

PROVINCIAL GAZETTE

FREE STATE PROVINCE

KORANTA YA MMUSO WA PROVENSE

PROVENSE YA FREISTATA

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

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GENERAL NOTICE 90 OF 2020	TSEBISO YA KAKARETSO YA 90 YA 2020	ALGEMENE KENNISGEWING 90 OF 2020
PUBLICATION OF THE FREE STATE COMMUNITY POLICING BILL, 2020 It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of the item 149 of the Rules and Orders of the Free State Legislature. Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 OR DominicM@FSL.GOV.ZA to reach him not later than 6 November 2020. ADV MJ MACHAKA ACTING SECRETARY: FREE STATE LEGISLATURE	PHATLALATSO YA BILI YA FREE STATE WA SEPOLESA SA SETJHABA, 2020 Ena ke tsebiso e akaretsang bakeng la maikutlo afe kapa afe a mabapi le Bili e boletsweng ka hodimo mme e phatlalatswa ho latela dintlha tsa Molao wa 149 tsa Molao le Ditaelo tsa Lekgotla la Ketsamolao la Freistata. Maikutlo afe kapa afe a tlamehile ho romelwa ho Mongodi: Lekgotla la Ketsamolao la Freistata, Private Bag X20561, Bloemfontein, 9300 KAPA DominicM@FSL.GOV.ZA mme a lokela ho fihla ho yena pele ho la 6 Pudungwana 2020. ADV MJ MACHAKA MONGODI YA TSHWERENG MOKOBOBO: LEKGOTLA LA KETSAMELAO LA FREISTATA	PUBLIKASIE VAN DIE VRYSTAATSE GEMEENSCHAPSPOLISIËRINGS-WETSONTWERP, 2020 Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word kragtens item 149 van die Reëls en Orders van die Vrystaatse Wetgewer. Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, OF DominicM@FSL.GOV.ZA om hom nie later as 6 November 2020 te bereik nie. ADV MJ MACHAKA WAARNEMENDE SEKRETARIS: VRYSTAATSE WETGEWER

BILL

To provide for the carrying out and the regulation of the functions of the Province and the Department responsible for policing in the Free State under chapter 11 of the Constitution of South Africa, 1996; to provide for directives for the establishment of community police forums and boards in terms of the South African Police Service Act, 1995; to provide for the accreditation of organisations and associations as neighbourhood watches; to provide for partnerships with community organisations; to establish and maintain an integrated information system and a database of organisations; to provide for the voluntary registration of security service providers on the database of organisations; to establish the Office of the Free State Provincial Police Ombudsman to investigate complaints regarding the police; to regulate reporting on the police service; and to provide for matters incidental thereto.

BE IT ENACTED by the Free State Provincial Legislature, as follows:-

Definitions

1. In this Act, unless the context otherwise indicates – 5
 - “**Civilian Secretariat**” means the Civilian Secretariat for the Police Service established by section 4 of the Civilian Secretariat for Police Service Act, 2011;
 - “**community police forums and boards**” means community police forums and boards established in terms of sections 19 to 21 of the South African Police Service Act, 1995 (Act 68 of 1995); 10
 - “**Constitution**” means the Constitution of the Republic of South Africa, 1996; 15
 - “**Department**” means the provincial Department responsible for the functions referred to in Chapter 11 of the Constitution and established under section 3A of the Public Service Act, 1994 as reflected in Schedule 2 of that Act;
 - “**Executive Committee**” means the Free State Provincial Executive Committee; 20
 - “**Head of the Department**” means the head of the provincial Department responsible for the functions referred to in Chapter 11 of the Constitution and established under section 3A of the Public Service Act, 1994 as reflected in Schedule 2 of that Act;

“Independent Police Investigative Directorate” means the Independent Police Investigative Directorate established by section 3(1) of the Independent Police Investigative Directorate Act, 2011 (Act 1 of 2011);

“Member of the Executive Council” means the Free State provincial Member of the Executive Council responsible for the functions referred to in Chapter 11 of the Constitution; 5

