employees on fixed-term contracts.	CDC Corporate Services
PART VI/		
PART V/G.3	Provide salary advice to employees	Dir: Financial Administration
PART V/F	Manage leave and sick leave	Dir: Human Resource Administration and Utilisation
PART VI/D	Health and Safety Establish and maintain safe and healthy work environment for employees	CDC Corporate Services
PART VII/B.4	Secondments	CDC Corporate Services
PART VII/C.1.1	Determination of composite requirements for employment.	CDC Corporate Services
PART VII/C.2	Advertising of vacant posts (Up to and including level 12)	DC Human Resource Management
	Advertising of vacant posts from level 13 and higher	Commissioner
PART VIII/C.2.5	Deviation in filling of vacant posts	Commissioner
PART VIII/C.2.6	Utilising appropriate agency to identify candidates for posts.	DC Human Resource Management –
PART VII/D.1	Appointment of selection committee : -Up to level 12	DC Human Resource Management –/Regional Commissioner
	-Level 13 and higher	Commissioner

<u>STIPULATION IN PUBLIC SERVICE REGULATIONS</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
PART VII/D.7	Recording of reasons for not approving the recommendation of a selection committee: -Up to level 12  -Level 13  -Level 14 and higher	CDC Corporate Services  Commissioner  Minister
PART VII/G.2.1	Prescribing the manner to submit resignation.	DC Human Resource Management –
PART VII/G.2.2	Recording reasons for resignation.	Dir Human Resource Planning.
PART VII/H	Keeping of employee records.	DC Human Resource Management
PART VIII/B.1	Determination of system for performance management and development below senior management level	CDC Corporate Services
PART VIII/B.2	Designation of performance cycle, annual date for written performance assessment.	Dir: Human Resource Support–
PART VIII/C.1	Establishment of performance assessment instruments for different occupational categories or levels	CDC Corporate Services
PART VIII/C.3	Complying with conditions for utilizing a performance management and development system.	DC Human Resource Management
PART VIII/E.1(a)	Provision of remedial and systematic support in the case of unacceptable performance	<u>Management Area Level:</u> All second level managers  <u>Regional office level</u> All second level managers  <u>Head office level:</u> All Directors DC + CDC for their offices.

<u>STIPULATION IN PUBLIC SERVICE REGULATIONS</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
PART VIII/F.1	Establishment of financial incentive scheme	CDC Corporate Services
PART VIII/F.2	Determining the nature, rules and control measures of a financial incentive scheme, and communication thereof	CDC Corporate Services
PART VIII/G	Rewards for purposes of suggestions, improvement and innovations	CDC Corporate Services
PART IX/D	Determination of occupational specific competencies and prescription of training for those.	CDC Corporate Services
PART IX/E.1	Granting of financial or other assistance for study, training	CDC Corporate Services
	Research, international	CDC Central Services
PART IX/E.2	Granting of financial or other assistance for part time or full time activities at International Institutions (courses, symposia, congress etc.)	CDC Corporate Services
PART IX/E.4	Defrayment of any genuine expense associated with study, research or training.	DC Human Resource Development
PART IX/E.6	Waiving of study debts.	DC Human Resource Development
PART IX/E.7	Requiring of persons who study (Part IX, par. E.3) to enter into a contract with the Department.	Dir Policy and External Training
PART IX/E.9	Requiring of an employee who studies or undergoes training for short periods, to enter into a contract as precondition for assistance.	Dir Policy and External Training.
PART X/B	Implementation of collective agreements	Commissioner
PART X/C.1	Entering into agreements on a matter of mutual interest.	Deputy Director Collective Bargaining
PART X/C.5	Provisioning of copies of collective agreements concluded in the DBC to the DPSA.	Deputy Director Collective Bargaining
PART X/D.	Entering into agreements on matters with financial implications	Deputy Director Collective Bargaining
<b>CHAPTER 2</b>		
B.2	Supplementing the Code of Conduct provided for by the Public Service.	Commissioner

  
 LINDA MORRIS-MTI  
 COMMISSIONER: CORRECTIONAL SERVICES  
 DATE: 29/7/2004

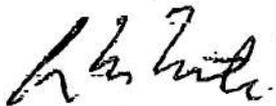
  
 BRUCE MATHEMBANGCONDE BALFOUR  
 MINISTER OF CORRECTIONAL SERVICES  
 DATE: 29/07/2004

By virtue of the authority vested in me in terms of section 44 (1) (a) of the Public Finance Management Act, I Linda Morris Mti, Commissioner of Correctional Services hereby delegate or assign the powers and duties imposed on me in terms of the Public Finance Management Act (Act 1 of 1999 as amended with Act 29 of 1999), to the posts and in the manner as indicated below:

Conditions and Directives by which Delegations can be exercised

1. General Precautions

- 1.1 An authorized person who acts in a higher post, dispose of powers attached to that post (position) unless he/she is specifically excluded there from.
- 1.2 Any line functionary with a higher rank is also authorized to exercise the same power.
- 1.3 The delegation level indicated against each power is the lowest level by which the delegation can be exercised and can't be further delegated.
- 1.4 The post, to which a duty is assigned, is the lowest level of execution (either a do action or a managing action) of the task.
- 1.5 The exercising of delegated powers is at all times subject to the conditions set, as well as the stipulations of the Act and Regulations, the Departmental orders and any directives issued in this regard.
- 1.6 The delegation of powers and the assignment of duties as mentioned in this document, remain in force should a section of the Act be renumbered in terms of an amendment of the Act, precluding any amendments to the competency itself, and the numbering of the new section is considered to be the number of the relevant provision of the Act.
- 1.7 If an official has exercised a delegated power, a higher level official, [with the exception of the Accounting Officer, section 44 (3)] is not allowed to amend or change the decision.
- 1.8 "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)
- 1.9 "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- 1.10 "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)
- 1.11 "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).



LINDA MORRIS MTI  
COMMISSIONER: CORRECTIONAL SERVICES  
DATE 29/7/2000

1.12 The following abbreviations are used:

CO	=	Correctional Officer
SCO	=	Senior Correctional Officer
ASD	=	Assistant Director
DIR	=	Director
DC	=	Deputy Commissioner
CDC	=	Chief Deputy Commissioner
CFO	=	Chief Financial Officer

2. Purpose of Delegations/Assignments to Regional Offices and Management Areas

The delegation/assignment of the mentioned powers is aimed to promote efficiency in the following manner:

- 2.1 Promotion of management independence and fostering of a sense of responsibility and accountability;
- 2.2 Duties can be executed on the lowest effective level and therefore eliminate time-consuming handling of cases;
- 2.3 Training and development of personnel on all levels.

3. Knowledge of Directives

It is important that the matter, which is delegated, is exercised according to the relevant conditions in order to fulfil the aim of the delegation thereof. It implies that those assigned with these matters, should be familiar with the stipulations of the concerned manuals and authorisations as well as with any other precautions and directives that refer to it.

4. Specific Conditions

- 4.1 When exercising a power, the delegated person must print or stamp his/her initials, surname and post designation beneath his/her signature.
- 4.2 The delegation levels refer to normal DCS post designations. Use the comparative table on page 4 to determine the equivalent financial post designations when the provision column on the different pages is marked in the following way:
  - Use Financial Post Designations.
- 4.3 Where there is a reference to all "Officials" the personnel of the Minister and Inspecting Judge are included.

5. Distinguish between delegated powers [section 44 (1) (a)] and assigned duties [section 44 (1) (b)]

5.1 The document is divided in the following two parts to distinguish as indicated:

- Part 1: Delegated powers
- Part 2: Assigned duties

5.2 Some duties are assigned to “supervisors”. Any official who observes and directs the work of another official is a supervisor.

6. Office of the Minister

6.1 The DC Ministerial Services will function as Loss Control Officer in accordance with departmental procedures.

6.2 The DC Ministerial Services will function as Activity Manager in accordance with departmental procedures.

7. Office of the Inspecting Judge

7.1 The Director of the Office will function as Loss Control Officer in accordance with departmental procedures.

7.2 The Director of the Office will function as Activity Manager in accordance with departmental procedures.

Financial Post Designation	DCS Post Designations:		
	Head Office	Regional Office	Management Areas
Accounting Officer	Commissioner in person	None	None
Chief Financial Officer	Chief Financial Officer	Head Finance	Area Coordinator Finance
Loss Control Officer	CFO for Department/ / OH Office Services.	Head Finance	Area Coordinator Finance
Programme Managers	Different Chief Deputy Commissioners	None	None
Sub-programme Managers	Different Chief Deputy Commissioners or Deputy Commissioners	None	None
Activity Managers	Different Directors	Third level managers	None
Budget Controller	Director Management Accounting	None	None
Programme Controllers	None	Regional Heads	<i>Second level managers: Only applies where different responsibilities were not created ***</i>
System Controller	Assistant Director Systems Control	None	None
Responsibility Managers	Different Directors, Deputy Commissioners and Chief Deputy Commissioners with individual responsibilities in respect of Head Office	Regional Commissioner in person: <i>Responsibility Level 1: For the Region.</i> Responsibility Level 2: For the regional office	<i>Area Commissioner: Responsibility Level 2; and Second level managers: Responsibility Level 3. Only applicable where individual responsibilities were created ***</i>
Activity Controller	Official in control of an activity with regard to Head Office	Official in control of an activity, only with regard to the Regional Office	Official in control of an activity, only with regard to the Management Area. (Third Level Managers where possible)
Responsibility Controller	Official in control of an responsibility where the activity is divided between different responsibilities in respect of Head Office: Responsibility Level 3,4 or 5	None	Official in control of an responsibility where the activity is divided between different sections/ workshops: Responsibility Level 4

Chief User	Official appointed in writing by the relevant CDC, DC or Director	Official appointed in writing by the Regional Head Finance	Official appointed in writing by the Head: Area Coordinator Finance
Chief User Clerk	Official appointed in writing by the relevant Chief User	Official appointed in writing by the relevant Chief User	Official appointed in writing by the relevant Chief User

**Part 1: Delegated Powers**

**[Section 44 (1) (a)]**

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>	<u>NOTES</u>
38 (1) (a) (ii)	Ensure that the Department has and maintains a system of internal audit under the control and direction of an audit committee complying with and operating in accordance with regulations and instructions prescribed in terms of sections 76 and 77.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir.Internal Audit	
38 (1) (a) (iii)	Ensure that the Department has and maintains an appropriate procurement and provisioning system, which is fair, equitable, transparent, competitive and cost-effective.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ DC Supply Chain Management	
38 (1) (a) (iv)	Ensure that the Department has and maintains a system for proper evaluation of all major capital projects prior to a final decision on the project.	<u>Management Area Level:</u> ❖ None	

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>	<u>NOTES</u>
		<u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Facilities Planning	
38 (1) (i)	Ensure that when transferring funds in terms of the annual Division of Revenue Act that the provisions of that Act are complied with.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Management Accounting	
38 (1) (j)	Obtain a prior written assurance, <i>before transferring any funds (other than grants in terms of the annual Division of Revenue Act or to a constitutional institution) to an entity within or outside government</i> , from the entity to whom funds are transferred, that the entity implements effective, efficient and transparent financial management and internal control systems, <i>or, if such written assurance is not or cannot be given, render the transfer of the funds subject to conditions and remedial measures requiring the entity to establish and implement effective, efficient and transparent financial management and internal control systems;</i>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Management Accounting	
38 (1) (k)	Enforce compliance with any prescribed conditions if the Department, trading entity or constitutional institution gives financial assistance to <u>any entity</u> or person;	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None	Dir. Management Accounting must facilitate the process

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>	<u>NOTES</u>
		<u>Head Office Level:</u> ♦ CFO	
38 (1) (l)	Take into account all relevant financial considerations; including issues of propriety, regularity and value for money, when policy proposals affecting the accounting officer's responsibilities are considered, and when necessary, bring those conditions to the attention of the responsible executive authority.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ CFO	
38 (1) (m)	Promptly consult and seek the prior written consent of the National Treasury on any new entity which the Department intends to establish or in the establishment of which it took the initiative.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Management Accounting	
39 (2) (b)	Report to the executive authority and the relevant treasury any impending:  (i) under collection of revenue due;  (ii) shortfalls in budgeted revenue; and  (iii) overspending of the Department's vote or a main division within the vote.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ CFO	
40 (1) (f)	Submit all reports, returns, notices and other information to Parliament, an executive authority, the relevant treasury or the Auditor-General, as may be required by this Act.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None	

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>	<u>NOTES</u>
		<u>Head Office Level:</u> <b>Chief Financial Officer</b>	
40 (4) (a)	Each year before the beginning of a financial year, provide the Treasury in the prescribed format with a breakdown per month of the anticipated revenue and expenditure of the Department for the financial year under review.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Management Accounting	
40 (4) (b)	Each month <i>submit</i> information in the prescribed format on actual revenue and expenditure for the preceding month and the amounts anticipated for that month in terms of 40 (4) (a).	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Management Accounting	
40 (4) (c)	Within 15 days of the end of each month submit to the relevant treasury and the executive authority responsible for the Department:  (i) information for that month;  (ii) a projection of expected expenditure and revenue collection for the remainder of the current financial year; and  (iii) when necessary, an explanation of any material variances and a summary of the steps that are taken to ensure that the projected expenditure and revenue remain within budget.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Management	

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>	<u>NOTES</u>
41	Submit to Treasury or Auditor-General, such information, returns, documents, explanations and motivations as may be prescribed or required.	Accounting <u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> CFO	
42 (1) (a)	Draw up an inventory of the assets and liabilities that are transferred to another Department.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Logistics (Moveable assets)  ♦ Dir. : Building and Maintenance (Immovable assets)	
42 (1) (b)	Provide the accounting officer for the receiving Department with substantiating records, including personnel records of staff to be transferred.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u>  <u>Logistical Records</u>	

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>	<u>NOTES</u>
		<ul style="list-style-type: none"> <li>◆ Dir. Logistics (Movable assets)</li> <li>◆ Dir. Building and Maintenance (Immovable assets)</li> </ul> <p><u>Personnel Records</u></p> <ul style="list-style-type: none"> <li>◆ Dir. Human Resource Administration and Utilisation</li> </ul>	
42 (2)	Sign the inventory when assets and liabilities are transferred and ensure that the accounting officer or delegate of the receiving Department signs the inventory.	<p><u>Management Area Level:</u></p> <ul style="list-style-type: none"> <li>❖ None</li> </ul> <p><u>Regional Level:</u></p> <p>None</p> <p><u>Head Office Level:</u></p> <ul style="list-style-type: none"> <li>◆ CFO (DC Supply Chain Management should facilitate the process).</li> </ul>	DC Supply Chain must facilitate the process
42 (3)	File a copy of the signed inventory with the relevant treasury and the Auditor-General within 14 days of the transfer.	<p><u>Management Area Level:</u></p> <ul style="list-style-type: none"> <li>❖ None</li> </ul> <p><u>Regional Level:</u></p> <p>None</p> <p><u>Head Office Level:</u></p> <ul style="list-style-type: none"> <li>◆ Dir. Logistics (Movable assets)</li> <li>◆ Dir. Building and Maintenance (Immovable assets)</li> </ul>	

## Part 2: Assigned Duties

### Section 44 (1) (a)]

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION	NOTES
38 (1) (c) (i)	Take effective and appropriate steps to collect all money due to the Department.	<u>Management Area Level:</u> ❖ All Supervisors  <u>Regional Level:</u> All Supervisors  <u>Head Office Level:</u> ♦ All Supervisors	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy
38 (1) (c) (iii)	Take effective and appropriate steps to manage available working capital efficiently and economically.  * Use Financial Post Designations.	<u>Management Area Level:</u> ❖ All Supervisors  <u>Regional Level:</u> All Supervisors  <u>Head Office Level:</u> ♦ All Supervisors	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy
38 (1) (e)	Comply with any tax, levy, duty, pension and audit commitments as may be required by legislation.	<u>Management Area Level:</u> ❖ All Supervisors  <u>Regional Level:</u> All Supervisors	The duty must be executed within the area of responsibility of the different officials in accordance with

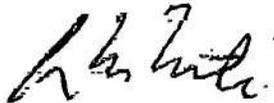
STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION	NOTES
		<u>Head Office Level:</u> ♦ All Supervisors	Departmental Policy
38 (1) (f)	Ensure that all contractual obligations are settled and payments of all money owed, including intergovernmental claims, are made within the prescribed or agreed period.	<u>Management Area Level:</u> ❖ All Supervisors  <u>Regional Level:</u> All Supervisors  <u>Head Office Level:</u> ♦ All Supervisors	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy
38 (1) (g)	Report immediately, in writing, the discovery of any unauthorised, irregular or fruitless and wasteful expenditure in accordance with Departmental procedures, to the relevant treasury and in the case of irregular expenditure involving the procurement of goods or services, also to the relevant tender board.	<u>Management Area Level:</u> ❖ All Officials: <i>Report to the next level of authority</i>  <u>Regional Level:</u> All Officials: <i>Report to the next level of authority</i>  <u>Head Office Level:</u> ♦ All Officials: <i>Report to the next level of authority</i> ♦ CFO ( <i>Report to Treasury</i> )	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy
38 (1) (h)	Take effective and appropriated disciplinary steps, in accordance with Departmental procedures, against any official in the service of the Department who: <ul style="list-style-type: none"> <li>(i) contravenes or fails to comply with a provision of this Act;</li> <li>(ii) commits an act which undermines the financial management and internal control system of the Department; or</li> <li>(iii) makes or permits an unauthorised expenditure, irregular expenditure or fruitless and wasteful expenditure.</li> </ul> NB: Report all disciplinary actions in accordance with	<u>Management Area Level:</u> ❖ All Supervisors  <u>Regional Level:</u> All Supervisors  <u>Head Office Level:</u> ♦ All Supervisors	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION	NOTES
	Departmental procedures to the next level of management. All cases will be reported to treasury and the Auditor-General in accordance with TR 4.3		
38 (1) (n)	<ul style="list-style-type: none"> <li>Comply with the provisions of this act.</li> </ul>	<u>Management Area Level:</u> ❖ All Officials  <u>Regional Level:</u> All Officials  <u>Head Office Level:</u> ♦ All Officials	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy
	<ul style="list-style-type: none"> <li>Ensure compliance by all officials of the Department, with the provisions of this act.</li> </ul>	<u>Management Area Level:</u> ❖ All Supervisors  <u>Regional Level:</u> All Supervisors  <u>Head Office Level:</u> ♦ All Supervisors	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy
39 (1) (a) and (b)	(a) Ensure that expenditure of the Department is in accordance with allocated funds and in accordance with the Activity Delimitation, and (b) ensure that effective and appropriate steps are taken to prevent unauthorised expenditure.  * Use Financial Post Designations.	<u>Management Area Level:</u> ❖ All Supervisors  <u>Regional Level:</u> All Supervisors  <u>Head Office Level:</u> ♦ All Supervisors	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy
39 (2) (a)	Take effective and appropriate steps to prevent any overspending of allocated funds.  * Use Financial Post Designations.	<u>Management Area Level:</u> ❖ All Supervisors  <u>Regional Level:</u> All Supervisors  <u>Head Office Level:</u> ♦ All Supervisors	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy
39 (2) (c)	Comply with any remedial measures imposed by the	<u>Management Area Level:</u>	The duty must be executed

