

REPUBLIC OF SOUTH AFRICA

**INDEPENDENT POLICE
INVESTIGATIVE DIRECTORATE
AMENDMENT BILL**

*(As introduced in the National Assembly (proposed section 75); explanatory summary of
Bill published in Government Gazette No. of X)
(The English text is the official text of the Bill)*

(A WHITFIELD, MP)

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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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BILL

To amend the Independent Police Investigative Directorate Act, 2011, so as to provide for parliamentary oversight in relation to the nomination process of the Executive Director; and to provide for related matters.

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

Amendment of section 6 of Act 1 of 2011

1. Section 6 of the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011) (hereinafter referred to as the principal Act), is hereby amended by the repeal of subsection (1) to (5).

Insertion of new section 6 into Act 1 of 2011

2. The following section is hereby inserted *in loco* of section 6 (1) to 6 (5) of the principal Act.

Appointment of Executive Director

6. (1) The Minister must appoint a candidate to the office of Executive Director to head the Directorate, following the recommendation of the National Assembly, a process that is preceded by the recommendation of the relevant Parliamentary Committee

(2) The nomination process of the relevant Parliamentary Committee must be preceded by a shortlist provided by an independent selection panel. The independent panel—

(a) must consist of not less than six and not more than twelve members who are appointed by the relevant Parliamentary Committee;

(b) must consist of members with appropriate expertise and must have at least:

(i) one academic,

(ii) one representative from civil society,

(iii) one retired judge, and

(iv) one representative from the Civilian Secretariat for Police;

(c) must advertise the position publicly, clearly stating the criteria; and

(d) must conduct its work in an open, fair and transparent manner.

(3) The shortlisted candidates must each be interviewed by the relevant Parliamentary Committee.

(4) Prior to the interviewing of the shortlisted candidates, the public must be given sufficient and reasonable opportunity to provide input and comments on the candidates on the shortlist.

(5) Following interviews with the shortlisted candidates, the relevant Parliamentary Committee must select a final candidate, after which the National Assembly must decide to recommend the candidate for appointment by the Minister.

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

(a) the successful candidate 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 is for a non-renewable fixed term of five years

(7) When the Executive Director is unable to perform the functions of office, or during a vacancy in the Directorate, the relevant Parliamentary Committee must urgently recommend another person for appointment by the Minister. This person will act as Executive Director until the Executive Director returns to perform the functions of office or the vacancy is filled.

(8) In the case of a vacancy, the Minister must, upon recommendation of the relevant Parliamentary Committee fill the vacancy within a reasonable period of time, which period must not exceed six months.

Short title and commencement

3. This Act is called the Independent Police Investigative Directorate Amendment Act, 2020, and comes into operation on a date to be determined by the President by proclamation in the *Gazette*.