“Minister” means the national cabinet member responsible for policing; 10

“neighbourhood watch” means an organisation or association contemplated in section 6(1) and accredited in terms of section 6(5);

“Ombudsman” means the Free State Provincial Police Ombudsman appointed in terms of section 11; 15

“police” means police officials of the police service;

“police official” means a member of the South African Police Service deployed in the Province; 20

“policing” means the functions performed by police officials;

“prescribe” means prescribe by regulation; 25

“Province” means the Free State Province;

“Provincial Commissioner” means the provincial commissioner appointed for the Province in terms of section 207(3) of the Constitution; 30

“Provincial Secretariat” means the provincial secretariat for the Province established in terms of section 16 of the Civilian Secretariat for Police Service Act, 2011;

“regulation” means a regulation made under section 31; 35

“security service provider” means a security service provider as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);

“South African Police Service” means the South African Police Service established by section 5(1) of the South African Police Service Act, 1995 and deployed in the Province; and 40

“this Act” includes the regulations made under section 31 and any directives made under sections 3(f) and 5.

Purpose of the Act

2. The purpose of this Act is to –

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| (a) | regulate and to provide for the carrying out of the functions of the Province referred to in sections 206(1), (3), (4), (5) and (9) and 207(5) and (6) of the Constitution to – | 5 |
| (i) | determine policing needs and priorities; | 10 |
| (ii) | monitor police conduct; | |
| (iii) | oversee the effectiveness and efficiency of the police service, including receiving reports on the police service; | 15 |
| (iv) | promote good relations between the police and the community; | |
| (v) | assess the effectiveness of visible policing; | |
| (vi) | investigate any complaints of police inefficiency or a breakdown in relations between the police and any community; | 20 |
| (vii) | require the Provincial Commissioner to report to and appear before the Provincial Legislature; and | 25 |
| (viii) | institute proceedings for the removal or transfer of, or disciplinary action against the Provincial Commissioner; and | |
| (b) | support the objects of the Civilian Secretariat and Provincial Secretariat. | 30 |

Functions of the Member of the Executive Council

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| 3. | The Member of the Executive Council may, in order to achieve the objectives of section 206(1), (3), (4) and (5) of the Constitution, exercise and perform the following powers and functions – | 35 |
| (a) | monitor police conduct; | |
| (b) | oversee the effectiveness and the efficiency of the police service; | 40 |
| (c) | oversee the effectiveness of policies and directives implemented by the police service in relation to appointments, training and policing; | |
| (d) | promote good relations between the police and the community; | |

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| (e) | identify causes of any breakdown in relations between the police and any community and establish measures to improve the relations; | |
| (f) | issue directives for the establishment and strengthening of community police forums and boards and to facilitate their proper functioning in order to promote good relations between the police and the community; | 5 |
| (g) | establish partnerships with any community aimed at promoting good relations between the police and the community; | 10 |
| (h) | maintain a database of community organisations involved in the field of policing; | |
| (i) | assess the effectiveness of visible policing; | |
| (j) | establish and maintain integrated information systems in order to oversee the effectiveness and efficiency of the police service and to determine the policing needs and priorities of the Province; | 15 |
| (k) | liaise with the Minister regarding crime and policing in the Province; | 20 |
| (l) | record complaints relating to police inefficiency or a breakdown in relations between the police and the community; | |
| (m) | receive and analyse reports, including quantitative and qualitative information on the police service; | 25 |
| (n) | collect empirical information on performance indicators and resource distribution; | |
| (o) | identify indicators to monitor and assess the effectiveness and efficiency of the police service; | 30 |
| (p) | receive and analyse information about the funding, expenditure, activities, outputs and outcomes of policing in the Province; | 35 |
| (q) | analyze the competence and capacity of the police service, patterns and practices of police conduct, identify problems and shortcomings in the policing system and make recommendations to the Minister on how to remedy it; | |
| (r) | advise the Provincial Executive Council and Provincial Legislature on the policing needs and priorities of the Province as contemplated in section 22; | 40 |