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION	NOTES
	relevant treasury in terms of this Act to prevent overspending of the vote or a main division within the vote.	❖ All Officials <u>Regional Level:</u> All Officials <u>Head Office Level:</u> ♦ All Officials	within the area of responsibility of the different officials in accordance with Departmental Policy
40 (1) (a)	Keep full and proper records of financial affairs of the Department in accordance with any prescribed norms and standards.	<u>Management Area Level:</u> ❖ All Officials <u>Regional Level:</u> All Officials <u>Head Office Level:</u> ♦ All Officials	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental Policy
40 (1) (b)	Prepare financial statements for each financial year in accordance with generally recognised accounting practices (GRAP).	<u>Management Area Level:</u> ❖ None <u>Regional Level:</u> None <u>Head Office Level:</u> ♦ Dir. Financial Accounting	
	(a) Balance sheet.	<u>Head Office Level:</u> ♦ Dir. Financial Accounting	
	(b) An income statement.	<u>Head Office Level:</u> ♦ Dir. Financial Accounting	
	(c) Cash flow statement.	<u>Head Office Level:</u> ♦ Dir. Financial Accounting	

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION	NOTES
	(d) Notes to the annual financial statements.	<u>Head Office Level:</u> ♦ Dir. Financial Accounting	-All CDC 's according to their responsibility and submit it to the Dir. Financial Accounting  -All DC's according to their area of responsibility and submit it to ASD Accounts and Financial Statements  -All Directors and Deputy Directors according to their area of responsibility and submit it to Dir. Financial Accounting  -Dir. Financial Accounting consolidates in prescribed format.
40 (1) (c)	Submit financial statements ( <i>under the signature of the Accounting Officer</i> ) within two months after the end of the financial year to:  (i) The Auditor-General for auditing; and  (ii) The Treasury to enable to prepare consolidated financial statements.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Financial Accounting	
40 (1) (d)	Submit ( <i>under the signature of the Accounting Officer</i> ) within five months of the end of a financial year to the treasury and also to the executive authority responsible for the Department: (i) An annual report on the activities of the Department during that financial year; (ii) The annual financial statements for that financial year after they've been audited; (iii) The auditor-general's report on these	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Deputy Commissioner Communication Services	DC Financial and Management Accounting

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION	NOTES
	statements.	<ul style="list-style-type: none"> <li>◆ CFO will provide copies of the audited financial statements and the Auditor-General's report on these statements to the DC Communication Services</li> </ul>	
40 (5)	Promptly report ( <i>under the signature of the Accounting Officer</i> ) to the relevant executive authority and treasury the inability to comply with any of the responsibilities determined in this Act.	<u>Management Area Level:</u> <ul style="list-style-type: none"> <li>◆ None</li> </ul> <u>Regional Level:</u> None  <u>Head Office Level:</u> <ul style="list-style-type: none"> <li>◆ CFO (<i>Ensure that the matters are reported to the executive authority and treasury</i>)</li> </ul>	



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004

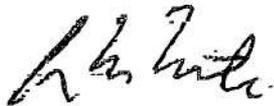
## TREASURY REGULATIONS

By virtue of the authority vested in me in terms of section 44 (1) (a) of the Public Finance Management Act, I Linda Morris Mti, Commissioner of Correctional Services hereby delegate or assign the powers and duties imposed on me in terms of the Public Finance Management Act (Act 1 of 1999 as amended with Act 29 of 1999), to the posts and in the manner as indicated below:

### Conditions and Directives by which Delegations can be exercised

#### 1. General Precautions

- 1.1 An authorized person who acts in a higher post, dispose of powers attached to that post (position) unless he/she is specifically excluded there from.
- 1.2 Any line functionary with a higher rank is also authorized to exercise the same power.
- 1.3 The delegation level indicated against each power is the lowest level by which the delegation can be exercised and can't be further delegated.
- 1.4 The post, to which a duty is assigned, is the lowest level of execution (either a do action or a managing action) of the task.
- 1.5 The exercising of delegated powers is at all times subject to the conditions set, as well as the stipulations of the Act and Regulations, the Departmental orders and any directives issued in this regard.
- 1.6 The delegation of powers and the assignment of duties as mentioned in this document, remain in force should a section of the Act be renumbered in terms of a amendment of the Act, precluding any amendments to the competency itself, and the numbering of the new section is considered to be the number of the relevant provision of the Act.
- 1.7 If an official has exercised a delegated power, a higher level official, [with the exception of the Accounting Officer, section 44 (3)] is not allowed to amend or change the decision.
- 1.8 "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)
- 1.9 "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- 1.10 "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

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1.11 "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).

1.12 The following abbreviations are used:

CO	=	Correctional Officer
SCO	=	Senior Correctional Officer
ASD	=	Assistant Director
DIR	=	Director
DC	=	Deputy Commissioner
CDC	=	Chief Deputy Commissioner
CFO	=	Chief Financial Officer

2. Purpose of Delegations/Assignments to Regional Offices and Management Areas

The delegation/assignment of the mentioned powers is aimed to promote efficiency in the following manner:

- 2.1 Promotion of management independence and fostering of a sense of responsibility and accountability;
- 2.2 Duties can be executed on the lowest effective level and therefore eliminate time-consuming handling of cases;
- 2.3 Training and development of personnel on all levels.

3. Knowledge of Directives

It is important that the matter, which is delegated, is exercised according to the relevant conditions in order to fulfil the aim of the delegation thereof. It implies that those assigned with these matters, should be familiar with the stipulations of the concerned manuals and authorisations as well as with any other precautions and directives that refer to it.

4. Specific Conditions

- 4.1 When exercising a power, the delegated person must print or stamp his/her initials, surname and post designation beneath his/her signature.

- 4.2 The delegation levels refer to normal DCS post designations. Use the comparative table on page 4 to determine the equivalent financial post designations when the provision column on the different pages is marked in the following way:
- Use Financial Post Designations.
- 4.3 Where there is a reference to all "Officials" the personnel of the Minister and Inspecting Judge are included.
5. Distinguish between delegated powers [section 44 (1) (a)] and assigned duties [section 44 (1) (b)]
- 5.1 The document is divided in the following two parts to distinguish as indicated:
- Part 1: Delegated powers
  - Part 2: Assigned duties
- 5.2 Some duties are assigned to "supervisors". Any official who observes and directs the work of another official is a supervisor.
6. Office of the Minister
- 6.1 The DC Ministerial Services will function as Loss Control Officer in accordance with departmental procedures.
- 6.2 The DC Ministerial Services will function as Activity Manager in accordance with departmental procedures.
7. Office of the Inspecting Judge
- 7.1 The Director of the Office will function as Loss Control Officer in accordance with departmental procedures.
- 7.2 The Director of the Office will function as Activity Manager in accordance with departmental procedures.

Financial Post Designation	DCS Post Designations:		
	Head Office	Regional Office	Management Areas
Accounting Officer	Commissioner in person	None	None
Chief Financial Officer	Chief Financial Officer	Head Finance	Area Coordinator Finance
Loss Control Officer	CFO for Department/ / OH Office Services.	Head Finance	Area Coordinator Finance
Programme Managers	Different Chief Deputy Commissioners	None	None
Sub-programme Managers	Different Chief Deputy Commissioners or Deputy Commissioners	None	None
Activity Managers	Different Directors	Third level managers	None
Budget Controller	Director Management Accounting	None	None
Programme Controllers	None	Regional Heads	<i>Second level managers: Only applies where different responsibilities were not created ***</i>
System Controller	Assistant Director Systems Control	None	None
Responsibility Managers	Different Directors, Deputy Commissioners and Chief Deputy Commissioners with individual responsibilities in respect of Head Office	Regional Commissioner in person: <i>Responsibility Level 1: For the Region.</i> Responsibility Level 2: For the regional office	<i>Area Commissioner: Responsibility Level 2; and Second level managers: Responsibility Level 3. Only applicable where individual responsibilities were created ***</i>
Activity Controller	Official in control of an activity with regard to Head Office	Official in control of an activity, only with regard to the Regional Office	Official in control of an activity, only with regard to the Management Area. (Third Level Managers where possible)

<b>Responsibility Controller</b>	Official in control of an responsibility where the activity is divided between different responsibilities in respect of Head Office: Responsibility Level 3,4 or 5	None	Official in control of an responsibility where the activity is divided between different sections/ workshops: Responsibility Level 4
<b>Chief User</b>	Official appointed in writing by the relevant CDC, DC or Director	Official appointed in writing by the Regional Head Finance	Official appointed in writing by the Head: Area Coordinator Finance
<b>Chief User Clerk</b>	Official appointed in writing by the relevant Chief User	Official appointed in writing by the relevant Chief User	Official appointed in writing by the relevant Chief User

**TREASURY REGULATIONS**

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<b>Part Two: Management Arrangements</b>  <b>Chapter Three: Internal Control</b>		
<b>3.1.2</b>	<b>The assigned official must appoint an audit committee in consultation with the executive authority.</b>  <i>Read with sections 38 (a)(ii) and 76 (4)(d) and 77 of the PFM Act</i>	None	<b>Accounting Officer is responsible for execution of this task.</b> May not be a political office bearer.

<u>TREASURARY REGULATIONS</u> T.R	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
3.1.12	<p>The assigned official must implement the recommendation of the audit committee.</p> <p><i>Read with sections 38 (a)(ii) and 76 (4)(d) and 77 of the PFM Act</i></p>	<p><u>Management Area Level:</u></p> <ul style="list-style-type: none"> <li>❖ Area Commissioner</li> </ul> <p><u>Regional Level:</u></p> <p>Regional Commissioner</p> <p><u>Head Office Level:</u></p> <ul style="list-style-type: none"> <li>♦ The responsible Chief Deputy Commissioner</li> </ul>	
3.2.1	<p>The assigned official must ensure that a risk assessment is conducted at least annually to identify emerging risks of the institution. A risk management strategy, which must include a fraud prevention plan, must be used to direct internal audit effort and priority, and to determine the skills required of managers and staff to improve controls and to manage these risks. The strategy must be clearly communicated to all officials to ensure that the risk management strategy is incorporated into the language and culture of the institution.</p> <p><i>Read with sections 38 (a)(i) and 76 (4)(e) of the PFM Act</i></p>	<p><u>Management Area Level:</u></p> <ul style="list-style-type: none"> <li>❖ Area Commissioner</li> </ul> <p><u>Regional Level:</u></p> <p>Regional Commissioner</p> <p><u>Head Office Level:</u></p> <ul style="list-style-type: none"> <li>♦ All Chief Deputy Commissioners</li> <li>♦ DC Executive Management</li> <li>♦ DC Ministry</li> <li>♦ Director Inspecting Judge</li> </ul>	Director Internal Audit needs to coordinate for the Department.
	<b>Part Two: Management Arrangements</b>		

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<b>Chapter Four: Financial Misconduct</b>		
4.1.1	<p>The assigned officials ensure that an investigation is conducted into the matter and if confirmed must ensure that, disciplinary hearing is held in accordance with the relevant prescripts if an official is alleged to have committed financial misconduct.</p> <p><i>Read with sections 38 (1)(h) and 85 (1)(b),(c) and (d) of the PFM Act</i></p>	<p><b>Management Area Level:</b></p> <ul style="list-style-type: none"> <li>❖ Area Commissioner</li> <li>❖ All second level Managers who reports to the Area Commissioner</li> <li>❖ All third level Managers who reports to the second level Managers</li> </ul> <p><b>Regional Level:</b></p> <p>Regional Commissioner Deputy Regional Commissioner All Heads All Managers who reports to second level Heads and Deputy Regional Commissioner</p> <p><b>Head Office Level:</b></p> <ul style="list-style-type: none"> <li>◆ Offices of the Minister: DC</li> </ul>	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental policy

<b>TREASURARY REGULATIONS T.R</b>	<b><u>AUTHORITY DELEGATED OR ASSIGNED</u></b>	<b><u>LEVEL OF EXECUTION</u></b>	<b><u>NOTES</u></b>
		<b>Ministerial Services</b> ♦ <b>Offices of the Inspecting Judge: Secretary of Judicial Inspectorate</b> ♦ <b>All Chief Deputy Commissioners</b> ♦ <b>All Deputy Commissioners</b> ♦ <b>All Directors</b> ♦ <b>Heads of Training Colleges</b>	
4.1.2	<p>The assigned official must ensure that the investigations regarding financial misconduct is instituted within 30 days from the date of discovery.</p> <p><i>Read with sections 38 (1)(h) and 85 (1)(b),(c) and (d) of the PFM Act</i></p>	<u>Management Area Level:</u> ❖ <b>Area Commissioner</b> ❖ <b>All second level Managers who reports to the Area Commissioner</b> ❖ <b>All third level Managers who reports to the second level Managers</b>  <u>Regional Level:</u> <b>Regional Commissioner Deputy Regional Commissioner</b>	<p>The duty must be executed within the area of responsibility of the different officials in accordance with Departmental policy</p>

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<p><b>All Heads All Managers who reports to second level Heads and Deputy Regional Commissioner</b></p> <p><b>Head Office Level:</b></p> <ul style="list-style-type: none"> <li>♦ Offices of the Minister: DC Ministerial Services</li> <li>♦ Offices of the Inspecting Judge: Secretary of Judicial Inspectorate</li> <li>♦ All Chief Deputy Commissioners</li> <li>♦ All Deputy Commissioners</li> <li>♦ All Directors</li> <li>♦ Heads of Training Colleges</li> </ul>	
4.2.1	<p>The assigned official must advise the executive authority, relevant treasury and the Auditor-General of any criminal charges laid against any person in terms of section 86 of the Act.</p> <p><i>Read with sections 86 of the PFM Act</i></p>	<p><b>Management Area Level:</b></p> <ul style="list-style-type: none"> <li>❖ None</li> </ul> <p><b>Regional Level:</b></p> <p>None</p> <p><b>Head Office Level:</b></p> <ul style="list-style-type: none"> <li>♦ Chief Financial</li> </ul>	<p>All levels need to report all criminal charges in accordance with departmental procedures to the next level of management up to the level of</p>

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		Officer	Director Labour Relations, who should compile a co-ordinated document for signature of Chief Financial Officer.
4.3.1	<p>□ As soon as the disciplinary proceedings are completed, the assigned official must report to the executive authority (Minister of DCS), the Department of Public Service and Administration and the Public Service Commission on the outcome.</p> <p>• See the Treasury Regulation for more detail.</p> <p><i>Read with sections 85 (1)(a) and (e) of the PFM Act</i></p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p> <p><b>Head Office Level:</b> ♦ Chief Financial Officer</p>	All levels need to report all criminal charges in accordance with departmental procedures to the next level of management up to the level of Director Labour Relations, who should compile a co-ordinated document for signature of Chief Financial Officer.
4.3.3	<p>On an annual basis, the assigned official must <i>submit</i> to the National Treasury and Auditor-General a schedule of—</p> <p>(a) the outcome of any disciplinary proceedings and/or criminal charges;</p> <p>(b) the name and rank of officials involved; and</p> <p>(c) the sanctions and any further action taken against these official.</p> <p>Such a report must refer to any changes to the institution's systems of financial and risk management or any other matter dealt with in the Act, as a result of the</p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p> <p><b>Head Office Level:</b></p>	Director Human Resource Administration and Utilization should compile a consolidated document for signature of Chief

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<p>investigation.</p> <p><i>Read with sections 85 (1)(a) and (e) of the PFM Act</i></p>	<p>♦ Chief Financial Officer</p>	<p>Financial Officer.</p>
	<p><b>Part Three: Planning and Budgeting</b></p> <p><b>Chapter Five: Strategic Planning</b></p>		
<p>5.1.1</p>	<p>The assigned official must prepare a strategic plan for the Medium Term Expenditure Framework period commencing 1 April 2002 for approval by the Minister Correctional Services.</p> <p><i>Submit to Minister of DCS under Signature of the Accounting Officer.</i></p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p> <p><b>Head Office Level:</b> ♦ Director Strategic Planning, Management and Monitoring</p>	<p>All the CDC's must be on route CDC Corporate Services must ensure that the Minister submits it to Parliament</p>
<p>□ 5.3.1</p>	<p>The assigned official must establish procedures for quarterly reporting to the executive authority to facilitate effective performance monitoring, evaluation and corrective action.</p> <p><i>Read with sections 27 (4) and 36 (5) of the PFM Act</i></p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p> <p><b>Head Office Level:</b> ♦ CDC Management</p>	<p>Director Corporate Planning should coordinate the process.</p>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		Services	
	<b>Part Three: Planning and Budgeting</b> <b>Chapter Six: Budgeting and Related Matters</b>		
6.1.1	The assigned official must comply with any annual budget circulars issued by the National Treasury.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Director Management Accounting	Heads of Finances on regional level and Area Coordinator Finance should assist on the different levels.
6.1.3	The assigned official of a budget vote must ensure that the budget submission for that vote includes appropriate supporting information in respect of constitutional institutions and public entities receiving transfer payments on that vote.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Director Management Accounting	Whenever the need arises.
6.5.3	Before seeking formal approval from the Minister of Public Service and Administration for any transfer of functions to another sphere of government, the	<u>Management Area Level:</u>	In the case of assets the

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<p>assigned official of the transferring Department must first seek the approval of the National Treasury on any funding arrangements.</p> <p><i>Read with sections 42 of the PFM Act</i></p>	<p>❖ None</p> <p><b>Regional Level:</b> None</p> <p><b>Head Office Level:</b> ♦ Chief Financial Officer</p>	<p>Director Logistics and in the case of funds transfers the Director Management Accounting should support the Chief Financial Officer.</p>
	<p><b>Part Four: Revenue and Expenditure Management</b></p> <p><b>Chapter Seven: Revenue Management</b></p>		

<b>TREASURARY REGULATIONS</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
<p><b>T.R</b> 7.2.1</p>	<p>The assigned officials must manage revenue efficiently and effectively by developing and implementing appropriate processes that provide for the identification, collection, recording, reconciliation and safeguarding of information about revenue.</p>	<p><b>Management Area Level:</b>                      ❖ Area Coordinator Finance</p> <p><b>Regional Level:</b>                      Regional Head Finance</p> <p><b>Head Office Level:</b></p> <p><b>Finance</b>                      ♦ Director Financial Accounting</p> <p><b>Persal</b>                      ♦ Director Human Resources Administration &amp; Utilisation</p> <p><b>Prisoner Labour</b>                      Director Correction Administration</p> <p><b>Workshops Industries</b>                      ♦ Director Production Workshop and Agriculture</p>	<p>Head Office develops National Policy.</p>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<b>Logistics</b> ♦ Director Logistics	

<u>TREASURARY REGULATIONS</u> <u>T.R</u>	AUTHORITY DELEGATED OR ASSIGNED	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
7.3.1	<ul style="list-style-type: none"> <li>• No structural changes</li> </ul> <p>Accounting officer review, at least annually when finalising the budget, all fees, charges or the rates, scales or tariffs of fees and charges that are not or cannot be fixed by law and that relate to revenue accruing to revenue fund.</p> <p>a) Structured changes</p> <p>□ The assigned official must obtain approval from National Treasury for the proposed structured changes.</p> <p>NB: See also the delegation of Treasury Regulation 10.2.4</p>	None	DC Financial & Management Accounting is responsible to coordinate the new tariffs.
	<p><u>Part Four: Revenue and Expenditure Management</u></p> <p><u>Chapter Eight: Expenditure Management</u></p>		
8.1.1	<p>The assigned official must ensure that internal procedures and internal control measures are in place for payment, approval and processing.</p> <p><i>Read with sections 76 (4)(b) of the PFM Act</i></p>	<p><u>Management Area Level:</u></p> <ul style="list-style-type: none"> <li>❖ None</li> </ul> <p><u>Regional Level:</u></p> <p>None</p> <p><u>Head Office Level:</u></p> <ul style="list-style-type: none"> <li>♦ Director Financial Accounting (General tariffs)</li> <li>♦ Director Production Workshop and Agriculture (Production tariffs)</li> </ul>	DC Financial & Management Accounting and DC Supply Chain

