

REPUBLIC OF SOUTH AFRICA

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

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*(As introduced in the National Assembly (proposed section 76(1)), explanatory  
summary of Bill published in Government Gazette No. xxx of xxx (The English  
text is the official text of the Bill)*  
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(MINISTER OF POLICE)

[B 2010]

**BILL**

**To make provision for the establishment of the Independent Police Investigative Directorate and to regulate the functions of the Directorate, to provide for the establishment of a Management Committee and Consultative forum and their respective functions; to provide for the appointment and powers of investigators; to provide for transitional arrangements, repeal and amendment of certain laws; and to provide for matters connected therewith.**

**PREAMBLE**

**WHEREAS** section 206(6) of the Constitution, provides that on receipt of a complaint lodged by a provincial executive, an independent police complaints body established by national legislation must investigate any alleged misconduct of, or offence committed by, a member of the police services in the province;

**AND WHEREAS** there is a need to ensure effective independent oversight of the South African Police Service and Municipal Police Services;

**AND WHEREAS** Chapter 2 of the Constitution provides for the upholding and safeguarding of fundamental rights of every person.

**BE IT THEREFORE ENACTED** by the Parliament of the Republic of South Africa, as follows:—

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**CHAPTER 1**  
**DEFINITIONS, ESTABLISHMENT AND INDEPENDENCE, IMPARTIALITY**  
**AND ACCOUNTABILITY**

**Definitions**

**1.**

“**Directorate**” means the Independent Police Investigative Directorate established in terms of section 2;

“**Executive Director**” means the Executive Director appointed in terms of section 5(1);

“**financial year**” means the period from 1 April in any year to 31 March in the ensuing year;

“**fixed date**” means the date of commencement of this Act;

“**forum**” means the Consultative forum established under section 15;

“**investigator**” means a person appointed under section 22;

“**Management Committee**” means the Management Committee established under section 11;

“**MEC**” means the Member of the Executive Council of a province who is responsible for safety and security in that province;

“**Minister**” means the Minister of Police;

“**organ of state**” means an organ of state as defined in section 239 of the Constitution;

**“provincial head”** means a person appointed under section 19;

**“Public Finance Management Act”** means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

**“Public Service Act”** means the Public Service Act, 1994 (Proclamation No. 103 of 1994);

**“Secretariat”** means the Secretariat for Police established under section 2 (1) of the South African Police Service Act, 1995 (Act No. 68 of 1995);

**“Secretary”** means the Secretary of Police appointed under section 2 (2) of the South African Police Service Act, 1995 (Act No. 68 of 1995);

**“South African Police Service Act”** means the South African Police Service Act, 1995 (Act No. 68 of 1995); and

**“this Act”** includes the regulations.

## **Establishment**

2. (1) The Independent Police Investigative Directorate to be structured at a national level with branches in the provinces is hereby established.

(2) The Directorate must exercise its functions in accordance with this Act and any other relevant law.

(3) The Public Finance Management Act applies to the Directorate.

### **Independence, impartiality and accountability**

3. (1) The Directorate functions independently from the South African Police Service.

(2) Each organ of state must assist the Directorate to maintain its impartiality and to perform its functions effectively.

## **CHAPTER 2**

### **NATIONAL OFFICE**

#### **National office**

4. The national office is hereby established and is headed by the Executive Director.

#### **Appointment of Executive Director**

5. (1) The Minister must subject to the laws governing the public service appoint the Executive Director.

(2) The Minister must as soon as practically possible inform the relevant Parliamentary Committee of the name of the successful candidate for the purpose of subsection (3).

(3) In the event of an appointment being confirmed—

- (a) such person is appointed to the office of Executive Director subject to the laws governing the public service with effect from a date agreed upon by such person and the Minister; and
- (b) such appointment must be for a period not exceeding five years: Provided that such person is eligible for a consecutive appointment not exceeding two terms.