- (s) liaise with and make recommendations to the Minister regarding the policing needs and priorities of the Province as determined by the Provincial Executive Committee;
- (t) evaluate how policing needs and priorities are reflected in national policing policy; 5
- (u) identify and address specific police oversight issues which other persons involved in police oversight do not address; 10
- (v) table an annual report in the Provincial Legislature on the exercise and performance of the powers and functions in terms of this Act;
- (w) conduct research as may be required; 15
- (x) liaise with and facilitate cooperation amongst stakeholders with an interest in the exercise and performance of the powers and functions in terms of this Act;
- (y) oversee the functioning of the Provincial Secretariat; 20
- (z) monitor complaints referred by the Provincial Executive Committee to the Independent Police Investigative Directorate;
- (aa) facilitate close cooperation between the Department and the Civilian Secretariat, the Provincial Secretariat, the Independent Police Investigative Directorate and the police in the performance of the functions in terms of this Act. 25

Monitoring, oversight and assessment of policing

- 4. (1) The Member of the Executive Committee may in the prescribed manner, subject to section 13(11) of the South African Police Service Act, 1995, authorise employees of the Department to – 30
 - (a) attend protests, crime scenes and any other scene of police activity to observe and record the interaction between the police and the community; 35
 - (b) monitor and evaluate the allocation, distribution and use of human and other resources for policing; 40
 - (c) inspect police stations, or other police premises in order to –
 - (i) monitor police conduct;

- (ii) oversee the effectiveness and efficiency of the police service in the area;
 - (iii) oversee the effectiveness and efficiency of the police service in dealing with complaints from the community regarding policing in the area; 5
 - (iv) evaluate the relations between the community and the police;
 - (v) monitor the treatment and conditions of persons held in police custody in order to determine the recognition by the police of the rights of detained persons in terms of section 35(2) of the Constitution. 10
- (2) The Member of the Executive Committee may authorize any other person in the prescribed manner to perform any of the functions referred to in subsection (1) at the remuneration determined by the Member of the Executive Council with the concurrence of the Member of Executive Committee responsible for finance. 15
- (3) In order to perform the functions in terms of this Act, the Member of the Executive Committee or any employee or person authorised in terms of subsection (1) or (2) and in accordance with Section 206(4) of the Constitution of the Republic of South Africa – 20
- (a) may request and obtain information and documents relating to management, administration and crime statistics under the control of the police service; 25
 - (b) may enter any building, premises, vehicle or property under the control of the police service; 30
 - (c) is entitled to assistance by any member of the police service.
- (4) Any dispute relating to a request, access or assistance contemplated in subsection (3) must be reported to the Member of the Executive Council. 35

Directives for establishment of community police forums and boards

5. (1) In order to promote good relations between the South African Police Service and the community, the Member of the Executive Committee may issue directives regarding the establishment of community police forums and boards in terms of sections 19(1), 20(1) and 21(1) of the South African Police Service Act, 1995, including directives relating to – 40
- (a) the requirements for identifying relevant community organisations, institutions and interest groups to form part of a community police forum or board; 45

- (b) the procedures for the establishment of a community police forum or board;
 - (c) the term of office of members of a community police forum or board; 5
 - (d) the adoption of a constitution for a community police forum or board and the minimum content thereof;
 - (e) dispute resolution procedures applicable to any dispute in respect of the establishment of a community police forum or board. 10
- (2) The Head of the Department must –
- (a) evaluate the level of functionality of community police forums and boards and the relations between the police and the community police forums and boards; 15
 - (b) ensure that he or his representative regularly attend the meetings of the community police forums and boards in order to promote the objectives of section 18(1) of the South African Police Service Act, 1995; and 20
 - (c) annually report his or her findings in respect of paragraphs (a) and (b) to the Member of the Executive Committee and the Provincial Legislature.
- (3) The Head of the Department may assist community police forums and boards by providing funding, training or resources. 25

Accreditation of and support to neighbourhood watches

6. (1) Any organisation or association that – 30
- (a) operates not for gain as a voluntary organisation or association;
 - (b) comprises members who are residents, tenants or owners of immovable property or with any other relevant interest in the area where the organisation or association operates; and 35
 - (c) has the purpose of safeguarding its members, their immovable and other property against crime and other safety concerns in the area where the organisation or association operates, 40
- may apply to the Member of the Executive Council in the prescribed form for accreditation as a neighbourhood watch.