<b>TREASURARY REGULATIONS</b> <b>T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<b>Regional Level:</b> — None  <b>Head Office Level:</b> ♦ Chief Financial Officer	<b>Management should assist.</b>
8.2.1	<p>An official of an institution may not spend or commit public money except with the approval (either in writing or by duly authorised electronic means) of the delegated official.</p> <p><i>Read with sections 38 (1)(f) and 76 (4)(b) of the PFM Act</i></p>	<b>Management Area Level:</b> ❖ Area Commissioner ❖ All second level Managers who reports to the Area Commissioner ❖ All third level Managers who reports to the second level Managers  <b>Regional Level:</b> Regional Commissioner Deputy Regional Commissioner All Heads All Managers who reports to second level Heads and Deputy Regional Commissioner	<b>The duty must be executed within the area of responsibility of the different officials</b>

<b>TREASURY REGULATIONS I.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<u>Head Office Level:</u> <ul style="list-style-type: none"> <li>◆ Offices of the Minister: DC Ministerial Services</li> <li>◆ Offices of the Inspecting Judge: Secretary of Judicial Inspectorate</li> <li>◆ All Chief Deputy Commissioners</li> <li>◆ All Deputy Commissioners</li> <li>◆ All Directors</li> <li>◆ DD Auxiliary Services</li> <li>◆ Heads of Training Colleges</li> </ul>	
8.3.2	<p>The assigned official must ensure that the personnel cost of all appointees, as well as promotion and salary increases can be met within the budgetary allocation of the department.</p> <p><i>Read with sections 76 (4)(b) of the PFM Act</i></p>	<u>Management Area Level:</u> <ul style="list-style-type: none"> <li>❖ None</li> </ul> <u>Regional Level:</u> <p>None</p> <u>Head Office Level:</u> <ul style="list-style-type: none"> <li>◆ CDC Corporate Services</li> </ul>	<p>Director Human Resource Administration and Utilization need to coordinate this function</p>
□ 8.3.5	<p>The Accounting Officer must ensure that all pay-point certificates have been received on a monthly basis by the CFO. (Within ten (10) days of being certified).</p>	None	<p>Coordination should take place</p>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<ul style="list-style-type: none"> <li>• Reporting to the CFO should be done through the current procedure manual.</li> </ul> <p><i>Read with sections 76 (4)(b) of the PFM Act</i></p>		<p>by the Area Commissioner for Management Area level, Regional Commissioner for region and DC Human Resource Management should provide a consolidated certificate to the CFO</p>
8.4.1	<p>The assigned official must maintain appropriate measures that grants and other transfer payments are applied for their intended purpose.</p> <ul style="list-style-type: none"> <li>(a) Regular reporting procedures</li> <li>(b) Internal and external audit requirements and where appropriate, submission of audited statements;</li> <li>(c) Regular monitoring procedures</li> <li>(d) Scheduled or unscheduled inspection visits or reviews of performance; and</li> <li>(e) Any other control measure deemed necessary.</li> </ul> <p><i>Read with sections 38 (1)(i) and (j) of the PFM Act</i></p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p> <p><b>Head Office Level:</b> Dir. Management Accounting</p>	<p>Director Management Accounting needs to coordinate</p>
8.4.2	<p>The assigned official may withhold a transfer payment or grant, other than division of revenue grant, if he or she is satisfied that:</p> <ul style="list-style-type: none"> <li>• Conditions attached to the transfer or grant have not been complied with;</li> <li>• Financial assistance is no longer required;</li> <li>• The agreed objectives have not been attained; and</li> <li>• The transfer payment or grant does not provide value for money in relation to its purpose or objectives.</li> </ul> <p><i>Read with sections 38 (1)(i) and (j) of the PFM Act</i></p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p> <p><b>Head Office Level:</b> ♦ Dir Management</p>	<p>Director Management Accounting should coordinate</p>

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		Accounting	
	<p><b>Part Four: Revenue and Expenditure Management</b></p> <p><b>Chapter Nine: Unauthorised, Irregular, Fruitless and Wasteful Expenditure</b></p>		
9.1.1	<ul style="list-style-type: none"> <li>▪ The assigned officials must exercise all reasonable care to prevent and detect unauthorised, irregular, fruitless and wasteful expenditure.</li> </ul> <p><i>Read with sections 45(c) of the PFM Act</i></p>	<p><b>Management Area Level:</b></p> <ul style="list-style-type: none"> <li>❖ All officials</li> </ul> <p><b>Regional Level:</b></p> <p>All officials</p> <p><b>Head Office Level:</b></p> <ul style="list-style-type: none"> <li>♦ All officials</li> </ul>	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental policy
□	<ul style="list-style-type: none"> <li>▪ The assigned official must implement, for the purpose to prevent and detect unauthorised, irregular, fruitless and wasteful expenditure the following:             <ul style="list-style-type: none"> <li>▪ effective, efficient and transparent processes of financial and risk management.</li> </ul> </li> </ul> <p><i>Read with sections 38 (1)(g) and (h) and 76 (2)(e) of the PFM Act</i></p>	<p><b>Management Area Level:</b></p> <ul style="list-style-type: none"> <li>❖ Area Commissioner</li> <li>❖ All second level Managers who reports to the Area Commissioner</li> <li>❖ All third level Managers who reports to the second level Managers</li> </ul> <p><b>Regional Level:</b></p>	

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<p><b>Regional Commissioner Deputy Regional Commissioner All Heads All Managers who reports to second level Heads and Deputy Regional Commissioner</b></p> <p><b><u>Head Office Level:</u></b></p> <ul style="list-style-type: none"> <li>♦ <b>Offices of the Minister: DC Ministerial Services</b></li> <li>♦ <b>Offices of the Inspecting Judge: Secretary of Judicial Inspectorate</b></li> <li>♦ <b>All Chief Deputy Commissioners</b></li> <li>♦ <b>All Deputy Commissioners</b></li> <li>♦ <b>All Directors</b></li> <li>♦ <b>DD Auxiliary Services</b></li> <li>♦ <b>Heads of Training Colleges</b></li> </ul>	

<b>TREASURARY REGULATIONS</b> <b>T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
9.1.2	<p>Assigned official must immediately report:</p> <ul style="list-style-type: none"> <li>• Unauthorised, irregular or fruitless and wasteful expenditure discovered.</li> <li>• Such expenditure must also be reported in the monthly report, as required by section 40(4)(b) of the Act.</li> <li>• Irregular expenditure incurred by a department in contravention of tender procedures must also be brought to the notice of the relevant tender board or procurement authority, whichever applicable.</li> </ul>	<p><b>Management Area Level:</b></p> <ul style="list-style-type: none"> <li>❖ All officials</li> </ul> <p><b>Regional Level:</b></p> <p>All officials</p> <p><b>Head Office Level:</b></p> <ul style="list-style-type: none"> <li>♦ All officials</li> </ul>	
9.1.3	<p>The assigned officials take the following into account when determining the appropriateness of disciplinary steps against an official in terms of section 38(1)(g) of the Act:</p> <p>(a) the circumstances of the transgression;</p> <p>(b) the extent of the expenditure involved; and</p> <p>(c) the nature and seriousness of the transgression.</p> <p><i>Read with sections 38 (1)(g) and (h) and 76 (2)(e) of the PFM Act.</i></p> <p><b>NB: See also the delegation of Treasury Regulation 4.1.1</b></p>	<p><b>Management Area Level:</b></p> <ul style="list-style-type: none"> <li>❖ Area Commissioner</li> <li>❖ All second level Managers who reports to the Area Commissioner</li> <li>❖ All third level Managers who reports to the second level Managers</li> </ul> <p><b>Regional Level:</b></p> <p>Regional Commissioner</p>	<p>The duty must be executed within the area of responsibility of the different officials in accordance with Departmental policy</p>

<b>TREASURARY REGULATIONS T.R</b>	<b><u>AUTHORITY DELEGATED OR ASSIGNED</u></b>	<b><u>LEVEL OF EXECUTION</u></b>	<b><u>NOTES</u></b>
		<p><b>Deputy Regional Commissioner All Heads All Managers who reports to second level Heads and Deputy Regional Commissioner</b></p> <p><b><u>Head Office Level:</u></b></p> <ul style="list-style-type: none"> <li>♦ <b>Offices of the Minister: DC Ministerial Services</b></li> <li>♦ <b>Offices of the Inspecting Judge: Secretary of Judicial Inspectorate</b></li> <li>♦ <b>All Chief Deputy Commissioners</b></li> <li>♦ <b>All Deputy Commissioners</b></li> <li>♦ <b>All Directors</b></li> <li>♦ <b>Heads of Training Colleges</b></li> </ul>	
10.1.1	<p><b>The assigned officials take full responsibility and ensure that proper control systems exist for assets and that-</b></p> <p><b>(a) preventative mechanisms are in place to eliminate theft, losses, wastage and misuse; and</b></p> <p><i>Read with sections 38 (1)(d) of the PFM Act</i></p>	<p><b><u>Management Area Level:</u></b></p> <ul style="list-style-type: none"> <li>❖ <b>Loss Control Officer</b></li> </ul> <p><b><u>Regional Level:</u></b></p>	<p><b>The duty must be executed within the area of responsibility of the different officials in</b></p>

<u>TREASURY REGULATIONS</u> <u>T.R</u>	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
		<b>Loss Control Officer</b>  <u>Head Office Level:</u> ♦ Loss Control Officer  <u>National Level:</u> ♦ Departmental Loss Control Officer	accordance with the FAP Manual and PAS Manual
	(b) stock levels are at an optimum and economical level.  <i>Read with sections 38 (1)(d) of the PFM Act</i>	<u>Management Area Level:</u> ❖ Area Coordinator Finance  <u>Regional Level:</u> Regional Head Finance  <u>Head Office Level:</u> ♦ DC Supply Chain Management	The duty must be executed within the area of responsibility of the different officials in accordance with the PAS Manual
	<p style="text-align: center;"><b>Part Five: Assets and Liabilities Management</b></p> <p style="text-align: center;"><b>Chapter Ten: Asset Management</b></p>		
10.1.2	The assigned official must ensure that processes (whether manual or electronic) and procedures are in place for the effective, efficient, economical and transparent use of the department's assets.  <i>Read with sections 38 (1)(d) of the PFM Act</i>	<u>Management Area Level:</u> ❖ Area Coordinator Finance	

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<b>Regional Level:</b> Regional Head Finance  <b>Head Office Level:</b> ♦ DC Supply Chain Management for movable assets ♦ DC Facilities & Security for immovable assets	
10.2.4	<ul style="list-style-type: none"> <li>• No Structured changes</li> </ul> Accounting officer review, at least annually when finalising the budget, all fees, charges, rates, tariffs or scales of fees or other charges relating to the letting of state property to ensure sound financial planning and management. <i>Read with sections 38 (1)(g) and (h) and 76 (2)(e) of the PFM Act.</i>	None	DC Financial & Management Accounting is responsible to coordinate the new tariffs.
	b) Structured changes <input type="checkbox"/> The assigned official must obtain approval from National Treasury for the proposed structured changes. <input type="checkbox"/> <b>NB: See also the delegation of Treasury Regulation 7.3.1</b>	<b>Management Area Level:</b> ❖ None  <b>Regional Level:</b> None  <b>Head Office Level:</b> ♦ Director Financial Accounting	DC Financial & Management Accounting is responsible to coordinate the new tariffs.  Handle in co-operation with relevant Directors,

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		(General tariffs) ♦ Director Production Workshops and Agriculture (Production tariffs)	especially Logistics as part of income tariffs.
	<b>Part Five: Assets and Liabilities Management</b>  <b>Chapter Eleven: Management of Debtors</b>		
11.2.1	<p>The assigned officials must take effective and appropriate steps to timeously collect all money due to the department including, as necessary:</p> <p>(a) Maintenance of proper accounts and records for all debtors, including amounts received in part payment.</p> <p>Read with sections 38 (1)(c)(i) and (d) of the PFM Act.</p>	<u>Management Area Level:</u> ❖ Area Commissioner ❖ All second level Managers who reports to the Area Commissioner ❖ All third level Managers who reports to the second level Managers  <u>Regional Level:</u> Regional	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental policy, which will determine where/ how/ what kind of record should be kept.

<u>TREASURARY REGULATIONS</u> T.R	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
		<p> <b>Commissioner</b>  <b>Deputy Regional Commissioner</b>  <b>All Heads</b>  <b>All Managers who reports to second level Heads and Deputy Regional Commissioner</b> </p> <p> <u>Head Office Level:</u> </p> <ul style="list-style-type: none"> <li>◆ <b>Offices of the Minister: DC Ministerial Services</b></li> <li>◆ <b>Offices of the Inspecting Judge: Secretary of Judicial Inspectorate</b></li> <li>◆ <b>All Chief Deputy Commissioners</b></li> <li>◆ <b>All Deputy Commissioners</b></li> <li>◆ <b>All Directors</b></li> </ul> <p> <b>Heads of Training Colleges</b> </p>	

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
11.2.1	<p>(b) Referral of a matter to State the Attorney where economical, to consider legal demand and possible legal proceedings in a court of law.</p> <p><i>Read with sections 38 (1) (c) (i) and (d) of the PFM Act.</i></p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> Coordinator Legal services</p> <p><b>Head Office Level:</b> ♦ Legal Administration Officer</p>	<p>Assigned officials at 11.2.1 (a) must refer cases that they can't solve themselves to the applicable Loss Control Officer.</p> <p><i>The Loss Control Officer will register and refer the matter to the relevant Legal Service Official as assigned here in 11.2.1 (b).</i></p> <p><u>The assigned Legal Service Official will negotiate with the State Attorney and report back in the same manner.</u></p> <p>Effective communication between the Loss Control Officers and the Legal Services officials are of utmost</p>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
			<p>importance to ensure timeous handling of all applicable cases.</p> <p>Contact with the State Attorney regarding legal matters should be handled through the Legal Offices</p>
<p>11.3.1 Read with 11.5.1 and Section 80 of the PFM Act</p>	<p>(a) The delegated officials approve instalments regarding debts owing to the State to a maximum of 12 months.</p>	<p><b>Management Area Level:</b> ❖ Area Commissioner</p> <p><b>Regional Level:</b> Regional Commissioner</p> <p><b>Head Office Level:</b> ♦ Dir Financial Accounting</p> <p><b>Office of the Minister:</b> ❖ DC Ministerial Services</p> <p><b>Office of the Inspecting Judge:</b> Secretary of Judicial</p>	<p>The duty must be executed within the area of responsibility of the different officials in accordance with the FAP Manual</p>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<b>Inspectorate</b>  <u>Training Colleges:</u> ♦ Heads of Training Colleges	
	(b) The delegated official approves instalments regarding debts owing to the State for more than 12 months.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> Chief Financial Officer	The duty must be executed within the area of responsibility of the different officials in accordance with the FAP Manual
11.4.1	The delegated officials write off debts owed to the State under certain conditions as specified in the regulations:		
	(a) Debts up to a maximum amount of R10 000 per case.  <i>Read with sections 76 (1)(e) and 76 (4)(a) of the PFM Act</i>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> ♦ Chief Financial	The duty must be executed within the area of responsibility of the different officials in accordance with the FAP Manual. The Coordinator Legal Services

<u>TREASURY REGULATIONS</u> <u>T.R</u>	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
		Officer	must provide written recommendation to the Regional Commissioner.
	(b) Debts more than R10 000 per case.  <i>Read with sections 76 (1)(e) and 76 (4)(a) of the PFM Act</i>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None □ <u>Head Office Level:</u> ♦ Chief Financial Officer	The duty must be executed within the area of responsibility of the different officials in accordance with the FAP Manual. Director Legal Services must provide written recommendations to the CFO.
11.4.2	The delegated officials mentioned in 11.4.1, must ensure that all debts written off are done in accordance with a write off policy determined by the delegated official.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> ♦ Chief Financial Officer	Debt write of policy to be developed by Head Office

<b>TREASURARY REGULATIONS I.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>				
	<b>Part Five: Assets and Liabilities Management</b>  <b>Chapter Twelve: Management of Losses and Claims</b>						
12.1	General						
12.1.2	<p>Notwithstanding paragraph 12.1.1 of the Treasury Regulation, (if deemed economical and based on a risk assessment) the delegated official may:</p> <ul style="list-style-type: none"> <li>◆ insures motor vehicles including hired vehicles or such other movable assets determined by the relevant treasury,</li> <li>◆ but the insurance premium cost may not exceed R250 000 a year on that vote,</li> <li>◆ unless otherwise approved by the relevant treasury.</li> </ul> <p><i>Read with sections 76 (1)(h) of the PFM Act</i></p> <p>12.2 Claims against the state through acts or omissions</p> <table border="1" data-bbox="421 896 1424 1040"> <tr> <td colspan="2" data-bbox="421 896 1424 926"><b>Very Important Information for the Management of Losses against the State</b></td> </tr> <tr> <td data-bbox="421 926 593 1040"><b>Accounting Officer's Instructions</b></td> <td data-bbox="593 926 1424 1040">A number of Accounting Officer's Instruction is included as items 35, 36, 37, 38, and 39. The full procedures will be included in either the FAP, Legal Services or PAS Manuals.</td> </tr> </table>	<b>Very Important Information for the Management of Losses against the State</b>		<b>Accounting Officer's Instructions</b>	A number of Accounting Officer's Instruction is included as items 35, 36, 37, 38, and 39. The full procedures will be included in either the FAP, Legal Services or PAS Manuals.	<p><b>Management Area Level:</b></p> <ul style="list-style-type: none"> <li>❖ None</li> </ul> <p><b>Regional Level:</b></p> <p>None</p> <p><b>Head Office Level:</b></p> <ul style="list-style-type: none"> <li>◆ Chief Financial Officer</li> </ul>	
<b>Very Important Information for the Management of Losses against the State</b>							
<b>Accounting Officer's Instructions</b>	A number of Accounting Officer's Instruction is included as items 35, 36, 37, 38, and 39. The full procedures will be included in either the FAP, Legal Services or PAS Manuals.						

<u>TREASURARY REGULATIONS</u> <u>I.R</u>	<u>AUTHORITY DELEGATED OR ASSIGNED</u>		<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
	Why is it included here?	A number of aspects are not covered in the current Treasury Regulation but need to be executed by specifically appointed officials. It is included in this document to give the user of this document a full picture when managing losses and claims.		
	The basis for the instruction	Treasury Regulation 12.2 forms the basis for this instruction.		
12.2.2 read with 12.2.1	<p>If in doubt, the assigned officials must consult with the State Attorney on questions of law regarding the implementation of paragraph 12.2.1 of the Treasury Regulation when there are claims against the state, against an official and against the state and an official which arose from an act or omission of an official with the objective to dispute the claim and / or to act on behalf of the defendant / co-defendant.</p> <p><i>Read with sections 76 (1)(h) of the PFM Act</i></p>		<p><u>Management Area Level:</u> ❖ None</p> <p><u>Regional Level:</u> Coordinator Legal Services</p> <p><u>Head Office Level:</u> ♦ Legal Administration Officer</p>	<p>Refer all cases to the applicable Loss Control Officer.</p> <p><i>The Loss Control Officer will register and refer the matter to the relevant Legal Service Official as assigned here in 12.2.2.</i></p> <p><u>The assigned Legal Service Official will negotiate with the State Attorney and report back in the same manner.</u></p>

<u>TREASURARY REGULATIONS</u> T.R	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
			Effective communication between the Loss Control Officers and the Legal Services officials are of utmost importance to ensure timeous handling of all applicable cases.  Contact with the State Attorney regarding legal matters should be handled through the Legal Offices
12.2.4	The assigned officials provide written approval to the State Attorney to: <ul style="list-style-type: none"> <li>• obligate funds of the department regarding:                             <ul style="list-style-type: none"> <li>• claims against the state,</li> <li>• claims against an official</li> <li>• claims against the state and an official</li> </ul> </li> <li>• which arose from an act or omission of an official.</li> </ul> <p><i>Read with sections 76 (1)(h) of the PFM Act</i></p>		
	(a) Amount up to and including R3 000 per settlement case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u>	Contact with the State Attorney regarding legal matters should be handled through

<u>TREASURARY REGULATIONS</u> <u>T.R</u>	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
		<b>Coordinator Legal Services</b>  <u>Head Office Level:</u> ♦ Senior Legal Administration Officer	the Legal Offices
	(b) Amount up to and including R5 000 per settlement case. □	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Regional Head Finance  <u>Head Office Level:</u> ♦ Director Legal Services	The Coordinator Legal Services must provide written recommendation to the Head Finance.
	(c) Amount up to and including R20 000 per settlement case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> ♦ DC Financial & Management Accounting (Only)	The Coordinator Legal Services must provide written recommendation to the Regional Commissioner.  The Director Legal Services must provide written recommendation

<u>TREASURARY REGULATIONS</u> T.R	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
		losses from Head Office)	to DC Financial & Management Accounting
	<input type="checkbox"/> (d) Amount up to and including R50 000 per settlement case. <input type="checkbox"/>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	The Director Legal Services must provide written recommendation to CFO
	(e) Amount exceeding R50 000 per settlement case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ None (Only Accounting Officer)	The Director Legal Services and the CFO must provide written recommendation to Accounting Officer
General Instruction in accordance with TR 12.2.3	<u>Claims against the State</u>  Where an official has forfeited his or her state cover in terms of paragraph 12.2.1, the amount paid for the loss, damage or claim (including legal cost) arising from an act or omission must be recovered from the official concerned.  Recover in accordance with TR 12.7.2, which will result in the institution of a Debt	This General instruction only serves as a link between TR 12.2.3 and other Treasury Regulations and no levels are allocated.	