(4) The Minister may appoint a person as an acting Executive Director if—

- (a) the Executive Director is absent for a substantial period; or
- (b) the appointment of the Executive Director is pending.

(5) The Minister may, remove the Executive Director from his or her office on account of—

- (a) misconduct;
- (b) ill health;
- (c) inability to perform the duties of that office effectively.

### **Responsibilities of Executive Director**

6. (1) The Executive Director is the accounting officer of the Directorate and must ensure that—

- (a) proper records of all financial transactions, assets and liabilities of the Directorate are kept;

- (b) as soon as is practical, but not later than four months after the end of each financial year, annual financial statements in respect of the financial year in question are prepared and submitted to the Minister for approval; and
- (c) the financial affairs of the Directorate comply with the Public Finance Management Act.

(2) The Executive Director is responsible for the appointment of the provincial heads of each province contemplated in section 20(1).

(3) (a) The Executive Director must appoint such staff as may be necessary to enable the Directorate to perform its functions in terms of this Act.

(b) The staff component must be established in accordance with the Public Service Act.

(c) The conditions of service including remuneration and allowances of such staff are regulated in terms of the Public Service Act.

(d) The Executive Director must direct that a register of declaration of interest by managers and investigators be kept in the prescribed form and manner.

(e) The Executive Director must give guidelines with regard to training of staff on national and provincial level.

(4) The Executive Director may refer matters investigated by the Directorate under this Act to the National Prosecuting Authority for criminal prosecution.

(5) The Executive Director must provide strategic leadership to the Directorate.

(6) The Executive Director must at any time when requested to do so by the Minister or Parliament, report on the activities of the Directorate to the Minister or Parliament.

### **Composition of national office**

7. (1) The Executive Director must appoint members at the national office.

(2) The national office consists of the—

- (a) Executive Director who controls the office;
- (b) Corporate Services Unit;
- (c) Investigation and Information Management Unit; and
- (d) Legal Services Unit.

(3) A person may not be appointed as a member of the national office unless information with respect to that member has been gathered in a security screening investigation by the National Intelligence Agency as referred to in section 3 of the Intelligence Services Act, 2002 (Act No. 65 of 2002).

(4) The Executive Director must issue a certificate of appointment in respect of such person wherein it is certified that such person has successfully undergone a security clearance and is appointed as an employee of the Directorate.

(5) Any member of the national directorate may from time to time, or at such regular intervals as the Executive Director may determine, be subjected to a further security screening as contemplated in subsection (3).

(6) The Executive Director, after consultation with the National Intelligence Agency, may withdraw a certificate referred to in subsection (4) if he or she obtains information which, after evaluation by him or her, causes him or her to believe that the person in question could be a security risk or acted in any manner prejudicial to the objectives of the Directorate.

(7) If the certificate referred to in subsection (6) is withdrawn, the person concerned is unfit to continue to hold such office and the Executive Director must discharge him or her from the Directorate.

### **Functions of national office**

8. The functions of the national office are to—
- (a) give strategic leadership to the Directorate;
  - (b) develop policy and implement it for the Directorate;
  - (c) oversee and monitor performance at provincial level and intervene to rectify challenges where necessary;
  - (d) gather, keep and analyse information in relation to investigations;
  - (e) identify and review legislative needs and report on such matters to the Secretariat;
  - (f) do internal auditing of the Directorate;

- (g) provide administrative support to the Directorate;
- (h) strengthen the co-operative relationship between the Directorate and Secretariat;
- (i) report to a MEC on matters referred to the head of that provincial directorate by the MEC;
- (j) submit an annual report to the Minister and Parliament;
- (k) implement information measures to develop public awareness of the provisions of this Act; and
- (l) deal with any other matter referred to it by the Minister.

### **Reporting on cases**

9. (1) The Directorate must provide reports to the Secretariat on an ongoing basis on the finalisation of investigations and on its findings and recommendations made.