- (2) The Member of the Executive Council –
- (a) must request the police official in charge of the police station, in the area within which the organisation or association operates; and 5
 - (b) may request any other organisation,
to comment, within the period stated in the request, on the proposed accreditation of the organisation or association as a neighbourhood watch in that area. 10
- (3) If the police official or an organisation fails to comment within the stated period referred to in subsection (2), the police or the organisation is regarded as having no comment on the proposed accreditation of the organisation or association. 15
- (4) The Member of the Executive Council may require further information from the organisation or association in support of the application.
- (5) The Member of the Executive Council may accredit an organisation or association as a neighbourhood watch after considering, within the prescribed period – 20
- (a) an application;
 - (b) any further information provided by the applicant; 25
 - (c) any comment received from the police or an organisation as contemplated in subsection (2);
 - (d) whether the organisation or association conducts its activities according to the prescribed standards relating to – 30
 - (i) criteria for membership of a neighbourhood watch and the conduct of members; 35
 - (ii) the structures of a neighbourhood watch; and
 - (iii) the control and use of funds of a neighbourhood watch; and
 - (e) whether the organisation or association cooperates with the community police forum in the area. 40
- (6) If the Member of the Executive Council decides –
- (a) to accredit an organisation or association as a neighbourhood watch, the Member of the Executive Council must – 45

- (i) enter the name of the neighbourhood watch in the register of neighbourhood watches;
 - (ii) issue a certificate of accreditation in the name of the neighbourhood watch stating the period of accreditation, the area within which the neighbourhood watch operates and other terms of accreditation; and 5
 - (iii) send the certificate of accreditation to the neighbourhood watch, the community police forum and the police official in charge of the police station in the area; or 10
- (b) not to accredit the organisation or association as a neighbourhood watch, the Member of the Executive Council must advise the unsuccessful applicant, the police officer in charge of the police station in the area and the community police forum in the area in writing of his or her decision and the reasons for the decision. 15
- (7) The Member of the Executive Council must annually publish a list of neighbourhood watches in the *Provincial Gazette*. 20
- (8) The Member of the Executive Council may provide funding, training or resources to a neighbourhood watch.
- (9) The Member of the Executive Council must keep a register of neighbourhood watches and make the register available for inspection to any interested person at his or her request. 25
- (10) A neighbourhood watch must – 30
 - (a) renew its accreditation every two years in the prescribed manner, failing which the accreditation will lapse;
 - (b) report in the prescribed manner and within the prescribed period to the Member of the Executive Council on – 35
 - (i) safety concerns and crime incidents in the area where the neighbourhood watch operates;
 - (ii) the activities of the neighbourhood watch; and 40
 - (iii) any prescribed matter required by the Provincial Member of the Executive Council to determine policing needs and priorities and the effectiveness and efficiency of the police service; 45
 - (c) keep record of the matters contemplated in paragraph (b)(i) to (iii); and

- (d) preserve the records contemplated in paragraph (c) for at least five years from the date of recording.