<u>TREASURARY REGULATIONS</u> <u>T.R</u>	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
	<p><b>Account.</b></p> <ul style="list-style-type: none"> <li>• If it happen that the debt is irrecoverable because of a specific reason, the amount should be written off in accordance with TR 11.4.1.</li> <li>• <i>When an official who was instructed to compensate for a loss or a damage, produces new information for reconsidering as proof that the conditions in TR 12.2.1 were met, the matter should be handled in accordance with TR 12.7.3 and</i></li> <li>• the debt account should be cancelled.</li> </ul>		
	<p><b>12.3 CLAIMS BY THE STATE AGAINST OTHER PERSONS VERY IMPORTANT INFORMATION FOR THE MANAGEMENT OF LOSSES BY THE STATE</b></p> <p><u>Accounting Officer's Instructions</u> A number of Accounting Officer's Instruction is included as items 41 and 42. The full procedures will be included in either the FAP, Legal Services or PAS Manuals.</p> <p><u>Why is it included here?</u> A number of aspects are not covered in the current Treasury Regulation but need to be executed by specifically appointed officials. It is included in this document to give the user of this document a full picture when managing losses and claims.</p> <p><u>The basis for the instruction</u> Treasury Regulation 12.3 forms the basis for this instruction</p>		

<b>TREASURARY REGULATIONS</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
<b>T.R</b> <b>12.3.1</b>	<p>The assigned officials refer the matter to the State Attorney for legal action including the recovery of the value of the loss or damage, when the state suffers a loss or damage and the other person (<i>excluding officials</i>) denies liability, if deemed economical.</p> <ul style="list-style-type: none"> <li>• <b>Cases of Claims by the State and by an official and where the official desires the State Attorney to deal with his / her claim should also be addressed here</b></li> </ul>	<p><b>Management Area Level:</b>          ♦ None</p> <p><b>Regional Level:</b>          Coordinator Legal Services</p> <p><b>Head Office Level:</b>          ♦ Legal Administration Officer</p>	<p>Refer all cases to the applicable Loss Control Officer.</p> <p><i>The Loss Control Officer will register and refer the matter to the relevant Legal Service Official as assigned here in 12.3.1</i></p> <p><b><u>The assigned Legal Service Official will negotiate with the State Attorney and report back in the same manner.</u></b></p> <p>Effective communication between the Loss Control Officers and the Legal Services officials are of utmost importance to ensure timeous handling of all</p>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
			<p>applicable cases.</p> <p>Contact with the State Attorney regarding legal matters should be handled through the Legal Offices</p>
<p><b>General Instruction in addition to TR 12.3.1</b></p>	<p>The assigned official must make a decision on:</p> <ul style="list-style-type: none"> <li>• the acceptance of a settlement offer, and</li> <li>• if it is less than the actual claim (loss or damage amount) that the difference should be written off.</li> </ul>		<p>Necessary Administrative decision See Accounting Officer's instruction for full detail</p>
	<p>(a) Actual claim amount up to and including R20 000 per case.</p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> Regional Commissioner</p> <p><b>Head Office Level:</b> ♦ Chief Financial Officer</p>	<p>The Coordinator Legal Services must provide written recommendation to the Regional Commissioner.</p> <p>The Director Legal Services must provide written recommendation to CFO</p>

<u>TREASURY REGULATIONS</u> T.R	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
	(b) Actual claim amount exceeding R20 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ None (Only Accounting Officer)	The Director Legal Services and the CFO must provide written recommendations to Accounting Officer
	<p><b>12.4 CLAIMS BY OFFICIALS AGAINST THE STATE</b>  <b>VERY IMPORTANT INFORMATION FOR THE MANAGEMENT OF CLAIMS BY OFFICIALS AGAINST THE STATE</b></p> <p><u>Accounting Officer's Instructions</u>            A number of Accounting Officer's Instruction is included as items 44 and 45. The full procedures will be included in either the FAP, Legal Services or PAS Manuals.</p> <p><u>Why is it included here?</u>            A number of aspects are not covered in the current Treasury Regulation but need to be executed by specifically appointed officials. It is included in this document to give the user of this document a full picture when managing losses and claims.</p> <p><u>The basis for the instruction</u>            Treasury Regulation 12.4 forms the basis for this instruction.</p>		
12.4.1	If an official sustains a loss or damage in the execution of official duties and is not compensated, the assigned officials may make good the loss or damage provided that the official can prove such loss or damage.		Not referring to injury on duty

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	Amount up to and including R20 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> ♦ Chief Financial Officer	<i>The Coordinator Legal Services must provide written recommendation to the Regional Commissioner.</i>  <i>The Director Legal Services must provide written recommendation to CFO</i>
	(a) Amount exceeding R20 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ None (Only Accounting Officer)	<i>The Director Legal Services and the CFO must provide written recommendations to Accounting Officer</i>
<b>General Instruction in addition to TR 12.4.1</b>	<u>When the legal practitioners is in doubt,</u> <ul style="list-style-type: none"> <li>the assigned officials must consult with the State Attorney on questions of law and / or instruct the State Attorney to act on behalf of the department.</li> </ul> <i>In addition to TR 12.4.1</i>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Coordinator Legal Services	<b>See Accounting Officer's instruction for full detail</b>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<b>Head Office Level:</b> ♦ Legal Administration Officer	
<b>General Instruction in addition to TR 12.4.1</b>	The assigned officials provide written approval to the State Attorney to obligate funds of the department regarding: • claims by officials.  <i>Read with sections 76 (1)(h) of the PFM Act</i>		See Accounting Officer's instruction for full detail
	□ (a) Amount up to and including R20 000 per settlement case.	<b>Management Area Level:</b> ❖ None  <b>Regional Level:</b> None  <b>Head Office Level:</b> ♦ Chief Financial Officer	<i>The Coordinator Legal Services must provide written recommendation to the Regional Commissioner.</i>  <i>The Directorate Legal Services must provide written recommendation to DC Financial &amp; Management Accounting</i>
	(b) Amount exceeding R20 000 per settlement case.	<b>Management Area Level:</b> ❖ None  <b>Regional Level:</b> None	<i>The Directorate Legal Services must provide written recommendation to CFO</i>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<b>Head Office Level:</b> ♦ None (Only Accounting Officer)	<i>The Directorate Legal Services and the CFO must provide written recommendation to Accounting Officer</i>
<b>General Instruction in addition to TR12.4.1</b>	<b>When the claim is settled the assigned official gives approval to write off the amount in accordance with the State Attorney's recommendation.</b>		<b>See Accounting Officer's instruction for full detail</b>
	<b>(a) Amount up to and including R20 000 per settlement case.</b>	<b>Management Area Level:</b> ❖ None  <b>Regional Level:</b> None  <b>Head Office Level:</b> ♦ Chief Financial Officer	<i>The Coordinator Legal Services must provide written recommendation to the Regional Commissioner.</i>  <i>The Directorate Legal Services must provide written recommendation to DC Financial &amp; Management Accounting</i>
	<b>(b) Amount exceeding R20 000 per settlement case.</b>	<b>Management Area Level:</b> ❖ None  <b>Regional Level:</b> None	<i>The Directorate Legal Services must provide written recommendation to CFO</i>

<b><u>TREASURARY REGULATIONS</u></b> <b><u>T.R</u></b>	<b><u>AUTHORITY DELEGATED OR ASSIGNED</u></b>	<b><u>LEVEL OF EXECUTION</u></b>	<b><u>NOTES</u></b>
		<b><u>Head Office Level:</u></b> ♦ None (Only Accounting Officer)	<i>The Directorate Legal Services and the CFO must provide written recommendation to Accounting Officer</i>
<b>General Instruction in addition to TR12.4.1</b>	<b>When the claim is settled the assigned official gives approval to write off the amount in accordance with the State Attorney's recommendation.</b>	<b><u>Management Area Level:</u></b> ❖ None  <b><u>Regional Level:</u></b> None  <b><u>Head Office Level:</u></b> ♦ None (Only Accounting Officer)	

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<p><b>12.5 LOSSES OR DAMAGES THROUGH CRIMINAL ACTS OR OMISSIONS VERY IMPORTANT INFORMATION</b></p> <p><b><u>ACCOUNTING OFFICER'S INSTRUCTION</u></b> The following is an Accounting Officer's Instruction and the full procedures are included in the FAP and PAS Manuals.</p> <p><b><u>Why is it included here?</u></b> It is included in this document to give the full picture when managing losses and claims.</p> <p><b><u>The basis for the instruction</u></b> Treasury Regulation 12.5.2 Treasury Regulations 12.5 and 12.7 forms the basis for this instruction. The objective with Treasury Regulations 12.5 is to regulate the writing off of losses or damages arising from criminal acts or omissions, if after a thorough investigation, it is found that the loss or damage is irrecoverable.</p> <p><b><u>Treasury Regulation 12.7.3</u></b> The objective with TR 12.7.3 is to waive a claim against an official if the conditions of TR 12.2.1 (b) to (e) are met.</p> <p>See this as an appeal procedure. <b><u>Very Important</u></b></p> <ul style="list-style-type: none"> <li>▪ If a claim is waived it must still be written off in accordance with TR 12.5.2.</li> </ul>		
12.5.1	<ul style="list-style-type: none"> <li>▪ When it appears that the state has suffered losses or damages through criminal acts or possible criminal acts, the matter must be reported, in writing, to the assigned officials and the South African Police Service.</li> <li>▪ If liability can be determined, the assigned official must recover the value of the loss or damage from the person responsible.</li> </ul>	<p><b><u>Management Area Level:</u></b> ❖ Loss Control Officer</p> <p><b><u>Regional Level:</u></b> Loss Control Officer</p>	<p>The Loss Control Officer instructs an investigation. Route of the investigation report:</p> <ul style="list-style-type: none"> <li>▪ Investigator</li> <li>▪ Supervisor</li> </ul>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<p><i>Read with sections 76 (1)(f) of the PFM Act</i></p>	<p><b>Head Office Level:</b> ♦ Loss Control Officer</p>	<ul style="list-style-type: none"> <li>▪ Area Coordinator Finance</li> <li>▪ Provincial Head Finance</li> <li>▪ Applicable Loss Control Officer for a recommendation</li> </ul> <p>Applicable Legal Official who make a final recommendation to the assigned official as indicated in 12.5.2 who have to decide on <u>recovery or writing off</u></p>
<p>12.5.1 read with 12.7.1 and 12.7.2 and 12.7.3</p>	<p>Whether or not the person is still in the employ of the state, the assigned officials must recover the value of the loss or damage from the person responsible.</p> <ul style="list-style-type: none"> <li>▪ <i>Before the Loss Control Officer may recover the amount, the actions under "Notes" must be executed to determine if the official has forfeited the cover of 12.2.1.</i></li> </ul> <p>Recover in accordance with TR 12.7.2, which <u>may</u> result in the institution of a Debt Account.</p> <ul style="list-style-type: none"> <li>• If it happen that the debt is irrecoverable because of a specific reason, the amount should be written off in accordance with TR 11.4.1 if a Debt Account</li> </ul>	<p><b>Management Area Level:</b> ❖ Loss Control Officer</p> <p><b>Regional Level:</b> Loss Control Officer</p> <p><b>Head Office Level:</b> ♦ Loss Control Officer</p>	

<u>TREASURY REGULATIONS</u> <u>T.R</u>	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
	<p>was opened.</p> <ul style="list-style-type: none"> <li>• <i>When an official who was instructed to compensate for a loss or a damage, produces new information for reconsidering as proof that the conditions in TR 12.2.1 were met, the matter should be handled in accordance with TR 12.7.3 and</i></li> </ul> <p>the debt account should be cancelled if it was opened.</p>		
12.5.2	<p>The assigned officials may write off losses or damages arising from criminal acts or omissions if, after a thorough investigation, it is found that the loss or damage is irrecoverable.</p> <ul style="list-style-type: none"> <li>• Applicable on all inventory and equipment losses</li> <li>• Applicable on all financial losses where debt accounts were not instituted.</li> <li>•</li> </ul> <p><i>Read with sections 76 (1)(h) of the PFM Act</i></p>		<p>If the official has forfeited the cover of 12.2.1, the assigned official must instruct the Loss Control Officer to recover the value of the loss or the damage in accordance with the second part of 12.5.1 and 12.7</p>
	(a) Amount up to and including R20 000 per case.	<p><u>Management Area Level:</u> ❖ None</p> <p><u>Regional Level:</u> Regional Head Finance</p> <p><u>Head Office Level:</u> ♦ DC Financial &amp; Management Accounting (Only)</p>	<p>The Coordinator Legal Services must provide written recommendation to the Head Finance.</p> <p>The Directorate Legal Services must provide written</p>

<b>TREASURARY REGULATIONS T.R</b>	<b><u>AUTHORITY DELEGATED OR ASSIGNED</u></b>	<b><u>LEVEL OF EXECUTION</u></b>	<b><u>NOTES</u></b>
		<b>financial losses from Head Office)</b> ♦ <b>DC Supply Chain Management (Only logistical losses from Head Office)</b>	<b>recommendation to the two mentioned Deputy Commissioners</b>
	<b>(b) Amount up to and including R40 000 per case.</b>	<b><u>Management Area Level:</u></b> ❖ <b>None</b>  <b><u>Regional Level:</u></b> <b>Regional Commissioner</b>  <b><u>Head Office Level:</u></b> ♦ <b>Chief Financial Officer (Only losses from Head Office)</b>	<b>The Coordinator Legal Services must provide written recommendation to the Regional Commissioner.</b>  <b>The Directorate Legal Services must provide written recommendation to CFO</b>
12.5.2	<b>(c) Amount up to and including R50 000 per case.</b>	<b><u>Management Area Level:</u></b> ❖ <b>None</b>  <b><u>Regional Level:</u></b> <b>None</b>  <b><u>Head Office Level:</u></b> ♦ <b>Chief Financial Officer (All cases)</b>	<b>The Directorate Legal Services must provide written recommendation to CFO</b>

<b>TREASURARY REGULATIONS T.R</b>	<b><u>AUTHORITY DELEGATED OR ASSIGNED</u></b>	<b><u>LEVEL OF EXECUTION</u></b>	<b><u>NOTES</u></b>
	(d) Amount exceeding R50 000 per case.	<b><u>Management Area Level:</u></b> ❖ None  <b><u>Regional Level:</u></b> None  <b><u>Head Office Level:</u></b> ♦ None (Only Accounting Officer)	The Directorate Legal Services and the CFO must provide written recommendations to Accounting Officer
General Instruction in addition to TR 12.5.2	<b><u>When the legal practitioners is in doubt,</u></b> <ul style="list-style-type: none"> <li>• the assigned officials must consult with the State Attorney on questions of law, and</li> <li>• make a final recommendation on the submission for the writing off of the amount.</li> </ul> <i>In addition to TR 12.4.1</i>	<b><u>Management Area Level:</u></b> ❖ None  <b><u>Regional Level:</u></b> Co-ordinator Legal Services  <b><u>Head Office Level:</u></b> ♦ Legal Administration Officer	
12.6.1	The delegated officials may write off losses and damages that result from <i>vis major</i> and other unavoidable causes.  <i>Read with sections 76 (1)(e) of the PFM Act</i>		
	(a) Amount up to and including R20 000 per case.	<b><u>Management Area Level:</u></b>	The Coordinator Legal Services

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		❖ None <u>Regional Level:</u> Regional Head Finance  <u>Head Office Level:</u> ♦ DC Financial & Management ♦ DC Supply Chain Management	must provide written recommendation to the Head Finance.  The Directorate Legal Services must provide written recommendation to the two mentioned Deputy Commissioners
	(b) Amount up to and including R40 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> ♦ Chief Financial Officer (Only losses from Head Office)	The PH Legal Services must provide written recommendation to Regional Commissioner.  The Directorate Legal Services must provide written recommendation to CFO
12.6.1	(c) Amount up to and including R50 000 per case.	<u>Management Area Level:</u> ❖ None	The Directorate Legal Services must provide written

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer (All cases)	recommendation to CFO
	(d) Amount exceeding R50 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ None (Only Accounting Officer)	The Directorate Legal Services and the CFO must provide written recommendations to Accounting Officer
12.7.2 Read with 12.7.1 and 12.7.4	<ul style="list-style-type: none"> <li>▪ When instructed in accordance with 12.2.3, 12.5.1 and 12.7.1 to recover the value of the loss or the damage:               <ul style="list-style-type: none"> <li>▪ the assigned officials must determine the amount of the loss or damage and, in writing, request that official to pay the amount within 30 days or in reasonable instalments.</li> </ul> </li> </ul> <p><i>Read with sections 76 (1)(b) and 76 (4)(a) of the PFM Act</i></p>	<u>Management Area Level:</u> ❖ Loss Control Officer  <u>Regional Level:</u> Loss Control Officer  <u>Head Office Level:</u> ♦ Loss Control Officer	
	If the official fails to comply with the request, the matter must be handed to the State Attorney for the recovery of the loss or damage.	<u>Management Area Level:</u> ❖ None	Refer all cases to the applicable Loss Control

<u>TREASURARY REGULATIONS</u> <u>T.R</u>	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
	<i>Read with sections 76 (1)(b) and 76 (4)(a) of the PFM Act</i>	<p><b><u>Regional Level:</u></b> Coordinator Legal Services</p> <p><b><u>Head Office Level:</u></b> ♦ Legal Administration Officer</p>	<p>Officer.</p> <p><i>The Loss Control Officer will refer the matter to the relevant Legal Service Official as assigned here.</i></p> <p><b><u>The assigned Legal Service Official will negotiate with the State Attorney and report back in the same manner.</u></b></p> <p>Effective communication between the Loss Control Officers and the Legal Services officials are of utmost importance to ensure timeous handling of all applicable cases.</p> <p>Contact with the State Attorney regarding legal</p>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
			matters should be handled through the Legal Offices
<p>General Instruction regarding TR 12.7.3 Read with 12.7.1 and 12.7.2 and 12.7.4</p>	<p><i>When an official who was instructed to compensate for a loss or a damage, produces new information for reconsidering as proof that the conditions in TR 12.2.1 were met:</i></p> <ul style="list-style-type: none"> <li>▪ The assigned officials may waive the claim against an official if the conditions in 12.2.1 (a) to (g) are met.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The incumbent of the same post who initially instructed recovery from the official must do this.</li> <li>▪ If the official is still not satisfied with the second decision he/she may request submission to the CFO as a final departmental option to solve the dispute.</li> </ul>	