(2) The Secretariat must monitor the South African Police Service's implementation of the recommendations made by the Directorate and provide the Executive Director with regular reports on steps taken by it to ensure compliance.

(3) The Directorate and the Secretariat must meet at least four times a year on issues of common interest.

## **Delegations**

**10.** (1) Subject to subsections (2) and (3), the Executive Director may delegate functions entrusted to the Executive Director under this Act to any other person with appropriate knowledge and experience who is under the control of the Executive Director.

(2) A delegation under subsection (1) must be in writing and—

- (a) may be subject to any conditions or restrictions determined by the Executive Director;
- (b) does not prevent the exercise of any power of the Executive Director; and
- (c) may be withdrawn or amended by the Executive Director.

(3) The Executive Director may not delegate any of the powers, functions or duties referred to in sections 6, 7, 20, 22, 28(2), 29(1) and (2), and 31 of this Act.

## **CHAPTER 3**

### **MANAGEMENT COMMITTEE**

#### **Establishment of Management Committee**

**11.** There is hereby established a Committee to be known as the Management Committee.

## **Composition of Committee**

12. (1) The Committee established in terms of section 11 consists of—

- (a) the Executive Director; and
- (b) the provincial head for each province.

(2) The Executive Director is the chairperson of the Committee.

(3) The Executive Director may invite any person not mentioned in subsection (1) to a meeting of the Committee.

## **Functions of Committee**

13. (1) The Committee is responsible for the following functions, namely:

- (a) To ensure co-ordination and alignment within each province regarding—
  - (i) strategic and performance plans;
  - (ii) priorities, objectives and strategies across national and provincial levels;
  - (iii) adherence to financial requirements prescribed in terms of the Public Finance Management Act; and
  - (iv) interaction between the various provincial directorates;
- (b) to identify any other matter of strategic importance within each province;

- (c) to discuss performance in the provision of services in order to detect failures and to initiate preventative or corrective action when necessary;
- (d) to raise matters of national interest; and
- (e) to ensure regular reporting on matters specific to the performance of the respective provincial directorate's functions.

### **Meetings of Committee**

14. (1) The Committee meets as often as circumstances require, but at least four times every year, at such time and place as the Executive Director may determine.

(2) The Committee may determine its own procedure to follow at its meetings.

## **CHAPTER 4**

### **CONSULTATIVE FORUM**

#### **Establishment of forum**

15. There is hereby established a Consultative forum.

#### **Composition of forum**

16. (1) The forum established in terms of section 15 consists of—

- (a) the Executive Director; and
- (b) the Secretary.

(2) The Executive Director or Secretary may invite any person not mentioned in subsection (1) to a meeting of the forum.

### **Functions of forum**

17. The functions of the forum are to—

- (a) facilitate closer cooperation between the Secretary and the Executive Director;
- (b) discuss trends, recommendations and implementation of the recommendations made; and
- (c) initiate special investigations.

### **Meetings of forum**

18. (1) The Secretary must convene the first meeting of the forum and preside at that meeting.

(2) The Secretary and the Executive Director must alternate as chairperson of the meetings.

(3) The forum determines its own procedure and agenda for its meetings.

(4) The forum must meet at least four times a year on issues of common interest.

## **CHAPTER 5**

### **PROVINCIAL OFFICES**

#### **Provincial offices**

**19.** Each provincial office is headed by a provincial head who is appointed on—

- (a) the level of Chief Director; and
- (b) a permanent basis in terms of section 20(1).

#### **Appointment of provincial heads**

**20.** (1) The Executive Director appoints the provincial head for each province in accordance with the laws governing the public service.

(2) The provincial head must conclude a written performance agreement with the Executive Director—

- (a) within a reasonable time after the appointment of the provincial head; and
- (b) thereafter, annually within one month of the commencement of each financial year.

