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GENERAL NOTICES

NOTICE 682 OF 2010

PUBLICATION OF EXPLANATORY SUMMARY OF THE CIVILIAN SECRETARIAT FOR POLICE BILL, 2010

The Minister of Police intends introducing the Civilian Secretariat for Police Bill in Parliament during July 2010. Notice of its introduction and an explanatory summary of the Bill are hereby published in accordance with Rules 241(1)(b) and 241(1)(c) of the Rules of the National Assembly.

The Bill responds to the imperative of section 208 of the Constitution of the Republic of South Africa ("the Constitution") that requires the establishment of a civilian secretariat for the police service by national legislation to function under the direction of the Cabinet member responsible for policing.

The Civilian Secretariat of Police Bill, 2010 ("the Bill") seeks to establish the Civilian Secretariat for the Police ("the Secretariat") as required by section 208 of the Constitution, to provide it with the necessary powers and functions to exercise and perform civilian oversight over the South African Police Service ("the Service").

In summary, the Bill seeks -

- (a) To provide for the establishment of a single Civilian Secretariat for the police service in the Republic that is structured to function separately from the South African Police Service;
- (b) To define the objects, functions and powers of the Secretariat;

- (c) To align the operations of the Secretariat at the national and provincial spheres of government and reorganize the Secretariat into an effective and efficient organ of state;
- (d) To regulate the appointment, duties and functions, powers and the removal from office of the Secretary for the police and the heads of provincial secretariats;
- (e) To provide for the establishment of a senior management Forum and Ministerial Executive Committee;
- (f) To provide for co-operation with the Independent Police Investigative Directorate;
- (g) To provide for intervention into the affairs of provincial secretariats by the Civilian Secretariat;
- (h) To repeal the existing provisions relating to Ministerial Services contained in the South African Police Service Act, 1995 (Act No 68 of 1995): and
- (i) To provide for transitional arrangements and other matters.

Copies of the Bill and the Memorandum on the Objects of the Bill can be obtained from –

Ms Jenni Irish – Qhobosheane
The Secretary of Police
Secretariat for Police
Private Bag X 922
PRETORIA
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Tel: 012-2932519
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Email: irish-qhobosheanej@saps.org.za

NOTICE 683 OF 2010**DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE****PUBLICATION OF EXPLANATORY SUMMARY OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE BILL, 2010**

The Minister of Police intends introducing the Independent Police Investigative Directorate Bill in Parliament during July 2010. Notice of its introduction and an explanatory summary of the Bill are hereby published in accordance with Rules 241(1)(b) and 241(1)(c) of the Rules of the National Assembly.

The main objective of the Bill is to make provision for the establishment of the Independent Police Investigative Directorate to ensure effective independent oversight of the South African Police Service and the Municipal Police Services. The Bill will ensure that the Directorate exercises its constitutional mandate as provided for in section 206(6) of the Constitution by affording it with the necessary powers and functions to investigate any alleged misconduct of, or offence committed by, a member of the police service.

In summary, the Bill seeks to –

- (i) to transform the Independent Complaints Directorate into a fully functional Independent Police Investigative Directorate to investigate serious police misconduct;
- (ii) to change the name and function of the Directorate to ensure that it focuses on conducting investigations of specified matters against

- members of the South African Police Service instead of being perceived as a general complaints body;
- (iii) to provide the Directorate with the necessary powers and functions to exercise its constitutional mandate to conduct investigations against members of the police service;
 - (iv) to provide for the establishment of a Management Committee and Consultative forum and their respective functions;
 - (v) to provide for the Directorate to submit its findings and recommendation to the Minister of Police and for the Civilian Secretariat for Police to monitor the implementation of the Minister's directives based on the recommendation;
 - (vi) to provide for transitional arrangements, repeal and amendment of certain laws; and to provide for matters connected therewith;
 - (vii) In order to give effect to the constitutional imperative, to ensure that the Directorate is independent from the South African Police Service and that it receives its budget directly from Treasury as approved by Parliament.

Copies of the Bill and the Memorandum on the Objects of the Bill can be obtained from –

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