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	(a) Amount up to and including R20 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Regional Head Finance  <u>Head Office Level:</u> ♦ DC Financial & Management Accounting ♦ DC Supply Chain Management	The Coordinator Legal Services must provide written recommendation to the Head Finance.  The Directorate Legal Services must provide written recommendation to the two mentioned Deputy Commissioners
	(b) Amount up to and including R40 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> ♦ Chief Financial Officer (Only losses from Head Office)	The Coordinator Legal Services must provide written recommendation to the Regional Commissioner.  The Directorate Legal Services must provide written recommendation to CFO
12.7.3	(c) Amount up to and including R50 000 per case.	<u>Management Area</u>	The Directorate

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
Read with 12.7.1 and 12.7.2 and 12.7.4		<u>Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer (All cases)	Legal Services must provide written recommendation to CFO
	(d) Amount exceeding R50 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ None (Only Accounting Officer)	The Directorate Legal Services and the CFO must provide written recommendations to Accounting Officer
12.7.4	If the assigned officials of 12.7.3 are in doubt, they refer the matter to the officials assigned here in 12.7.4 to consult the State Attorney on questions of law in the implementation of paragraphs 12.7.1 and 12.7.3 of the Treasury Regulations.  <i>Read with sections 76 (1)(b) and 76 (4)(a) of the PFM Act</i>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Coordinator Legal Services  <u>Head Office Level:</u> ♦ Legal Administration	Refer all cases to the applicable Loss Control Officer.  <i>The Loss Control Officer will refer the matter to the relevant Legal Service Official as assigned here.</i>

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		Officer	<p><b><u>The assigned Legal Service Official will negotiate with the State Attorney and report back in the same manner.</u></b></p> <p><b>Effective communication between the Loss Control Officers and the Legal Services officials are of utmost importance to ensure timeous handling of all applicable cases.</b></p> <p><b>Contact with the State Attorney regarding legal matters should be handled through the Legal Offices</b></p>

<u>TREASURARY REGULATIONS</u> T.R	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
	<b>Part Five: Assets and Liabilities Management</b>		
	<b>Chapter Thirteen: Loans, guarantees and other commitments</b>		
13.1.2	<p>(a) The assigned official must ensure that no official in the department borrows money on behalf of the department, or issues an unauthorised guarantee, security or indemnity.</p> <p><i>Read with sections 66 of the PFM Act</i></p>	<p><b>Management Area Level:</b> ❖ Area Commissioner</p> <p><b>Regional Level:</b> Regional Commissioner</p> <p><b>Head Office Level:</b> ♦ Chief Financial Officer</p>	
	<p>(b) The assigned official must ensure that misconduct and criminal proceedings are instituted against any official responsible in (a) above.</p> <p><i>Read with sections 66 of the PFM Act</i></p>	<p><b>Management Area Level:</b> ❖ Area Commissioner</p> <p><b>Regional Level:</b> Regional Commissioner</p> <p><b>Head Office Level:</b> ♦ Chief Financial Officer</p>	
13.1.4	The assigned official must report on all known contingent liabilities of the department in its annual report.	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p>	Regional Commissioners and Chief Deputy Commissioners should facilitate

<u>TREASURY REGULATIONS</u> <u>T.R</u>	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
		<u>Head Office Level:</u> ♦ Chief Financial Officer	the information to be included in the Annual Report
	<u>Part Five: Assets and Liabilities Management</u> <u>Chapter Fourteen: Money and Property Held in Trust</u>		
14.2.2	The assigned official is responsible for the safekeeping and proper use of trust money and property, in accordance with the relevant deed of trust or equivalent instrument.  <i>Read with sections 76 (1)(c) of the PFM Act</i>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	Prisoners cash is not considered as trust money
	The assigned official must, for each separate portion of trust money— (a) open and maintain a separate bank account, called a trust account; (b) assign the trust account a name or title that clearly identifies the account; (c) maintain separate accounting records for each trust account, of the transactions, including investment transactions, undertaken; and (d) annually prepare separate financial statements that comply with GRAP.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	Prisoners cash is not considered as trust money
14.4.1	The assigned officials may, provided that it does not conflict with the terms of the trust arrangement, invest any trust money on such terms and conditions as may seem appropriate—	<u>Management Area Level:</u> ❖ None	Prisoners cash is not considered as trust money

<b>TREASURY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	(a) on deposit with any bank within or outside South Africa as approved by the National Treasury; (b) in public securities issued by the government; or (c) in other securities approved by the National Treasury.	<u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	
	<b>Part Six: Frameworks</b>  <b>Chapter Fifteen: Banking, Cash Management and Investment</b>		
15.7.1	When requesting the transfer of appropriated funds, the assigned official must submit such requisitions to the National Treasury, in accordance with approved cash flow estimates, at least four full working days before the end of the month preceding the month in which the funds are required.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Director Financial Accounting	
15.8.1	The assigned officials must surrender any unexpended voted money at the end of the financial year to the Treasury for re-depositing into the Exchequer bank account of the relevant revenue fund.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u>	

<b>TREASURARY REGULATIONS I.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<b>Judicial Inspectorate</b> ♦ <b>DD Auxiliary Services</b> ♦ <b>Heads of Training Colleges</b>	
15.12.1	<b>The delegated official assign authority in writing to officials to:</b>  • <b>approve warrant vouchers and cheques; and</b>  <i>Read with sections 76 (2)(h) of the PFM Act</i>	<b>Management Area Level:</b> ❖ <b>None</b>  <b>Regional Level:</b> <b>None</b>  <b>Head Office Level:</b> ♦ <b>Director Financial Administration</b>	

<b>TREASURARY REGULATIONS I.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<ul style="list-style-type: none"> <li>• approve electronic payments.</li> </ul> <p><i>Read with sections 76 (2)(h) of the PFM Act</i></p>	<p><b>Management Area Level:</b> ❖ Area Commissioners</p> <p><b>Regional Level:</b> Regional Commissioner</p> <p><b>Head Office Level:</b> ♦ Director of Function</p>	
	<p style="text-align: center;"><b>Part Six: Frameworks</b></p> <p style="text-align: center;"><b>Chapter Sixteen: Public-Private Partnership</b></p>		
16.2.1	Only the accounting officer or an accounting authority may enter into a PPP agreement on behalf of the Department.	None	Prior written approval from Treasury is necessary
16.3.1	The accounting officer or an accounting authority may not proceed with a PPP agreement without the prior written approval of the National Treasury.	None	Prior written approval from Treasury is necessary.
16.3.4	As soon as an institution identifies a PPP, the assigned official must inform the National Treasury accordingly and if the National Treasury so requests, must appoint a specialist consultant for this purpose.	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p>	

<u>TREASURARY REGULATIONS</u> <u>T.R</u>	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
		<u>Head Office Level:</u> ♦ Chief Financial Officer	
16.4.1	The assigned officials must undertake a feasibility study of a proposed PPP in accordance with the stipulations of this regulation.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Director of the functi	The different directors are the specialists regarding the functions of their work field
16.5.2	If any time during the project, any of the assumptions in the feasibility report differ materially from the feasibility study approval, especially with regard to affordability, value for money and appropriate technical, operational and financial risk transfer, the assigned official must immediately:- c) Notify the relevant treasury of the intended revision; d) Submit details of the revision to the relevant treasury; e) Indicate the impact of the revision of the feasibility study relating to affordability, value for money and appropriate technical, and financial risk transfer; and f) Ensure that the relevant treasury is provided with a revised feasibility study after which the relevant treasury may grant a revised treasury approval.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	
16.7.1	After the procurement procedure has been concluded but before the accounting officer or an accounting authority enters into a PPP agreement, the assigned official must obtain approval from National Treasury. a) That the PPP agreement contains the affordability, value for money and appropriate technical, operational and risk transfer in regulation 16.4.2 or revised in terms of paragraph 16.5.2; and	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None	

<u>TREASURARY REGULATIONS</u> <u>T.R</u>	AUTHORITY DELEGATED OR ASSIGNED	LEVEL OF EXECUTION	NOTES
	b) For a management plan that explains the capacity of the institution to effectively enforce the agreement including, to monitor and regulate implementation of and performance in terms of the agreement.	<u>Head Office Level:</u> ♦ Chief Financial Officer	
16.8.1	The assigned official is responsible for ensuring that a PPP agreement is properly enforced, and must establish mechanisms and procedures for— (a) monitoring and regulating the implementation of, and performance in terms of, the agreement; (b) liaising with the private party; (c) resolving disputes and differences with the private party; (d) generally overseeing the day-to-day management of the agreement; and (e) reporting on the management of the agreement in the institution's annual report.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Director Contract Management ♦ Director of function ♦ DCS Controller ♦ Chairperson of Supervisory Committee	The different directors are the specialists regarding the functions of their work field.  Teamwork is of utmost importance.
16.8.2	A PPP agreement does not divest the accounting officer of the responsibility for ensuring that the relevant institutional function is effectively and efficiently performed in the public interest.	None	
16.9.1	Only the accounting officer or an accounting authority may enter into an agreement to amend a PPP agreement.	None	Prior written approval from Treasury is necessary
16.9.4	The assigned official must substantially follow the procedure prescribed by clauses 16.3 and 16.5 for obtaining Treasury approval.	<u>Management Area Level:</u>	

<u>TREASURARY REGULATIONS</u> T.R	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
		❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	
	<p style="text-align: center;"><b>Part Seven: Accounting and Reporting Requirements</b></p> <p style="text-align: center;"><b>Chapter Seventeen: Basic Accounting Records and Related Issues</b></p>		
17.1.2	<p>Should it be necessary, in exceptional cases, to account for revenue and expenditure transactions in a clearing and suspense account because the classification has not been resolved, the assigned official must ensure that—</p> <p>(a) the sources of the transactions are readily identifiable;</p> <p>(b) amounts included in the clearing and suspense accounts are, each month, cleared and correctly allocated to the relevant cost centres;</p> <p>(c) monthly reconciliation are performed to confirm the balance of each account; and</p> <p>(d) reports are provided to the accounting officer about un-cleared items on a monthly basis.</p> <p><i>Read with sections 40 (1)(a) of the PFM Act</i></p>	<u>Management Area Level:</u> -Area Coordinator Finance  <u>Regional Level:</u> Regional Head Finance  <u>Head Office Level:</u> ♦ Director Financial Accounting ♦ Director Logistics	Submit the monthly report via the CFO to the Accounting Officer.
17.1.3	In each month's section 40(4) report, the assigned official must certify that the forecast/projection for the remainder of the financial year adequately makes provision for all amounts not yet cleared from clearing and suspense accounts.	<u>Management Area Level:</u> ❖ None	Amounts regarding the suspense accounts should

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<i>Read with sections 40 (1)(a) of the PFM Act</i>	<u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Director Management Accounting	be provided by Director Financial Accounting
17.2.1	The assigned officials must, subject to the provisions of the relevant national or provincial legislation, retain <i>all</i> financial information in its original form, as follows– (a) information relating to one financial year – for one year after the audit report for the financial year in question has been tabled in Parliament or the provincial legislature; or (b) information relating to more than one financial year – for one year after the date of the audit report for the last of the financial years to which the information relates.  <i>Read with sections 40 (1)(a) of the PFM Act</i>	<u>Management Area Level:</u> ❖ All Officials  <u>Regional Level:</u> All Officials  <u>Head Office Level:</u> ♦ All Officials	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental policy
	<p style="text-align: center;"><b>Part Seven: Accounting and Reporting Requirements</b></p> <p style="text-align: center;"><b>Chapter Eighteen: Monthly and Annual Reports</b></p>		
18.1.1	The assigned official must comply with the reporting requirements of the annual Division of the Revenue Act.  <i>Read with sections 32 (2) and 40 (4)(b) and (c) of the PFM Act</i>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None	

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<b>Head Office Level:</b> ♦ Director Management Accounting	
18.3.1	In preparing the annual report of the department, the assigned officials must-	Read with sections 40 (1)(b) of the PFM Act. <b>Management Area</b> <b>Level:</b> ❖ None  <b>Regional Level:</b> None	
	(a) comply with the requirements prescribed in Chapter 1, Part III J of the <i>Public Service Regulations, 2001</i> ;	<b>Head Office Level:</b> ♦ Director Management Accounting	
	(b) include, after information about the department's efficiency, economy and effectiveness in delivering programmes and achieving its objectives and outcomes against the measures and indicators set out in any strategic plan for the year under consideration;	<b>Head Office Level:</b> ♦ Director Management Accounting	
	(c) information on transfer payments per organisation for the entire financial year as well as a report on compliance with Section 38(1)(j) of the Act;	<b>Head Office Level:</b> ♦ Director Management Accounting	
	(d) include all information required in terms of the annual Division of revenue Act;	<b>Head Office Level:</b> ♦ Director Management Accounting	
	(e) include any additional information required by Parliament;	<b>Head Office Level:</b> ♦ Director	Relevant CDC provides the

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		Management Accounting	information
	(f) report on the use of foreign aid assistance, detailing the source and intended use of the assistance (including the value of any aid-in-kind in rand), performance information on the department's use of the assistance, and any pending applications for assistance; and	<u>Head Office Level:</u> ♦ Director Management Accounting	
	(g) a report from the audit committee, as required by paragraph 3.1.13 and	<u>Head Office Level:</u> ♦ Director Management Accounting	Director Internal Audit provides the information
	(h) include information on the management of PPP agreements as required by paragraph 16.8.1 (e).	<u>Head Office Level:</u> ♦ Director Management Accounting	Relevant Director provides the information
	<u>Part Eight: Miscellaneous</u>		
	<u>Chapter Nineteen: Trading Entities</u>		
19.2.2	Where the department is operating a trading entity, the assigned official must ensure that the head of the trading entity complies with the Act and these <i>Treasury Regulations</i> .	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	
19.2.3	Trading entities allowed to open bank accounts may not borrow for bridging purposes and may not run overdrafts on their banking accounts.	<u>Management Area Level:</u> ❖ None	

<b>TREASURY REGULATIONS I.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<b>Regional Level:</b> None  <b>Head Office Level:</b> ♦ Chief Financial Officer	
19.3.1	The assigned official of a department operating a trading entity must formulate a policy and reporting framework for the head of the trading entity.	<b>Management Area Level:</b> ❖ None  <b>Regional Level:</b> None  <b>Head Office Level:</b> ♦ Chief Financial Officer	
19.7.1	The assigned official of a department operating a trading entity must, at the end of each financial year and after books of account have been closed, declare any surplus or deficit to the <i>National Treasury</i> .	<b>Management Area Level:</b> ❖ None  <b>Regional Level:</b> None  <b>Head Office Level:</b> ♦ Chief Financial Officer	

<u>TREASURARY REGULATIONS</u> T.R	<u>AUTHORITY DELEGATED OR ASSIGNED</u>	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
19.7.2	Where a trading entity suffers a deficit in trading, the assigned official of the department operating the trading entity must investigate whether— (a) the head of the trading entity mentioned any foreseeable potential over expenditure in his or her monthly reports; (b) appropriate steps were taken to address the deficit; and (c) financial misconduct sanctions should be instituted if (a) and (b) above were not adhered to.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	
19.7.3	In the event of a trading entity incurring a deficit, the assigned official of the department controlling the trading entity must disclose the financial impact of such a deficit on the department in its annual report.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	
19.8.1	The assigned official of a controlling department must provide the monthly information as required by section 40(4)(b) and (c) of the Act in respect of such a trading entity in the monthly report of the department.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<p><b>Part Eight: Miscellaneous</b></p> <p><b>Chapter Twenty: Commissions and Committees of Inquiry</b></p>		
20.2.3	<p>Should the delegated official deem it necessary, the delegated official can, in consultation with the <i>executive authority</i>, determine other remuneration provided that—</p> <p>(a) the terms of reference are properly defined in terms of time and cost; and</p> <p>(b) if applicable the remuneration is considered taking into account the tariffs as determined by the institute that regulates the profession that non-official member belongs to.</p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p> <p><b>Head Office Level:</b> ♦ Chief Deputy Commissioner Corporate Services</p>	Director Human Resource Administration and Utilization needs to prepare such documentation
20.3.1	<p>Should the chairperson request a non-official member of a commission or committee to render services in his or her private time, other than the normal preparations for meetings, the person may be paid an honorarium (within the budget), as determined by the delegated official and the <i>executive authority</i>. In the case of official members, section 30 of the <i>Public Service Act, 1994</i> must be complied with.</p>	<p><b>Management Area Level:</b> ❖ None</p> <p><b>Regional Level:</b> None</p> <p><b>Head Office Level:</b> ♦ Chief Deputy Commissioner Corporate Services</p>	

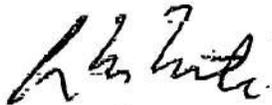
<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	<b>Part Eight: Miscellaneous</b>  <b>Chapter Twenty-One: Gifts, Donations and Sponsorships</b>		
21.1.1	<b>Granting of gifts, donations and sponsorships by the state</b>  The assigned officials may approve gifts and donations and sponsorships and state money and other movable property in the interest of the state		When such cash amounts exceed R100 000, the approval of the relevant legislature must be sought by including the item separately in the estimates of expenditure.
	(a) Amount up to and including R50 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	
	(b) Amount up to and including R100 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None	

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
		<u>Head Office Level:</u> ♦ None (Only Accounting Officer)	
21.2.1	<b>Accepting of gifts, donations and sponsorships to the State</b> The assigned officials may approve the acceptance of any gift, donation or sponsorship to the state, whether such gifts, donations or sponsorships are in cash or kind.		
	(a) Amount up to and including R20 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> Regional Head Finance  <u>Head Office Level:</u> ♦ Director Logistics: Kind ♦ Director Financial Accounting: Cash	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental policy
	(b) Amount up to and including R50 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	The duty must be executed within the area of responsibility of the different officials in accordance with Departmental policy

<b>TREASURARY REGULATIONS T.R</b>	<b>AUTHORITY DELEGATED OR ASSIGNED</b>	<b>LEVEL OF EXECUTION</b>	<b>NOTES</b>
	(c) Amount exceeding R50 000 per case.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ None (Only Accounting Officer)	Accounting Officer is responsible for execution of this task
21.4.1	When a donor or sponsor requests to remain anonymous, the assigned official must submit to the relevant treasury a certificate from both the Public Protector and the Auditor-General, which states that the identity of the donor or sponsor has been revealed to them, that they have noted it and have no objection.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Chief Financial Officer	
	<b>Part Eight: Miscellaneous</b>  <b>Chapter Twenty-Two: Payments, Refunds and Remissions as an Act of Grace</b>		
22.1.1	Where no legislative authority exists, the assigned official may approve an act of grace or favour for- (a) the remission of money due to a revenue fund; and (b) payments from a vote.	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None	

<u>TREASURY REGULATIONS</u> <u>T.R</u>	AUTHORITY DELEGATED OR ASSIGNED	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
		<u>Head Office Level:</u> ♦ Chief Financial Officer	
	<p style="text-align: center;"><u>Part Eight: Miscellaneous</u></p> <p style="text-align: center;"><u>Chapter Twenty-three: Government Payroll Deductions</u></p>		
23.2.2	<p>Before a benefit, collective agreement, state or statutory deduction is processed on Persal, the assigned official must certify that the deduction is due and that no portion of it is a discretionary deduction</p>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ Dir. Persal Management	
23.2.3	<p>Where such certification is for an emoluments attachment order issued against an official in terms of section 65J of the Magistrates Court Act (Act 32 of 1944), the assigned official must be satisfied that-</p> <p>(a) the documentation presented by the judgement creditor or his or her <i>inter alia</i> reflects, as contemplated in this Act -</p> <p>(i) that the official has given written consent to the issuing of the order or that a court has authorised it and that this authorisation has not been suspended; or</p> <p>(ii) that the official has first been sent a registered letter advising him or her of the amount of the judgement debt and costs, and warning that an emoluments attachments order will be issued if the amount is not paid</p>	<u>Management Area Level:</u> ❖ None  <u>Regional Level:</u> None  <u>Head Office Level:</u> ♦ ASD Administrative Controller	