(3) The performance agreement referred to in subsection (2) must include—

- (a) measurable performance objectives and targets that must be met, and must provide for the time-frames within which those performance objectives and targets must be met;
- (b) standards and procedures for evaluating performance and intervals for evaluation; and
- (c) the consequences of substandard performance.

### **Responsibilities of provincial head**

- 21.** (1) A provincial head is responsible for the following:
- (a) Appointment and performance management of staff at provincial level;
  - (b) to facilitate investigation of cases and to perform any other function incidental to such investigations;
  - (c) to control and monitor active cases;
  - (d) to report to the Executive Director on matters investigated;
  - (e) to facilitate cooperation between the provincial head and the provincial police secretariat;
  - (f) to report to the Executive Director on recommendations and finalisation of cases;
  - (g) to report to the Executive Director on the management of the provincial offices and finances;

- (h) to ensure adherence to guidelines issued by the national office relating to the investigation and management of cases by officials within the respective provincial offices;
- (i) to keep proper financial records in accordance with the prescribed norms and standards;
- (j) to prepare financial statements for submission to the Executive Director within two months after the end of the financial year;
- (k) to ensure compliance with administrative guidelines issued by the Executive Director; and
- (l) to manage the provincial office.

## **CHAPTER 6**

### **APPOINTMENT, REMUNERATION, FUNCTIONS AND POWERS OF INVESTIGATORS**

#### **Appointment of investigators**

**22.** (1) The Executive Director, in consultation with the provincial head, must appoint a fit and proper person as an investigator of the Directorate, subject to subsections (2) and (3).

(2) A person appointed as an investigator—

- (a) must have at least a grade 12 certificate or, a relevant diploma or degree; and
- (b) must have knowledge and relevant experience of—

- (i) criminal investigation;
- (ii) legal process;
- (iii) human rights; or
- (iv) any other relevant experience.

(3) A person may not be appointed as an investigator unless information with respect to that person has been gathered in a security screening investigation by the National Intelligence Agency established by section 3 of the Intelligence Services Act, 2002 (Act No. 65 of 2002).

(4) The Executive Director or official so delegated by him or her must issue a certificate of appointment in respect of such person wherein it is certified that such person has successfully undergone a security clearance and is appointed as an investigator in terms of this Act.

(5) Any investigator may from time to time, or at such regular intervals as the Executive Director may determine, be subjected to a further security screening as contemplated in subsection (3).

(6) A person may be discharged from his or her position as an investigator if he or she fails to conform to the security clearance prescripts.

(7) The investigator is given policing powers contemplated in section 24(2) within three months after his or her appointment with the Directorate.

### **Remuneration and conditions of service of investigator**

**23.** The conditions of service, including the salary and allowances payable to an investigator appointed under this Act, must be on par with members appointed as detectives in terms of the South African Police Service Act.

### **Functions and investigative powers**

**24.** (1) An investigator may, subject to the control and direction of the Executive Director, exercise such powers and must perform such duties as are conferred or imposed upon him or her by or under this Act or any other law and must obey all lawful directions which he or she may from time to time receive from a person having the authority to give such directions under the Act.

(2) An investigator has the powers as provided for in the Criminal Procedure Act, 1977 (Act No. 51 of 1977), which are bestowed upon a peace officer or a police official, relating to—

- (a) the investigation of offences;
- (b) the ascertainment of bodily features of an accused person;
- (c) the entry and search of premises;
- (d) the seizure and disposal of articles;
- (e) arrests;

- (f) the execution of warrants; and
- (g) the attendance of an accused person in court.

(3) (a) For the purposes of conducting investigations an investigator may direct any person to submit an affidavit or affirmed declaration or to appear before him or her to give evidence or to produce any document in that person's possession or under his or her control which has a bearing on the matter being investigated, and may question such person thereon.

(b) An investigator or any person duly authorised thereto by him or her may request an explanation from any person whom he or she reasonably suspects of having information which has a bearing on a matter being or to be investigated.

