Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 5) % Cape Town ^{.....}1* March 2011

No. 3(&--

THE PRESIDENCY

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:–

No. & of 201% 7]j]`]Ub`GYWYHUf]UhZcf`Dc`]WY`GYfj]WY`Act, 20%%



2 No. 342	299	GOVERNMENT GAZETTE, 16 MAY 2011
Act No. 2 of 2011		CIVILIAN SECRETARIAT FOR POLICE SERVICE ACT, 2011
GENERA	L EXPLA	NATORY NOTE:
l]	Words in bold type in square brackets indicate omissions from existing enactments.
		Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President) (Assented to 12 May 2011)

ACT

To provide for the establishment of a Civilian Secretariat for the Police Service in the Republic; to define the objects, functions and powers of the Civilian Secretariat, and for this purpose to align the operations of the Civilian Secretariat in the national and provincial spheres of government and reorganise the Civilian Secretariat into an effective and efficient organ of state; to regulate the appointment, duties and functions, powers and removal from office of the Secretary for the Police Service and heads of provincial secretariats; to provide for the establishment of a senior management forum and a Ministerial Executive Committee; to provide for co-operation between the Civilian Secretariat and the Independent Police Investigative Directorate; to provide for co-operation between the Civilian Secretariat and the South African Police Service; to provide for intervention into the affairs of provincial secretariats by the Civilian Secretariat; and to provide for matters connected therewith.

PREAMBLE

WHEREAS every person has the right to life and the right to security of the person, which includes, among other things, the right to be free from all forms of violence from either public or private sources;

AND WHEREAS the Constitution places a duty on the State to respect, protect, promote and fulfil the fundamental rights in the Bill of Rights;

AND WHEREAS the adequate protection, promotion and fulfilment of such rights are fundamental to the well-being and social and economic development of every person;

AND WHEREAS the Constitution provides for the police service to combat and investigate crime, to maintain public order, to protect and secure the inhabitants and their property, and to uphold and enforce the law throughout the territory of the Republic;

÷ 1	

4 No. 34299

GOVERNMENT GAZETTE, 16 MAY 2011

5

10

15

Act No. 2 of 2011

CIVILIAN SECRETARIAT FOR POLICE SERVICE ACT, 2011

AND WHEREAS there is a need to promote democratic accountability, transparency and openness within the police service and to ensure co-operation between the police service and the communities it serves;

AND HAVING REGARD to section 208 of the Constitution, which stipulates that a civilian secretariat for the police service must be established by national legislation to function under the direction of the Cabinet member responsible for policing,

B^E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENTS OF SECTIONS

CHAPTER 1

INTERPRETATION, APPLICATION AND OBJECTS OF ACT

1. Definitions

2. Application of Act

3. Objects of Act

CHAPTER 2

CIVILIAN SECRETARIAT FOR POLICE SERVICE	

4.	Establishment	of	Civilian	Secretariat

5. Objects of Civilian Secretariat

6. Functions of Civilian Secretariat

CHAPTER 3

SECRETARY FOI	POLICE SERVICE	
---------------	----------------	--

7.	Appointment of Secretary	
8.	Duties and functions	
9.	Powers	
10.	Delegation of powers and assignment of duties	
11.	Removal from office	20
12.	Vacancy	
13.	Reporting	
14.	Finances and accountability	
15.	Annual report	
	CHAPTER 4	25
	PROVINCIAL SECRETARIATS	
16.	Constitution of provincial secretariats	
17.	Functions of provincial secretariats	
18.	Appointment of heads of provincial secretariats	
19.	Duties and functions	30
20.	Removal from office	
21.	Vacancies	

22. Reporting and referrals

Act No. 2 of 2011

GOVERNMENT GAZETTE, 16 MAY 2011

CIVILIAN SECRETARIAT FOR POLICE SERVICE ACT, 2011

CHAPTER 5

CO-OPERATIVE FRAMEWORK

Part 1

Secretary and heads of provincial departments

23. Secretary and heads of provincial departments

Part 2

Senior management forum

24. Establishment of forum

25. Composition and functions of forum

Part 3

Intervention by Civilian Secretariat

26. Intervention by Civilian Secretariat

Part 4

Ministerial Executive Committee

27. Establishment of Ministerial Executive Committee

28. Composition of Committee

29. Functions of Committee

30. Meetings

Part 5

Co-operation with Independent Police Investigative Directorate

31. Co-operation with Independent Police Investigative Directorate

Part 6

Co-operation with South African Police Service

32. Co-operation with South African Police Service

CHAPTER 6

REGULATIONS, TRANSITIONAL PROVISIONS, AMENDMENT AND REPEAL OF LAWS, SHORT TITLE AND COMMENCEMENT

33. Regulations

34. Transitional provisions

35. Amendment and repeal of laws

36. Short title and commencement

30

25

10

15

20

5

Act No. 2 of 2011

CIVILIAN SECRETARIAT FOR POLICE SERVICE ACT, 2011

SCHEDULE

CHAPTER 1

INTERPRETATION, APPLICATION AND OBJECTS OF ACT

Definitions

1. In this Act, unless the context indicates otherwise—

"Civilian Secretariat" means the national Civilian Secretariat for the Police Service established in terms of section 4(1) of this Act;

"Committee" means the Ministerial Executive Committee established under section 27(1);

"Constitution" means the Constitution of the Republic of South Africa, 1996; 10 "Department" means the national Department of Police;

"Directorate" means the Independent Police Investigative Directorate established in terms of section 3 of the Independent Police Investigative Directorate Act, 2010; **"Executive Director"** means the Executive Director appointed in terms of section 6(1) of the Independent Police Investigative Directorate Act, 2010;

"forum" means the senior management forum established under section 24; **"head of a provincial department"** means the head of a department responsible for safety and security in a province;

"head of a provincial secretariat" means the head of a provincial secretariat appointed in terms of section 18(1);

"member" means a member as defined in section 1 of the South African Police Service Act;

"MEC" means the Member of the Executive Council of a province responsible for policing in the province;

"Minister" means the member of the Cabinet responsible for policing;

25

45

"organ of state" means an organ of state concerned with matters relating to the police service;

"police official" means the police official as defined in section 1 of the South African Police Service Act;

"police service" means the South African Police Service established in terms of 30 section 5(1) of the South African Police Service Act;

"prescribe" means prescribe by regulation;

"provincial department" means the department responsible for safety and security services in a province falling under the relevant MEC;

"provincial secretariat" means a provincial secretariat established in terms of 35 section 16;

"regulation" means a regulation made under this Act;

"Secretariat" means the Civilian Secretariat for the Police Service established in terms of section 4(1);

"Secretary" means the Secretary for the Police Service appointed in terms of 40 section 7(1);

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

"this Act" includes the Schedule, regulations and any rules, directives or instructions made under it.

Application of Act

2. All organs of state must accord such assistance as may be reasonably required to ensure the effective functioning of the Civilian Secretariat in terms of this Act.

5

15

20