<u>TREASURARY REGULATIONS</u> T.R	AUTHORITY DELEGATED OR ASSIGNED	<u>LEVEL OF EXECUTION</u>	<u>NOTES</u>
	<p>within ten days of the date of its posting;            (b) After the deduction, the official will have sufficient means for maintenance for him or herself and any dependants.</p>		
23.2.4	<p>Should the deduction not leave the official with sufficient means for maintenance or for that of his or her dependants, the assigned official must request the judgement creditor or his or her attorney to approach the court to either rescind the order or amend it to affect only the balance of the salary after provision for such maintenance?</p>	<p><u>Management Area Level:</u>            ❖ None</p> <p><u>Regional Level:</u>            None</p> <p><u>Head Office Level:</u>            ♦ ASD            Administration            Controller</p>	



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2006

**DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**  
**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

<b>1.</b>	<b>INTRODUCTION</b>
1.1	By virtue of the authority vested in me in terms of Sections 44(1)(a) and 56 of the Public Finance Management Act, I Linda M. Mti, Commissioner of Correctional Services hereby delegate the powers and duties assigned to me in terms of the Public Finance Management Act (Act 1 of 1999 as amended with Act 29 of 1999) and the Regulations in terms of the Public Finance Management Act : Framework for Supply Chain Management, to the post levels as indicated in this annexure.
1.2	As far as procedures and administrative actions are concerned, all procurement units are bound to comply with the conditions contained in the Government Procurement : General Conditions of Contract (GCC) and the Supply Chain Management User Manual : Directives in respect of Procurement in so far as they are not in conflict with the directives and limitations stipulated herein
1.3	At any time the powers may be withdrawn or the conditions, under which they have been granted, may be amended.
1.4	Any delegated power in connection with the arrangement of a <u>specific service, goods, works or sale</u> will lapse automatically as soon as a contract for the relevant service, supply or sale has been arranged.
1.5	Where any doubt exists with regard to the interpretation or application of any power or condition, the Directorate : Procurement must be approached through normal service channels for a decision or finalization.
1.6	Services, with which other departments are functionally charged, must be left to such departments unless exemption from other financial or any other directives have been granted.
1.6.1	These powers are granted subject to the provisions of any other Act of Parliament, as amended from time to time. Armaments (firearms, ammunition, etc.) may therefore not be acquired in terms of these delegated powers.
1.7	These powers are also applicable as far as sales/disposals are concerned.
1.8	<b>Regional Commissioners must certify annually to the Directorate : Procurement that all officials concerned with the procurement of goods, works and services are well acquainted with the delegated powers and conditions and are being applied correctly by them. Regional Commissioners must also indicate what control measures have been established in order to determine whether the delegated powers are being exercised correctly.</b>

AUTHORISED BY :

  
 COMMISSIONER LM MTI

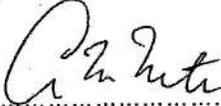
DATE :

17/6/2004

Only authorized Supply Chain Management Practitioners may execute these delegations

**DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**  
**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

2.	<p><b><u>TERMINOLOGY</u></b></p>
2.1	<p><b><u>Case</u></b></p> <p>In respect of the Procurement Unit concerned, a "case" is the consolidated requirement of a specific category of items, which requirement exists at a given point in time and at the time of consolidation, is known to the specific Procurement Unit and has been quantified. It covers the estimated total value (VAT included) of all the items concerned for the complete service or supply and not only the value of any individual item in that specific category.</p> <p><b>Note:</b> Whenever requirements are obtained within the delegated powers, Procurement Units must as far as possible consider the break-out of such requirements into smaller manageable segments with due consideration to the quality of the goods required, time to administrate the process and cost-effectiveness of the ensuing contracts. This can be achieved by providing for different items on a single bid invitation, bearing in mind the cost of the requirement per case. Should the estimated cost for the total requirement, i.e. for the case, exceed the delegated authority applicable to the specific Procurement Unit, then the principle of break-out procurement should still be applied but it should be forwarded to the next level of authority with the request to invite the bids.</p>
2.2	<p><b><u>Price quotation</u></b></p> <p>A verbal/written offer, which is not necessarily subject to the General Conditions of Contract (GCC).</p>
2.3	<p><b><u>Bid</u></b></p> <p>A written offer on a prescribed or stipulated form in response to an invitation by an organ of state for the provisioning of goods, works, services or the sale and letting of assets, and unless otherwise determined, has been advertised in the Government Tender Bulletin.</p>
2.4	<p><b><u>Bidder</u></b></p> <p>Any natural or legal person who makes an offer in response to a request to submit a bid or a price quotation</p>
2.5	<p><b><u>Contract</u></b></p> <p>Written agreement entered into between the purchaser and the supplier, as recorded in the contract form signed by the parties, including all attachments and appendices thereto and all documents incorporated by reference therein.</p>

AUTHORISED BY :   
 COMMISSIONER LM MTI

DATE : 17/06/2004

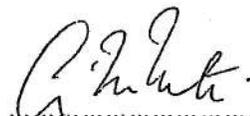
Only authorized Supply Chain Management Practitioners may execute these delegations

**DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**

**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

2.6	<p><b><u>Transversal contracts</u></b></p> <p>A contract arranged by the Common Service Provider (National Treasury) for the supply, over a specified period of time, of the repetitive requirements of various participating organisations for goods, works or services, the hiring or letting of anything, the acquisition or granting of any right, or the disposal of movable State property</p>
2.7	<p><b><u>General period contract</u></b></p> <p>A contract arranged by the Directorate : Procurement for the supply, over a specified period of time, for the repetitive requirements of various participating Procurement Units for goods, works or services, the hiring or letting of anything, the acquisition or granting of any right, or the disposal of movable State property.</p>
2.8	<p><b><u>Ad hoc contract</u></b></p> <p>A contract arranged for a once-off requirement for goods, works or services, the hiring or letting of anything, the acquisition or granting of any right, or the disposal of movable State property</p>
2.9	<p><b><u>Specific period contract</u></b></p> <p>A contract for the supply, over a specified period of time, for the repetitive requirements of only one Procurement Unit for goods, works or services, the hiring or letting of anything, the acquisition or granting of any right or the disposal of movable state property.</p>
2.10	<p><b><u>GCC</u></b></p> <p>General Conditions of Contract</p>
2.11	<p><b><u>Standard Special Conditions</u></b></p> <p>Approved special conditions on standardized forms, applicable to certain commodities.</p>

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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

2.12	<p><u>National Bid Committee</u></p> <p>The National Bid Committee of the department must at least consist of the following :</p> <ul style="list-style-type: none"> <li>- Chairperson appointed by the Accounting Officer, with the rank of Chief Deputy Commissioner.</li> <li>- Three other members of whom at least one is a Supply Chain Management Practitioner.</li> </ul> <p>Where considered necessary, additional members may be co-opted on account of their specialized knowledge. In the event of an equal vote, the chairperson's decision will be final.</p>
2.13	<p><u>Sub-Bid Committees</u></p> <p>The Sub-Bid Committees of the department must at least consist of the following :</p> <ul style="list-style-type: none"> <li>- Chairperson appointed by the Accounting Officer, with the rank of at least a Director.</li> <li>- Three other members of whom at least one is a Supply Chain Management Practitioner.</li> </ul> <p>Where considered necessary, additional members may be co-opted on account of their specialized knowledge. In the event of an equal vote, the chairperson's decision will be final.</p> <p><b>Note:</b> All members of the Bid Committees should be cleared at the level of "CONFIDENTIAL" and should be required to declare their financial interest annually</p>

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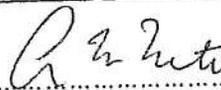
# DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

## PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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<b>3.0</b>	<b><i>INVITATION AND ACCEPTANCE OF PRICE QUOTATIONS UP TO THE VALUE OF R100 000-00.</i></b>			
<b>3.1</b>	<b><i>Acceptance of price quotations up to an estimated value of R5 000-00 per case</i></b>  Procurement of goods, works or services, the hiring or letting of anything, the acquisition or granting of any right or the disposal/sales of movable State property, without inviting competitive bids or price quotations by obtaining at least three verbal quotations from where applicable, a list of prospective suppliers. The order should, however, be placed against written confirmation of the price by the selected supplier.	UP TO R5 000-00 – CO II/APAO	UP TO R5 000-00 – CO II/APAO	UP TO R5 000-00 – CO II/APAO
<b>3.1.1</b>	Consideration and approval of reasons/motivation where it is not possible to obtain at least three (3) price quotations	UP TO R5 000-00 – CO II/APAO	UP TO R5 000-00 – CO II/APAO	UP TO R5 000-00 – CO II/APAO
<b>3.2</b>	<b><i>Acceptance of price quotations up to an estimated value of R30 000-00 per case</i></b>  Procurement of goods, works or services, the hiring or letting of anything, the acquisition or granting of any right or the disposal/sales of movable State property, by inviting competitive price quotations for requirements up to an estimated value of R30 000-00 from as many as possible suppliers, that are registered on the list of prospective suppliers.	UP TO R30 000-00 – CO I/PAO	UP TO R30 000-00 – CO I/PAO	UP TO R30 000-00 – CO I/PAO
<b>3.2.1</b>	Consideration and approval of reasons/motivation where it is not possible to obtain at least three (3) price quotations	UP TO R30 000-00 – CO I/PAO	UP TO R30 000-00 – CO I/PAO	UP TO R30 000-00 – CO I/PAO
<b>3.3</b>	<b><i>Invitation and acceptance of price quotations between an estimated value of R30 000-00 and R100 000-00 per case</i></b>  Procurement of goods, works or services, the hiring or letting of anything, the acquisition or granting of any right or the disposal/sales of movable State property, by inviting competitive price quotations for requirements up to an estimated value of R100 000-00 from as many as possible suppliers, that are registered on the list of prospective suppliers.			

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### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
	The prescripts of the Procurement Preferential Policy Framework Act (Act 5 of 2000) and its associated Regulations should be made applicable.			
3.3.1	Determining of contract period	UP TO R100 000-00 – CO I/PAO (PERIOD NOT EXCEEDING ONE (1) YEAR)	UP TO R100 000-00 – CO I/PAO (PERIOD NOT EXCEEDING ONE (1) YEAR)  UP TO R100 000-00 – SCO/SPAO (PERIOD NOT EXCEEDING TWO (2) YEARS)	UP TO R100 000-00 – CO I/PAO (PERIOD NOT EXCEEDING ONE (1) YEAR)  UP TO R100 000-00 – SCO/SPAO (PERIOD NOT TWO (2) YEARS)  UP TO R100 000-00 – ASD (PERIOD IN EXCESS OF TWO (2) YEARS)
3.3.2	Signing the covering letter of the price quotation document.	UP TO R60 000-00 – PAO  UP TO R100 000-00 – SPAO	UP TO R60 000-00 – PAO  UP TO R100 000-00 – SPAO	UP TO R60 000-00 – PAO  UP TO R100 000-00 – SPAO
3.3.3	Acceptance of price quotations.	UP TO R60 000-00 – SPAO  UP TO R100 000-00 – ASD	UP TO R60 000-00 – SPAO  UP TO R100 000-00 – ASD	UP TO R60 000-00 – SPAO  UP TO R100 000-00 – ASD
3.3.4	Consideration and approval of reasons/motivation where it is not possible to obtain at least three (3) price quotations.	UP TO R60 000-00 – SPAO  UP TO R100 000-00 – ASD	UP TO R60 000-00 – SPAO  UP TO R100 000-00 – ASD	UP TO R60 000-00 – SPAO  UP TO R100 000-00 – ASD

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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
3.4	Signing of agreements/contracts in addition to a quotation.	UP TO R100 000-00 - ASD	UP TO R100 000-00 - ASD	R100 000-00 - ASD
3.5	<i>Conditions applicable to invitation and acceptance of price quotations.</i>			
3.5.1	Price quotations must only be invited from possible suppliers registered on the list of prospective suppliers (data base). Where no suitable suppliers are available from the list of prospective suppliers, quotations may be obtained from other possible suppliers, who must then be added to the list.			
3.5.2	Price quotations must be accepted before expiry of validity by means of a facsimile or an order.			
3.5.3	In instances where a single price quotation was received the price quotation may be accepted provided that the prices are proved and certified to be fair and reasonable. Proof of reasonableness must be determined as follows :			
3.5.3.1	Comparison with prices, after discounts, to its other normal clients and the relative discount that the State enjoys ;			
3.5.3.2	Where this is not possible, profit before tax based on a full statement of relevant costs ; and			
3.5.3.3	Comparison with previous prices where these are available.			
3.5.4	Proof of reasonableness of prices where only one price quotation is received, must be available for audit purposes.			
3.5.5	Approval must be done by the delegated official on the price quotation itself, with reference to the applicable delegation number and date. Please note that the official involved with the invitation of the price quotation may not approve the price quotation.			
3.5.6	Price quotations from sole suppliers must be considered by the delegated official upon receipt of proper motivated reasons/evidence.			
3.5.7	Price quotations that are equal in all respects, must be dealt with by means of drawing of lots by the delegated official in the presence of at least two (2) witnesses.			
3.5.8	Where further documentation is signed by all parties concerned as an agreement in addition to a price quotation, the Directorate : Legal Services' / Regional Co-ordinator : Legal Services' approval of the agreement/contract is also required prior to the signing thereof.			
3.5.8.1	Agreements/contracts of this nature may not exceed a period of one year for supplies and two years for services.			

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### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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3.5.9	<p>The following is applicable to invitation and acceptance of quotations exceeding R30 000-00 per case :</p> <ul style="list-style-type: none"> <li>o The PPPFA and its Regulations must be applicable.</li> <li>o Utilization of Evaluation criteria as approved by the National Bid Committee.</li> <li>o Functional approval by the relevant Head Correctional Centre/Area Commissioner/relevant Director at Regional Office or at Head Office</li> <li>o Should a quoter omit to submit an original Tax Clearance Certificate, even after being granted a second opportunity, a recommendation to decline such a quoter, must be made to the delegated official.</li> <li>o On instruction of South Africa Revenue Services, a copy of the Tax Clearance Certificate of the successful quoter must be submitted to them.</li> </ul>
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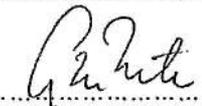
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**DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**

**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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4.	<b>INVITATION OF BIDS (Exceeding R100 000-00 per case)</b>			
4.1	The department may invite bids to an unlimited value per case for the procurement of goods, works or services, the hiring or letting of anything, the acquisition or granting of any right or the disposal/sale of movable State property. Particulars of the requirement must be advertised in the Government Tender Bulletin and bids may close at the office concerned.			
4.1.1	The invitation of any bid is subject to the prior functional approval by Regional Commissioners/Chief Deputy Commissioners			
4.1.2	All invitations of bids are subject to the Preferential Procurement Policy Framework Act and its Regulations as well as the General Conditions of Contract.			
4.2	The invitation of bids, as set out in paragraph 4.1, comprises, where applicable			
4.2.1	Determining of contract period	UP TO R1 000 000-00 - CO I / PAO (PERIOD NOT EXCEEDING ONE (1) YEAR)	UP TO R1 000 000-00 - CO I / PAO (PERIOD NOT EXCEEDING ONE (1) YEAR)  UP TO R3 000 000-00 - SCO/SPAO (PERIOD NOT EXCEEDING ONE (1) YEAR)  UP TO R5 000 000-00 - ASD (PERIOD NOT EXCEEDING TWO (2) YEARS)	UP TO R1 000 000-00 - CO I / PAO (PERIOD NOT EXCEEDING ONE (1) YEAR)  UP TO R3 000 000-00 - SCO/SPAO (PERIOD NOT EXCEEDING ONE (1) YEAR)  UP TO R5 000 000-00 - ASD (PERIOD NOT EXCEEDING TWO (2) YEARS)  UNLIMITED - DD (PERIOD NOT EXCEEDING TWO (2) YEARS)

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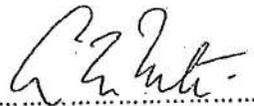
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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
				UP TO R5 000 000-00 - SUB-BID COMMITTEE (PERIOD IN EXCESS OF TWO (2) YEARS)  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE (PERIOD IN EXCESS OF TWO (2) YEARS)
4.2.2	Consideration of the shortening of the closing date due to the urgent nature of the requirement (deviation from thirty (30) days)	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
4.2.3	Determine whether only firm prices, or whether non-firm prices, such as prices subject to Rate of Exchange variations are applicable to bid invitation.	UP TO R1 000 000-00 - CO I/PAO	UP TO R1 000 000-00 - CO I/PAO  UP TO R3 000 000-00 - SCO/SPAO  UP TO R5 000 000-00 - ASD	UP TO R1 000 000-00 - CO I/PAO  UP TO R3 000 000-00 - SCO/SPAO  UP TO R5 000 000-00 - ASD  UNLIMITED - DD

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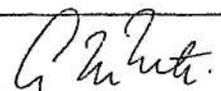
## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
4.2.4	Approval of the bid documents by signing the bid covering letter as well as the notification (advertising) of invitations to bid.	UP TO R1 000 000-00 - CO I/PAO	UP TO R1 000 000-00 - CO I/PAO  UP TO R3 000 000-00 - SCO/SPAO  UP TO R5 000 000-00 - ASD	UP TO R1 000 000-00 - CO I/PAO  UP TO R3 000 000-00 - SCO/SPAO  UP TO R5 000 000-00 - ASD UNLIMITED - DD
4.2.5	Approval for the invitation of bids from selected/sole suppliers for a specific brand or trade mark product only.	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
4.2.6	Before closing date, in the event of serious mistakes and amendments in the bid document, to grant approval that such invitation to bid be cancelled and fresh bids be invited or those amendments to the invitation to bid be issued.	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
4.2.7	Supervising the receiving and processing of bids	UP TO R1 000 000-00 - CO I/PAO	UP TO R5 000 000-00 - ASD	UNLIMITED - ASD
4.2.8	Considering late bids for admission	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 -

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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
				NATIONAL BID COMMITTEE
4.2.8.1	Considering any appeals for the admission (or non-admission) of late bids, which were not admitted.	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
4.3	<b><u>Conditions applicable to invitation of bids</u></b>			
4.3.1	The stipulated monetary limit per case must be taken into account before bids are invited. If the estimated value (VAT included) exceeds the delegated limits, it must be submitted to the next level of authority.			
4.3.1.1	In exceptional cases it may happen that the bids received exceeded the delegated limits. In such cases motivated recommendations must be forwarded to the next level of authority.  <b>NOTE : A supply, service or sale may not be purposely sub-divided in order to bring the estimated value within the limit.</b>			
4.3.2	Conditions not yet contained in the General Conditions of Contract (GCC) or standard Special Conditions may not be stated as conditions in bids without prior approval of the Directorate : Procurement. Where necessary, such conditions must also be submitted to the Directorate : Legal Services beforehand, for consideration and recommendation.			
4.3.3	Where additional special conditions apply in respect of specific goods/works/services, these must also be included in the bid documentation.			
4.3.4	Bids must be opened in public as soon as possible after the closing time, and, if so requested, the names of the bidders as well as the total amount of each bid must be read aloud.			