### **Type of matters to be investigated**

- 25.** (1) The Directorate must investigate—
- (a) any deaths in police custody, or deaths as a result of police actions;
  - (b) rape by a police officer, whether the police officer is on or off duty;
  - (c) rape of a complainant by other detainees while the complainant is in police custody;
  - (d) any matter that is referred to it by the Minister or a MEC through the Executive Director;

- (e) any complaint of torture which is referred to it by a Station Commissioner, Magistrate, Judge, legal representative or the complainant in the case where the complainant is unrepresented; and
- (f) any other matter referred to it as a result of a decision of the Executive Director, or if so requested by the Minister, a MEC, or the Secretary as case may be.

(2) The Directorate must investigate matters relating to—

- (a) deaths in custody or deaths as a result of police actions;
- (b) rape by a police officer; and
- (c) rape of a complainant by other detainees,

in the prescribed manner.

(3) The Directorate may investigate matters relating to—

- (a) systemic corruption involving the police;
- (b) corruption matters within the police initiated by the Executive Director or referred to the Directorate by the Minister, a MEC or the Secretary, as the case may be; and
- (c) inefficiency of the police to carry out its duties.

**Conflict of interest and disclosure of interest**

**26.** (1) No member of the Directorate may conduct an investigation or render assistance with regard thereto in respect of a matter which he or she has a financial or any other interest which might preclude him or her from exercising or performing his or her powers, duties and functions in an objective manner.

(2) If, during an investigation, it appears to a member of the Directorate that a matter concerns a financial or other interest of that member as referred to in subsection (1), that member must—

- (a) immediately and fully disclose the fact and nature of that interest to the Executive Director; and
- (b) withdraw from any further involvement in that investigation.

**Integrity measures**

**27** (1) The Minister may prescribe measures for integrity testing of members of the Directorate, which may include random entrapment, testing for the abuse of alcohol or drugs, or the use of the polygraph or similar instrument to ascertain, confirm or examine in a scientific manner the truthfulness of a statement made by a person.

(2) The necessary samples required for any test referred to in subsection (1), may be taken, but any sample taken from the body of a member may only be taken by a registered medical practitioner or a registered nurse.

(3) The Minister shall prescribe measures to ensure the confidentiality of information obtained through integrity testing, if such measures are prescribed in terms of subsection (1).

## **CHAPTER 7**

### **FINANCES AND ACCOUNTABILITY AND ANNUAL REPORT**

#### **Finances and accountability**

- 28.** (1) The Directorate is financed from—
- (a) money that is appropriated by Parliament; and
  - (b) donor funding received from any other source inside or outside the Republic.
- (2) The Executive Director —
- (a) must, subject to the Public Finance Management Act—
    - (i) be charged with the responsibility of accounting for money received or paid out for or on account of the office of the Directorate;
    - (ii) cause the necessary accounting and other related records to be kept; and

(b) may exercise such powers and perform such duties as may from time to time be conferred upon or assigned to him or her, and in respect thereof be accountable to the Minister.

(3) The records referred to in subsection (2)(a) must be audited by the Auditor-General.

### **Annual report**

**29.** (1) The Executive Director must prepare and submit to the Minister an annual report in the form prescribed by the Minister within five months after the end the financial year .

(2) The annual report referred to in subsection (1) must include the following documents:

- (a) The audited financial statements prepared in terms of this Act;
- (b) the Auditor-General's report prepared in terms of this Act; and
- (c) a report on the activities of the Directorate undertaken during the year to which the audit relates.

(3) The Minister must table in Parliament a copy of the annual report, financial statements and the audit report on those statements within one month after receipt thereof if Parliament is then in session, or, if Parliament is not then in session, within one month after the commencement of its next ensuing session.

(4) The Executive Director must publish the annual report, financial statements and the audit report on those statements.