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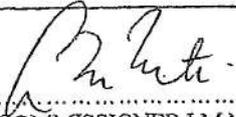
**DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**

**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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5.	<b>CONSIDERATION AND ACCEPTANCE OF BIDS (Exceeding R100 000-00 per case)</b>			
5.1	<i>The consideration and acceptance of bids comprises, where applicable</i>			
5.1.1	Written communication with bidders may take place in cases where information is incomplete, where a lack of clarity exists regarding technical aspects of the offer, or to obtain confirmation of prices or preference claims in cases where it is obvious that a written, typed or transcription error or an error in the unit price has been made	UP TO R1 000 000-00 - CO I/PAO	UP TO R1 000 000-00 - CO I/PAO  UP TO R3 000 000-00 - SCO/SPAO  UP TO R5 000 000-00 - ASD	UP TO R1 000 000-00 - CO I/PAO  UP TO R3 000 000-00 - SCO/SPAO  UP TO R5 000 000-00 - ASD  EXCEEDING R5 000 000-00 - DD
5.1.2.	Bidders may be approached in writing with regard to the increases/decrease of quantities to a maximum of 20% of the original value of the bid.	UP TO R1 000 000-00 - CO I/PAO	UP TO R1 000 000-00 - CO I/PAO  UP TO R3 000 000-00 - SCO/SPAO  UP TO R5 000 000-00 - ASD	UP TO R1 000 000-00 - CO I/PAO  UP TO R3 000 000-00 - SCO/SPAO  UP TO R5 000 000-00 - ASD  EXCEEDING R5 000 000-00 - DD
5.1.3	Consideration of escalation of prices when the validity period is extended	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 -

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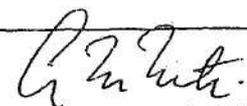
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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
				NATIONAL BID COMMITTEE
5.1.4	The acceptance of quantities other than those specified in the bid documents	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
5.1.5	Approval or rejection of a bidder's own conditions	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
5.1.6	Consideration of minimum quantities for new and unproven products	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
5.1.7	Consideration of a bid with acceptable deviations from the specification	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID

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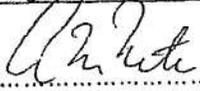
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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
5.1.8	Consideration of alternative offers	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	COMMITTEE UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
5.1.9	Consideration of a bid, which is not the highest in points but represents an improvement on the specification	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
5.1.10	Acceptance of bids	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
5.1.11	The signing of the formal contract (SBD 7.1 to 7.3) after approval has been granted by the relevant Bid Committee for the acceptance of a bid.	NO DELEGATION	UP TO R5 000 000-00 - ASD	UP TO R5 000 000-00 - ASD  EXCEEDING R5 000 000-00 - DD
5.1.12	Cancellation of bids or items thereof, in cases where :  - due to changed circumstances, there is no longer need for the	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE

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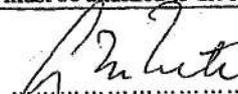
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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
	<ul style="list-style-type: none"> <li>- goods, works or services that were bid for;</li> <li>- funds are no longer available to cover the total envisaged expenditure;</li> <li>- no acceptable bids have been received;</li> <li>- if the preference point system stipulated in the bid document turns out not to be applicable as a result of the actual value;</li> <li>- errors in the bidding invitations;</li> <li>- bid price is certified as being exorbitant;</li> <li>- bid was accidentally not advertised in the Government Tender Bulletin.</li> </ul>			EXCEEDING R5 000 000-00 – NATIONAL BID COMMITTEE
5.1.13	Signing of agreements/contract, in addition to a bid and in line with the conditions of the bid.	NO DELEGATION	UP TO R5 000 000-00 – CHAIRPERSON OF THE SUB-BID COMMITTEE	UP TO R5 000 000-00 – CHAIRPERSON OF THE SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 – CHAIRPERSON OF THE NATIONAL BID COMMITTEE
5.2	<b><u>Conditions applicable to the consideration and acceptance of bids</u></b>			
5.2.1	Consideration of bids will at all times be in accordance with the policy and directives of the Department as contained in the Supply Chain Management User Manual: Directives in respect of Procurement and must be strictly adhered to.			
5.2.2	Where there is communication with a bidder after closing time regarding : <ul style="list-style-type: none"> <li>- incomplete offer or lack of clarity</li> <li>- confirmation of prices or preference claims in cases where it is obvious that an error or an error in the unit price has been made.</li> </ul> Additional information or specific explanations requested in terms of this power can be requested. Such confirmation or information must be furnished in writing and must be attached to the relevant bid. Full particulars of the aspects, regarding which the bidder concerned was approached, must be furnished			

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Title :

  
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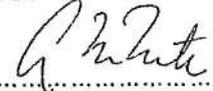
## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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5.2.3	<p>in the recommendations for the acceptance of a bid.</p> <p>In instances where a single bid was received the bid may be accepted provided that the prices are proved to be and certified as fair and reasonable. Proof of reasonableness must be determined as follows :</p>
5.2.3.1	Comparison with prices, after discounts, to the supplier's other normal clients and the relative discount that the State enjoys ;
5.2.3.2	Where this is not possible, profit before tax based on a full statement of relevant costs ; and
5.2.3.3	Comparison with previous bid prices where these are available.
5.2.4	Proof of reasonableness of prices where only one bid is received, must be available for audit purposes.
5.2.5	<p>Bids must be duly scheduled and brought on a comparative basis and submitted together with a motivated recommendation to the relevant Bid Committee for consideration.</p> <p>Note : It is of prime importance that recorded reasons for the acceptance/rejection of a bid are comprehensive and accountable so that they may be conveyed verbatim in writing to the bidder concerned whenever written requests are received. In a court case these reasons will have to be provided and proof will be required that the relevant Bid Committee has taken a reasonable decision on the grounds of the information available to it and that anger or prejudice did not play a role in the decision. Therefore, in the interests of sound administration and accountable decision making, the Department is always prepared to give reasons for its decisions.</p>
5.2.6	Bids, which qualify for acceptance, that are equal in all respects must be dealt with by the drawing of lots.
5.2.7	<p>If a supply chain management practitioner or other role player, or any close family member, partner or associate of such official or other role player, has any private or business interest in any contract to be awarded, that official or other role player must –</p> <p>(a) disclose that interest; and</p> <p>(b) withdraw from participating in any manner whatsoever in the process relating to that bid/contract.</p>
5.2.8	Bids must be accepted, before expiry of validity, by means of a formal contract (SBD 7.1 to 7.3). If this is not possible, extension of validity must be requested timeously. If a bid cannot be finalised within the validity period, the formal contract must be held in abeyance until such time as the extension

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**DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**

**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
5.2.9	is confirmed in writing. Bid Committees, in all their proceedings, must comply with the directives and procedures contained in the Supply Chain Management User Manual : Directives in respect of Procurement. Minutes must be taken and electronically recorded. All the decisions of the bidding committees and the signatures of the chairperson and secretary of the committee must confirm these minutes. Copies of the submissions to committees, their minuted decisions, the electronic recording as well as copies of formal contracts must be placed on record for audit purposes.			
5.2.10	Where further documentation is signed by all partner concerned as an agreement in addition to a bid, the Directorate : Legal Services'/Regional Co-ordinator : Legal Services' approval of the agreement/contract is also required prior to the signing thereof.			

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**DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**

**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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<b>6.</b>	<b><i>URGENT AND EMERGENCY CASES</i></b>			
<b>6.1</b>	<b><i>Urgent cases to an estimated value of R500 000,00 per case</i></b>  Goods, works or services may be procured by preferably making use of the list of prospective suppliers in cases where early delivery is of critical importance and the invitation of competitive bids is either impossible or impractical.	UP TO R200 000-00 – SCO/SPAO	UP TO R200 000-00 – SCO/SPAO  UP TO R500 000-00 – ASD	UP TO R200 000-00 – SCO/SPAO  UP TO R500 000-00 – ASD
<b>6.2</b>	<b><i>Emergency cases up to an estimated value of R1 000 000,00 per case</i></b>  Goods, works or services may be procured by preferably making use of the list of prospective suppliers in cases of emergency where immediate action is necessary in order to avoid a dangerous or risky situation/ misery.	UP TO R200 000-00 – SCO/SPAO	UP TO R200 000-00 – SCO/SPAO  UP TO R500 000-00 – ASD  UP TO R1 000 000-00 – DD	UP TO R100 000-00 – SCO/SPAO  UP TO R500 000-00 – ASD  UP TO R1 000 000-00 – DD
<b>6.3</b>	<b><i>Conditions applicable to urgent and emergency cases</i></b>			
<b>6.3.1</b>	In these cases it is permissible to deviate from the bid process and to invite price quotations. The relevant parties must confirm their offers in writing as soon as possible. The General Conditions of Contract (GCC) must be made applicable to the purchase.			
<b>6.3.2</b>	Depending on circumstances, all attempts should be made to obtain an original Tax Clearance Certificate before acceptance. Proof of all such attempts must be placed on record.			
<b>6.3.3</b>	The reasons for the urgency or emergency and the losses or consequences that will follow if action was not taken must be certified by at least a Director in the line function and placed on record for audit purposes. However, a lack of proper planning should not be constituted as an urgent case and therefore, it must also be certified that the case is not a result of a lack of proper planning.			
<b>6.3.4</b>	Where only one price quotation is received and accepted, and taking the circumstances into account, all reasonable steps must be taken to ensure that a fair price is obtained.			

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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL				
6.3.5	The PPPFA and its Regulations must be applicable in all price quotations.							
6.3.6					The principle of competition should be adhered to as far as possible.			
6.3.7					Statistics of all urgent and emergency cases, must be recorded and placed on file in order to make them available upon request thereof.			

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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

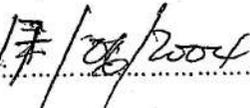
NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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7.	<b>CONTRACT ADMINISTRATION</b>			
7.1	<p><u><i>Increase/decrease in quantities for contracts</i></u></p> <p>In cases where the estimated value of the envisaged change in purchases does not exceed 20% of the total value of the original contract, the contractor may be approached to increase/decrease the quantities and to reduce the unit price, and such offers may be accepted provided that there is no escalation in price and on condition that the total value of the original contract plus the additional purchases, does not exceed the relevant delegated powers</p> <p><b>NB:</b> This authority may be exercised only if the commodity is already available on a contract. A contract may under no circumstances be increased by the addition of commodities not already provided for on a contract.</p>	NO DELEGATION	UP TO R5 000 000-00 - ASD	UP TO R5 000 000-00 - ASD  EXCEEDING R5 000 000-00 – DD
7.2	<p>Large over-deliveries (initiated by supplier), but still not exceeding 20 % of the total value of the original contract, may be accepted provided that a discount for the larger quantities has been satisfactorily negotiated with the supplier and the value of the original contract plus the over-delivery does not exceed the relevant delegated powers</p> <p><b>NB:</b> This authority may be exercised only if the commodity is already available on a contract. A contract may under no circumstances be increased by the addition of commodities not already provided for on a contract.</p>	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 – NATIONAL BID COMMITTEE

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## DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

### PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
7.3	<u>Price and exchange rate adjustments</u>			
7.3.1	<u>Contractual price adjustments</u>  Subject to the conditions of a contract, price adjustments may, with the exception of transversal contracts or contracts not arranged at the relevant office, be approved in accordance with contract conditions.	NO DELEGATION	UP TO R3 000 000-00 - ASD  UP TO R5 000 000-00 - DD	UP TO R3 000 000-00 - ASD  UNLIMITED - DD
7.3.2	<u>Non-contractual price adjustments</u>  Consideration of requests for price adjustments which are not according to contract conditions.	NO DELEGATION	NO DELEGATION	UNLIMITED - NATIONAL BID COMMITTEE
7.4	<u>Extension of delivery periods</u>  Requests received from contractors for the extension of delivery periods may be approved provided the price remains unchanged.	UP TO R1 000 000-00 - CO1/PAO	UP TO R1 000 000-00 - CO1/PAO  UP TO R5 000 000-00 - SCO/SPAO	UP TO R1 000 000-00 - CO1/PAO  UP TO R5 000 000-00 - SCO/SPAO  UNLIMITED - ASD
7.5	<u>Transfer of contracts</u>  A transfer of a contract may be allowed provided that the conditions below are adhered to.	NO DELEGATION	UP TO R5 000 000-00 SUB-BID COMMITTEE	UP TO R5 000 000-00 SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
7.5.1	the contract has been arranged by the relevant Bid Committee within delegated powers;			
7.5.2	The transfer is not to the detriment of the State			
7.5.3	If a contract was awarded as a result of the application of the point preference system for equity ownership, etc, the transferee should also similarly qualify under the same principle, to obtain such a contract. (This is to prevent fronting)			

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**DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**

**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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\* *Where a power has been delegated to a holder of a specific rank, that power may be executed by the acting official or the holder of an equivalent or any higher rank.*

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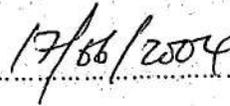
**SPECIFIC DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES  
PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

<b>1.</b>	<b>INTRODUCTION</b>
1.1	I, Linda M. Mti, Commissioner of Correctional Services, hereby approve the specific delegated powers contained in this document, in accordance with paragraph 6(4) of the Regulations in terms of the Public Finance Management Act, 1999 : Framework for Supply Chain Management, which reads as follows :
	"If in a specific case it is impractical to invite competitive bids, the accounting officer or accounting authority may procure the required goods or services by other means, provided that the reasons for deviating from inviting competitive bids must be recorded and approved by the accounting officer or accounting authority"
1.2	By virtue of the authority vested in me in terms of Sections 44(1)(a) and 56 of the Public Finance Management Act, I hereby delegate the powers and duties assigned to me in terms of the Public Finance Management Act (Act 1 of 1999 as amended with Act 29 of 1999) and the Regulations in terms of the Public Finance Management Act : Framework for Supply Chain Management, to the post levels as indicated in this annexure.
1.3	As far as procedures and administrative actions are concerned, all procurement units are bound to comply with the conditions contained in the Government Procurement : General Conditions of Contract (GCC) and the Supply Chain Management User Manual : Directives in respect of Procurement in so far as they are not in conflict with the directives and limitations stipulated herein
1.4	At any time the powers may be withdrawn or the conditions, under which they have been granted, may be amended.
1.5	Where any doubt exists with regard to the interpretation or application of any power or condition, the Directorate : Procurement must be approached through normal service channels for a decision or finalization.
1.6	These powers are granted subject to the provisions of any other Act of Parliament, as amended from time to time.

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**SPECIFIC DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**

**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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2.0	<b>SPECIFIC DELEGATED POWERS</b>			
2.1	Invitation of bids for perishable provisions	UP TO R1 000 000-00	UNLIMITED	NOT APPLICABLE
2.2	Purchasing of perishable provisions to an unlimited value per price quotation in cases where the internal source of supply that normally produce this commodity, cannot supply the commodity, and if it is impractical to invite competitive bids.	UP TO R100 000-00 – ASD	UP TO R100 000-00 – ASD  UP TO R5 000 000-00 – SUB-BID COMMITTEE	UP TO R100 000-00 – ASD  UP TO R5 000 000-00 – SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 – NATIONAL BID COMMITTEE
2.2.1	The period may not be longer than three (3) months.			
2.2.2	The General Conditions of Contract must be applied.			
2.2.3	The PPPFA and its Regulations must be applied to all requirements exceeding R30 000-00 per case.			
<i>Note</i>	<b>Before the specific delegation is applied, it should first be ascertained whether the commodity cannot be provided by the nearby internal source of supply and if the item after consultation with the caterer, cannot be replaced with another item for the period.</b>			
2.3	Purchases to an unlimited value per quotation outside contract as a result of unsatisfactory performance by suppliers of perishable provisions, until a new contract is arranged.	UP TO R100 000-00 – ASD	UP TO R100 000-00 – ASD  UP TO R5 000 000-00 – SUB-BID COMMITTEE	UP TO R100 000-00 – ASD  UP TO R5 000 000-00 – SUB-BID COMMITTEE  EXCEEDING R5 000 000-00 –

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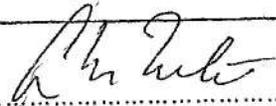
# SPECIFIC DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

## PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
				NATIONAL BID COMMITTEE
2.3.1	The General Conditions of Contract must be applied.			
2.3.2	The PPPFA and its Regulations must be applied to all requirements exceeding R30 000-00 per case.			
2.4	Purchases per price quotation outside contract when a transversal contract/general period contract has not been renewed timeously, for the amounts exceeding R100 000-00 per case.	NO DELEGATION	UP TO R1 500 000-00 - SUB-BID COMMITTEE	UP TO R1 500 000-00 - SUB-BID COMMITTEE
2.4.1	Prior to the invitation of price quotations, confirmation must be obtained that such a contract is not yet available.			
2.4.2	The delegation may only be utilized to satisfy immediate needs until such contract is available.			
2.4.3	The General Conditions of Contract must be applied.			
2.4.4	The PPPFA and its Regulations must be applied to all requirements exceeding R30 000-00 per case.			
2.5	Repair of technical equipment of which the defect is not known to the value of R200 000-00 per case by inviting price quotations only from the manufacturer, his agent or a qualified institution on the list of prospective suppliers.	UP TO R30 000-00 – CO I/PAO  UP TO R60 000-00 – SCO/SPAO  UP TO R200 000-00 – ASD	UP TO R30 000-00 – CO I/PAO  UP TO R60 000-00 – SCO/SPAO  UP TO R200 000-00 – ASD	UP TO R30 000-00 – CO I/PAO  UP TO R60 000-00 – SCO/SPAO  UP TO R200 000-00 – ASD
2.5.1	If the machinery is still under guarantee, repair should take place in accordance with the stipulations of the guarantee.			
2.5.2	Should the manufacturer or his agent not be utilised, rotation of qualified institutions on the list of prospective suppliers should take place.			
2.5.3	Reasonableness of price should be determined.			
2.5.4	The General Conditions of Contract must be made applied.			