## **CHAPTER 8**

### **OFFENCES AND PENALTIES**

#### **Offences and penalties**

**30.** (1) Any person or private entity, who interferes, hinders or obstructs the Executive Director or a member of the Directorate in the exercise or performance of his or her powers or functions, is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.

(2) Any member of the Directorate who wilfully discloses information in circumstances in which he or she knows, or could reasonably be expected to know that such a disclosure will or may prejudicially affect the exercise or the performance by the Directorate of the powers and functions is guilty of an offence or liable on conviction to a fine or to imprisonment for a period not exceeding two years.

(3) Any person who pretends to be an investigator in terms of this Act is guilty of an offence or liable on conviction to a fine or to imprisonment for period not exceeding two years.

**CHAPTER 9**  
**REGULATIONS, TRANSITIONAL ARRANGEMENTS, REPEAL AND SHORT**  
**TITLE AND COMMENCEMENT**

**Regulations**

- 31.** (1) The Minister may, after consultation with the Executive Director, make regulations regarding—
- (a) access and control of confidential information and records pertaining to investigations instituted in terms of this Act;
  - (b) the procedure to be followed when investigating matters referred to in section 25(1)(a), (b), (c) and (e);
  - (c) the procedure to be followed when reporting on cases dealt with under this Act;
  - (d) the procedure to be followed for referring, receiving, registering, processing and disposing of complaints;
  - (e) the procedure to be followed when investigating criminal matters;
  - (f) the procedure to be followed for initiating special investigations;
  - (g) the measures for integrity testing of members of the Directorate as contemplated in section 27(1);
  - (h) the measures to ensure the confidentiality of information obtained as contemplated in section 27(3); and

(i) in general, any ancillary or incidental matter that is necessary to prescribe for the proper implementation or administration of this Act;

(2) The regulations referred to in terms of in subsection 1(a) to (h) must be submitted to Parliament, while it is in session, for Parliamentary scrutiny at least one month before promulgation.

(3) Regulations with regard to the implementation of this Act must be submitted to the Minister by the Executive Director within three months of the commencement of this Act.

### **Transitional arrangements**

**32.** (1) As from the fixed date—

(a) all powers exercised and functions performed by investigators immediately before the fixed date, must be exercised and performed by the Directorate;

(b) any investigation instituted in terms of the previous Act which was pending must be disposed of as if this Act had not been passed; and

(c) the allocated budget, assets and liabilities of the Directorate as agreed upon between the accounting officers of the Independent Complaints Directorate and the Directorate, respectively must be transferred to the Directorate in accordance of section 42 of the Public Finance Management Act.

(2) The Registrar of Deeds must make the necessary entries and endorsements for the transfer of any property in terms of this section.

(3) For the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), no change of the employer must be regarded as having taken place when the investigators and administrative and support personnel are transferred to take up employment with the Directorate.

(4) For so long as remuneration, allowances and other conditions of services under the South African Police Service Act are more favourable than those determined under this Act, the remuneration, allowances and other conditions of services under the South African Police Service Act prevails.

(5) (a) This Act does not affect the validity of any investigation or prosecution conducted, pending or under investigation by the Directorate on or before the fixed date.

(b) All matters which relate to service complaints of the South African Police Service will be transferred to the Secretariat.

### **Amendment and repeal of laws**

**33.** (1) The laws mentioned in Schedule 1 are hereby amended to the extent set out in the third column of that Schedule.

(2) The laws set in Schedule 2 are hereby repealed to the extent set out in the third column of that Schedule.

### **Short title and commencement**

**34.** This Act is called the Independent Police Investigative Directorate Act, 2010 and comes into operation on a date determined by the President by proclamation in the *Gazette*.

**SCHEDULE 1**  
**LAWS AMENDED**

No. and year of law	Short Title	Extent of amendment
Act 68 of 1995	South African Police Service Act	<p><b>Amendment of section 1 of Act 68 of 1995, as amended by section 1 of Act 41 of 1997 and section 1 of Act 83 of 1998</b></p> <p>1. Section 1 of the South African Police Service Act, 1995 is hereby amended—</p> <p>(a) by the substitution of the definition of “<b>secretariat</b>” of the following definition:  “ <b>secretariat</b>” means the Secretariat for <b>[Safety and Security] Police</b> established under section 2(1);”</p> <p>(b) by the substitution for the definition of “<b>Secretary</b>” of the following definition:  “ <b>Secretary</b>” means the Secretary <b>[for Safety and Security] of Police</b> appointed under section 2(2);”</p> <p><b>Amendment of section 2 of Act 68 of 1995</b></p> <p>1. Section 2 of the</p>

No. and year of law	Short Title	Extent of amendment
		<p>South African Police Service Act, 1995 is hereby amended by the substitution for subsection (1) of the following subsection:</p> <p style="padding-left: 40px;">“(1) (a) The Minister shall establish a secretariat to be called the Secretariat for <b>[Safety and Security] Police.</b></p> <p style="padding-left: 80px;">(b) A provincial government may establish a provincial secretariat to be called the Provincial Secretariat for <b>[Safety and Security] Police:</b> Provided that the date on which a provincial secretariat will come into operation shall be determined by a provincial government in consultation with the Minister.”</p>
Act 112 of 1998	Witness Protection Act	<p><b>Amendment of section 1 of Act 112 of 1998</b></p> <p>1. Section 1 of the Witness Protection Act, 1998 is hereby amended—</p> <p>(a) by the substitution of the definition of <b>“Complaints</b></p>

No. and year of law	Short Title	Extent of amendment
		<p><b>Directorate”</b> of the following definition:  <b>“Complaints Directorate”</b> means the Independent <b>[Complaints] Police Investigative Directorate</b>, established under section <b>[50] 2</b> of the <b>[South African Police Service Act, 1995 (Act No. 68 of 1995)]</b> <u>Independent Police Investigative Directorate Act, xxx (Act No. x of xxx)</u>.”</p> <p><b>2.</b> The substitution for the words <b>“Complaints Directorate”</b> wherever it occurs in the Act, of the word <b>“Directorate”</b>.</p>
Act 70 of 2002	Regulation of Interception of Communications and Provision of Communication Related Information Act	<p><b>Amendment of section 1 of Act 70 of 2002, as amended by the schedule of Act 36 of 2005 and section 1 of Act 48 of 2008</b></p> <p><b>1.</b> Section 1 of the Regulation of Interception of Communications and Provision of Communication Related Information Act, 2002 is hereby amended—  (a) by the substitution of</p>

No. and year of law	Short Title	Extent of amendment
		<p>the definition of  <b>“Executive Director”</b> of the following definition:  <b>“Executive Director”</b> means the Executive Director appointed in terms of section [51] 5(1) of the [South African Police service Act] <u>Independent Police Investigative Directorate Act, xxx (Act No. x of xxx).</u>”</p> <p>(b) by the substitution for the definition of <b>“Independent Complaints Directorate”</b> of the following definition:  <b>“Independent Complaints Directorate”</b> means the Independent [Complaints] Police Investigative Directorate established by section [50(1)] 2 of the [South African Police Service Act] <u>Independent Police Investigative Directorate Act, xxx (Act No. x of xxx).</u>”</p>

No. and year of law	Short Title	Extent of amendment
		<p><b>2.</b> The substitution for the words "<b>Independent Complaints Directorate</b>" wherever it occurs in the Act, of the word "<b>Directorate</b>".</p>

**SCHEDULE 2  
LAWS REPEALED**

<b>No. and year of law</b>	<b>Short Title</b>	<b>Extent of repeal</b>
Act 68 of 1995	South African Police Service Act, 1995	Chapter 10
Act 116 of 1998	Domestic Violence Act, 1998	Section 18