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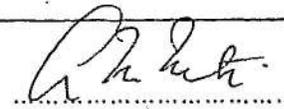
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**SPECIFIC DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**

**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
2.5.5	It should be determined whether it is economic to repair the equipment.			
2.6	<i>Purchasing of breeding animals up to a financial limit of R100 000-00 per case</i>			
2.6.1	Production Auctions	UP TO R100 000-00 – CO I/PAO	NOT APPLICABLE	NOT APPLICABLE
2.6.1.1	The departmental agriculturists, in co-operation with the state veterinarian, should make preliminary surveys of the available breeding animals that comply with the established requirements with a view to purchase. Recommendations must be made to the Director : Agriculture and Production Workshops, for a final decision. A departmental agriculturist, (irrespective of rank), should be delegated to bid on the identified breeding animals, on behalf of the department, with reference to confidential guidelines regarding the estimated value of the livestock			
2.6.2	Dogs and breeding animals that are not available at production auctions	UP TO R30 000-00 – CO I/PAO  UP TO R60 000-00 – SCO/SPAO  UP TO R100 000-00 – ASD	UP TO R30 000-00 – CO I/PAO  UP TO R60 000-00 – SCO/SPAO  UP TO R100 000-00 – ASD	NOT APPLICABLE
2.6.2.1	<p><u>Breeding Animals</u></p> <p>Departmental agriculturists, in co-operation with the state veterinarian, should make preliminary surveys of available breeding animals that comply with the stated requirements with a view to purchase. Recommendations are made to the Director : Agriculture and Production Workshops for a final decision. A departmental agriculturist (irrespective of rank) should be delegated to negotiate with the breeders, on behalf of the department, for the purchase of the identified breeding animals, with reference to confidential guidelines regarding the estimated value of the livestock.</p>			
2.6.2.2	<p><u>Dogs</u></p> <p>The departmental dog-handlers, in co-operation with the state veterinarian, should make preliminary surveys of available breeding animals that comply with the stated requirements with a view to purchase. In the case of dogs, only the Departmental Head of the Dog Training Centre has the authority to decide on the purchase of dogs and he/she is authorised to negotiate with the breeder, on behalf of the department, for the purchase of the identified dogs, with reference to confidential guidelines regarding the estimated value of the dogs.</p>			

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# SPECIFIC DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

## PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
	In both the above-mentioned cases, the transaction must be formalised by means of price quotations, in which the breeder commits himself/herself to the conditions as contained in the General Conditions of Contract. The PPPFA and its Regulations must be applied to requirements exceeding R30 000-00.			
2.7	Purchasing of medicament up to R100 000-00 per month (each month must be viewed as a case) from wholesalers registered on the list of prospective suppliers without the invitation of price quotations where prescriptions from doctors are received, other identified urgent cases and where no stock is available.	UP TO R15 000-00 – CO I/PAO  UP TO R30 000-00 – SCO/SPAO  UP TO R100 000-00 – ASD	UP TO R15 000-00 – CO I/PAO  UP TO R30 000-00 – SCO/SPAO  UP TO R100 000-00 – ASD	NOT APPLICABLE
2.7.1	Only the quantities required to satisfy the immediate need and not to maintain stocklevels must be procured.			
2.7.2	Such requests must be recommended by the Pharmacist.			
2.7.3	Purchases must take place on a rotation basis, per month, by rotating all wholesalers registered on the list of prospective suppliers.			
2.8	Purchasing of medicament for prisoners per prescription without inviting price quotations up to R100 000-00 per month (each month must be viewed as a case)	UP TO R15 000-00 – CO I/PAO  UP TO R30 000-00 – SCO/SPAO  UP TO R100 000-00 – ASD	UP TO R15 000-00 – CO I/PAO  UP TO R30 000-00 – SCO/SPAO  UP TO R100 000-00 – ASD	NOT APPLICABLE
2.8.1	Only applicable where no accessible departmental pharmacy is available.			
2.8.2	Purchases to be done on a monthly rotation basis from the different pharmacies registered on the list of prospective suppliers.			
2.8.3	Pharmacies must be approached for discount on items supplied.			

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**SPECIFIC DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES**

**PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES**

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**SPECIFIC DELEGATED POWERS : REASONS FOR DEVIATING FROM INVITING COMPETITIVE BIDS**

DELEGATION NUMBER	DESCRIPTION	REASON
2.1	Invitation of bids for perishable provisions	<p>In this specific case competitive bids will be invited in accordance with the prescribed procedure. <b>The only deviation from the delegated powers will be that Regional Offices may invite bids to an unlimited value.</b> The delegation applicable to Regional Offices in respect of the invitation of bids for other goods, works or services, is R5 000 000-00 per case. The main reasons for deviating is the following :</p> <ul style="list-style-type: none"> <li>▪ Bid documents are more easily available to the local community at these offices.</li> <li>▪ Bidders can attend advisory sessions without any cost</li> <li>▪ The National Office does not have the capacity to handle bids of this magnitude.</li> </ul> <p>Although invited by the Regional Offices, bids exceeding the amount of R5 000 000-00 are still referred to the National Bid Committee for consideration and approval.</p>
2.2	Purchasing of perishable provisions to an unlimited value per price quotation in cases where the internal source of supply that normally produce this commodity, cannot supply the commodity, and if it is impractical to invite competitive bids.	<p>During the arrangement of contracts for perishable provisions for the various Area Commissioners/Correctional Centres, certain Area Commissioners/Correctional Centres, where the requirements for example meat, vegetables and eggs, are produced and provided internally at prison farms, are excluded.</p> <p>As a result of unforeseen circumstances for example, continuous increase in prison population, drought conditions, failure of crops, mortalities of livestock, etc., it sometimes occurs that prison farms cannot generally provide self-produced products to prisons for certain periods.</p> <p>Since the periods for which the prison farms cannot provide supplies, varies between one (1) and three (3) months, it is impractical to arrange contracts for such short periods in accordance with the prescribed bidding process.</p> <p>In view of the afore-mentioned, price quotations should be invited by those Area Commissioners/ Correctional Centres for whom contracts have not been arranged, irrespective the limit per case, in cases where self produced products cannot be provided for periods shorter than three (3) months.</p> <p>In cases where the internal provisioning of self-produced products cannot be provided for periods longer than three (3) months, contracts will be arranged in accordance with the prescribed bidding procedures.</p>

## SPECIFIC DELEGATED POWERS : REASONS FOR DEVIATING FROM INVITING COMPETITIVE BIDS

DELEGATION NUMBER	DESCRIPTION	REASON
2.3	Purchases to an unlimited value per quotation outside contract as a result of unsatisfactory performance by suppliers of perishable provisions, until a new contract is arranged.	<p>Perishable provision contracts for prisons in this Department were predominantly awarded to upcoming Entrepreneurs out of the historically disadvantaged group.</p> <p>These companies, who are not always acquainted with the practice of business, sometimes experience execution problems and are left in breach of contract.</p> <p>When delivery cannot be effected, commodities necessary for daily rations of prisoners have to be purchased per price quotation in order to ensure continuity. The value to procure the requirement often exceeds R100 000-00 per case per month, especially at larger Area Commissioners/ Correctional Centres.</p> <p>In view of the above-mentioned, specific powers are an absolute necessity to purchase perishable provisions per price quotations to an unlimited value in cases where a buy-out transaction is in process and a new contract has not been finalised yet.</p>
2.4	Purchases per price quotation up to a value of R1 500 000-00 per case outside contract when a transversal contract/general period contract has not been renewed timeously, for the amounts exceeding R100 000-00 per case.	<p>It happens continuously that transversal contracts/general period contracts are not renewed timeously, whether by the Common Service Provider or other institutions. As a result, for the interim, specific commodities (foodstuff, animal feed, fertilizer, etc.) must be purchased accordingly within delegated powers (R100 000-00 per case) in accordance with price quotations.</p> <p>Seeing that R100 000-00 is not in all cases sufficient to satisfy the need, it is not practical and cost-effective to handle these needs for goods, works or services within the R100 000-00 limit.</p>
2.5	Repair of technical equipment of which the defect is not known to the value of R200 000-00 per case by inviting price quotations only from the manufacturer, his agent or a qualified institution on the list of prospective suppliers.	<p>Various problems are experienced in practice when price quotations need to be invited for the repair of technical equipment such as television sets, water pumps, large machinery, etc. Should the normal procedures be followed, the following problems will be experienced :</p> <ul style="list-style-type: none"> <li>▪ When equipment is defective, full particulars of the defect are normally not known and competitive price quotations/bids cannot be invited. As a result it is necessary to take the item to various possible suppliers, who need to take the item apart in order to determine the defect, put the item back together, after which the repair cost can be determined. All these actions normally take place at a cost.</li> </ul> <p>In order to ensure competitiveness, and to remain within the parameters of the prescripts, the item also needs to be taken to other possible suppliers, with the involved transport cost, where the process needs to be repeated.</p>

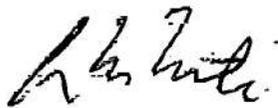
**SPECIFIC DELEGATED POWERS : REASONS FOR DEVIATING FROM INVITING COMPETITIVE BIDS**

DELEGATION NUMBER	DESCRIPTION	REASON
		<p>After the afore-mentioned process has been completed, a lot of time will have lapsed and cost incurred.</p> <p>In view of the afore-mentioned, it is evident that this is a cumbersome process and definitely not cost-effective and at time impractical to execute. It is also impractical to invite competitive bids.</p>
2.6	<i>Purchasing of breeding animals up to a financial limit of R100 000-00 per case</i>	
2.6.1	Production Auctions	It happens from time to time that the Departmental Agriculturist request to procure especial breeding animals on production auctions. As a result, a Departmental Agriculturist is delegated to bid on identified breeding animals on behalf of the Department. It is therefore impossible to invite bids in accordance with the prescribed bidding process.
2.6.2	Dogs and breeding animals that are not available at production auctions	The requirement sometimes exists to procure breeding animals and dogs (patrol dogs) that need to comply with certain requirements. Seeing that it is impractical to invite competitive price quotations/bids, the Agriculturist will beforehand make a survey of the available breeding animals/dogs that comply with the requirements. After making a decision on which supplier the animals will be procured from, the transaction is formatted by means of a price quotation in which the supplier commits himself to the General Conditions of Contract.
2.7	Purchasing of medicament up to R100 000-00 per month (each month must be viewed as a case) from wholesalers registered on the list of prospective suppliers without the invitation of price quotations where prescriptions from doctors are received, other identified urgent cases and where no stock is available.	Notwithstanding the fact that the department procure medicine in accordance with transversal contracts at the larger Area Commissioners and take this medicine into stock (departmental pharmacies for issuance to inmates), it sometimes happens that an inmate urgently needs medicament that is normally not kept in stock or is not in stock at that specific moment. Seeing that immediate dispensing is necessary, there is not sufficient time to invite price quotations and is it also impractical and not cost-effective to issue an order for a single item. In order not to favour one supplier, to avoid prejudice against other suppliers and to receive maximum advantage, suppliers are used on a rotation basis without the invitation of price quotations.
2.8	Purchasing of medicament for prisoners per prescription without inviting price quotations up to R100 000-00 per month (each month must be viewed as a case)	No departmental pharmacies are situated at the smaller Correctional Centres. With the result that should a doctor issue the inmate with a prescription, such medicine needs to be obtained from another source. Seeing that this department is not aware of what will be prescribed, price quotations cannot be invited prescriptively beforehand, and medicine needs to be issued to the inmate immediately. It is therefore impractical to invite price quotations and not cost-effective to issue an order for each prescription. The pharmacies within the area that are listed on the list of prospective suppliers will be used on a rotation basis in order not to favour any pharmacy.

UNDER THE POWERS VESTED IN ME IN TERMS OF SECTION 17 (3) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT 2 OF 2000), I LINDA MORRIS MTL, COMMISSIONER OF CORRECTIONAL SERVICES, APPOINTED AS INFORMATION OFFICER IN TERMS OF THE ACT HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON IN THE POST INDICATED AGAINST THE APPLICABLE COMPETENCY, PROVIDED THAT:

- (a) The Information Officer (the Commissioner) has direction and control over every Deputy Information Officer.
- (b) Any delegation does not prohibit the Information officer (Commissioner) from exercising the power concerned or performing the duty concerned himself or herself.
- (c) Any delegation may at any time be withdrawn or amended in writing by the Information Officer.
- (d) Any right or privilege acquired, or any obligation or liability incurred, as a result of a decision in terms of a delegation of this Act is not affected by any subsequent withdrawal or amendment of that decision.
- (e) The delegation indicated hereunder, remains in force should a section of the Promotion of Access Act be renumbered in terms of an amendment, precluding any amendments to the competency itself, and the number of the new section is considered to be the number of the relevant provision of the Act;
- (f) The exercise of a delegated authority is at all times subject to the provisions of the Correctional Services Act and Regulations, the Departmental Orders and any directives issued in this regard; and;
- (g) Levels of delegation indicated with Head Office, refer only to post structures which exist at the Correctional Services, Head Office, Pretoria.

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Section 9	<p>9 Objects of Act</p> <p>The objects of this Act are-</p> <p>(a) to give effect to the constitutional right of access to-</p> <p>(i) any information held by the State; and</p> <p>(ii) any information that is held by another person and that is</p>	



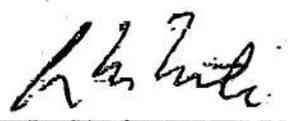
LINDA MORRIS MTL

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2000

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
	<p>required for the exercise or protection of any rights;</p> <p>(b) to give effect to that right-</p> <p>(i) subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance; and</p> <p>(ii) in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;</p> <p>(c) to give effect to the constitutional obligations of the State of promoting a human rights culture and social justice, by including public bodies in the definition of 'requester', allowing them, amongst others, to access information from private bodies upon compliance with the four requirements in this Act, including an additional obligation for certain public bodies in certain instances to act in the public interest;</p> <p>(d) to establish voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and</p> <p>(e) generally, to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, empowering and educating everyone-</p>	

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
	<ul style="list-style-type: none"> <li>(i) to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;</li> <li>(ii) to understand the functions and operation of public bodies; and</li> <li>(iii) to effectively scrutinise, and participate in, decision-making by public bodies that affects their rights.</li> </ul> <p><u>All authority and competencies provided for in terms of the Promotion of Access to Information Act 2 of 2000</u></p>	<p>Dir. Legal Services and all Legal administration officers (All Deputy Information officers)</p>



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LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004

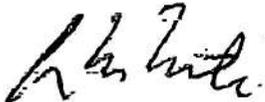
ASSIGNMENT IN TERMS OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

By virtue of the authority vested in me in terms of section 16 (2) of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), as amended, I Linda Morris Mti, Commissioner of Correctional Services, hereby assign the duties imposed on me in terms of the Occupational Health and Safety Act, to the person serving in the posts as indicated below. The assignment is to the person occupying the relevant post and will include a person serving in that post in an acting capacity:

Please note:

- (a) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (b) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (c) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)
- (d) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (e) The following abbreviations are used:

CO	=	Correctional Officer
SCO	=	Senior Correctional Officer
ASD	=	Assistant Director
DIR	=	Director
DC	=	Deputy Commissioner
CDC	=	Chief Deputy Commissioner
HO	=	Head Office



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2006

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
8 (1)	<p>Provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of employees:</p> <p>A Draft Policy and coordinate application thereof.</p> <p>B Functional provision and maintenance of working environment that is safe and without risk.</p>	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p> <p><u>Regional Level:</u> Regional Commissioner</p> <p><u>Head Office Level:</u> DD Auxiliary services</p>
8 (2) (a)	Provisioning and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u></p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<p>Area Commissioner</p> <p><u>Regional Level:</u> Regional Commissioner</p> <p><u>Head Office Level:</u> DD Auxiliary services</p>
8 (2) (b)	Taking such steps as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective equipment.	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p> <p><u>Regional Level:</u> Regional Commissioner</p> <p><u>Head Office Level:</u> DD Auxiliary services</p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
8 (2) (c)	Making arrangements for ensuring, as far as is reasonably practicable, the safety and absence of risks to health in connection with the production, processing, use, handling, storage or transport of articles or substances.	<p><b><u>A Policy:</u></b> CDC Corporate Services</p> <p><b><u>B Functional:</u></b> <b><u>Management Area Level:</u></b> Area Commissioner</p> <p><b><u>Regional Level:</u></b> Regional Commissioner</p> <p><b><u>Head Office Level:</u></b> DD Auxiliary services</p>
8 (2) (d)	Establishing, as far as is reasonably practicable, what hazards to the health or safety of persons are attached to any work which is performed, any article or substance which is produced, processed, used, handled, stored or transported and any plant or machinery, which is used in the Department, and as far as is reasonably practicable further establish what precautionary measures should be taken with respect to such work, article, substance, plant or machinery in order to protect the health and safety of	<p><b><u>A Policy:</u></b> CDC Corporate Services</p> <p><b><u>B Functional:</u></b> <b><u>Management Area Level:</u></b> Area Commissioner</p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
	persons, and to provide the necessary means to apply such precautionary measures.	<u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> DD Auxiliary services
8 (2) (e)	Providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety of employees at work.	<u>A Policy:</u> CDC Corporate Services  <u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner  <u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> DD Auxiliary services

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
8 (2) (f)	As far as is reasonably practicable, not permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in items prescribed, have been taken.	<p><b><u>A Policy:</u></b> CDC Corporate Services</p> <p><b><u>B Functional:</u></b> <b><u>Management Area Level:</u></b> Area Commissioner</p> <p><b><u>Regional Level:</u></b> Regional Commissioner</p> <p><b><u>Head Office Level:</u></b> DD Auxiliary services</p>
8 (2) (g)	Taking all necessary measures to ensure that the requirements of the Occupational Health and Safety Act are complied with by every person in the employment of the Department or on premises under departmental control where plant or machinery is used.	<p><b><u>A Policy:</u></b> CDC Corporate Services</p> <p><b><u>B Functional:</u></b> <b><u>Management Area Level:</u></b> Area Commissioner</p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> DD Auxiliary services
8 (2) (h)	Enforcing such measures as may be necessary in the interest of health and safety.	<u>A Policy:</u> CDC Corporate Services  <u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner  <u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> DD Auxiliary services
8 (2) (i)	Ensuring that work is performed and that plant or machinery is used under the general	<u>A Policy:</u>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
	supervision of a person trained to understand the hazards associated with it and who have the authority to ensure that precautionary measures taken by the Department are implemented.	<p>CDC Corporate Services</p> <p><u>B Functional:</u>  <u>Management Area Level:</u>  Area Commissioner</p> <p><u>Regional Level:</u>  Regional Commissioner</p> <p><u>Head Office Level:</u>  DD Auxiliary services</p>
8 (2) (j)	Causing all employees to be informed regarding the scope of their authority as contemplated in section 37 (1) (b) of the Occupational Health and Safety Act.	<p><u>A Policy:</u>  CDC Corporate Services</p> <p><u>B Functional:</u>  <u>Management Area Level:</u>  Area Commissioner</p> <p><u>Regional Level:</u></p>

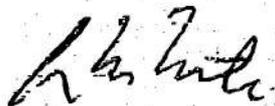
STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<b>Regional Commissioner</b>  <u>Head Office Level:</u> <b>DD Auxiliary services</b>
9 (1)	Conduct his undertaking in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in his employment who are directly affected by his activities are not thereby exposed to hazards to their health or safety.	<u>A Policy:</u> <b>CDC Corporate Services</b>  <u>B Functional:</u> <u>Management Area Level:</u> <b>Area Commissioner</b>  <u>Regional Level:</u> <b>Regional Commissioner</b>  <u>Head Office Level:</u> <b>DD Auxiliary services</b>
12 (a)	Identify the hazards and evaluate the risks associated with such work constituting a hazard to the health of such employees, and the steps to be taken to comply with the	<u>A Policy:</u> <b>CDC Corporate Services</b>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
	provisions of the Act.	<p><u>B Functional:</u>  <u>Management Area Level:</u>  Area Commissioner</p> <p><u>Regional Level:</u>  Regional Commissioner</p> <p><u>Head Office Level:</u>  DD Auxiliary services</p>
12 (b)	As far as is reasonably practicable, prevent the exposure of such employees to the hazards concerned or, where prevention is not practicable, and minimize such exposure.	<p><u>A Policy:</u>  CDC Corporate Services</p> <p><u>B Functional:</u>  <u>Management Area Level:</u>  Area Commissioner</p> <p><u>Regional Level:</u>  Regional Commissioner</p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<u>Head Office Level:</u> DD Auxiliary services
12 (c)	Carry out an Occupational Hygiene Programme and biological monitoring and subject such employees to medical surveillance.	<u>A Policy:</u> CDC Corporate Services  <u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner  <u>Regional Level:</u> Regional Commissioner  <u>Head Office Level:</u> DD Auxiliary services
13	Duty to inform	<u>A Policy:</u> CDC Corporate Services

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<p><b><u>B Functional:</u></b>  <b><u>Management Area Level:</u></b>  Area Commissioner</p> <p><b><u>Regional Level:</u></b>  Regional Commissioner</p> <p><b><u>Head Office Level:</u></b>  DD Auxiliary services</p>
13 (a)	Cause every employee to be made conversant with the hazards to his health and safety attached to any work which he has to perform.	<p><b><u>A Policy:</u></b>  CDC Corporate Services</p> <p><b><u>B Functional:</u></b>  <b><u>Management Area Level:</u></b>  Area Commissioner</p> <p><b><u>Regional Level:</u></b>  Regional Commissioner</p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<u>Head Office Level:</u> DD Auxiliary services



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

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