- (11) An employee of the Department, authorised by the Member of the Executive Council, has access to any records kept by or on behalf of a neighbourhood watch and may examine, make extracts from or copies of, the records to obtain further information in respect of a report made in terms of subsection (10)(b) and to verify whether the neighbourhood watch is complying with the standards contemplated in subsection (5)(d) and (e). 5
- (12) If a neighbourhood watch fails to comply with the standards contemplated in subsection (5)(d) and (e) or with subsection (10)(b), (c) or (d), the Member of the Executive Council may by written notice direct the neighbourhood watch to comply with those sections within the period mentioned in the notice. 10
- (13) If the neighbourhood watch fails to give effect to the notice within the period mentioned therein, the Member of the Executive Council may withdraw the accreditation of that neighbourhood watch. 15

Database and partnerships with community organisations 20

7. (1) To promote good relations between the police and communities in the Province, the Head of the Department may –
- (a) maintain a database of community organisations involved in the field of policing, support of victims of crime, crime prevention or community safety; 25
- (b) assist community organisations on the database by providing support, information, training or resources; 30
- (c) subject to any law governing the award of contracts by the Province, enter into a contract with any party to design, finance or operate any community safety initiative or partnership to achieve the purpose of this Act. 35
- (2) A community organisation listed on the database must report to the Head of the Department, in the prescribed form, on safety concerns and crime incidents dealt with by the organisation. 40
- (3) The Member of the Executive Council may facilitate the establishment of specialised units in response to specific categories of crime in order to promote good relations between the police and communities in the Province.

Integrated information system

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| 8. | (1) | In order to oversee the effectiveness and the efficiency of the police service and to determine the policing needs and priorities of the Province, the Member of the Executive Council must establish and maintain an integrated information system. | 5 |
| | (2) | The Head of the Department must authorise employees of the Department to collect information and to administer and maintain the integrated information system. | 10 |
| | (3) | The Member of the Executive Council may consult with the Civilian Secretariat and the Provincial Secretariat regarding the integrated information system to ensure the integration of information with any safety models and monitoring tools developed by the Provincial Secretariat as contemplated in section 17(2) of the Civilian Secretariat for Police Service Act, 2011. | 15 |
| | (4) | The information system must provide for – | |
| | (a) | the collection of data from relevant organs of state or institutions, security service providers registered in terms of subsection (6) and the police service; | 20 |
| | (b) | the analysis of the data; | 25 |
| | (c) | the recording of safety concerns in communities of the Province; | |
| | (d) | the incorporation of information in a report contemplated by sections 6(10)(b), 7(2) and 8(7)(a); and | 30 |
| | (e) | the analysis of the number and nature of complaints relating to the police received by the Ombudsman in terms of section 16, organs of state, community police forums and other institutions. | |
| | (5) | The Head of the Department must refer information relating to crime or criminal activities received through the information system to the Provincial Commissioner. | 35 |
| | (6) | The Member of the Executive Council may request a security service provider that operates in the Province to register on the database referred to in section 7. | 40 |
| | (7) | A registered security service provider must – | |
| | (a) | report in the prescribed manner and within the prescribed period to the Member of the Executive Council on— | 45 |

- (i) safety concerns and crime incidents in the area where the security service provider operates;
 - (ii) firearms that are lost or stolen whilst in the possession of the security service provider; and 5
 - (iii) any prescribed matter required by the Member of the Executive Council to determine policing needs and priorities and to oversee the effectiveness and efficiency of the police service; 10
- (b) keep record of the matters contemplated in paragraph (a)(i) to (iii); and
- (c) preserve the records contemplated in paragraph (b) for at least five years from the date of recording. 15
- (8) An employee of the Department, authorised by the Member of the Executive Council, has access to any records kept by or on behalf of a registered security service provider in terms of subsection (7)(b), and may examine, make extracts from or copies of, the records for the purposes of obtaining further information in respect of a report made in terms of subsection (7)(a). 20

Confidentiality and disclosure

- 9. (1) No personal information collected for the purpose of this Act by the Member of the Executive Council, the Head of the Department or an employee or person authorised in terms of this Act, concerning – 25
 - (a) an individual;
 - (b) a household; 30
 - (c) a business; or
 - (d) a private organisation, 35
 may, subject to the laws regulating state information and subsections (2) and (3), be disclosed to any other person.
- (2) Subject to section 8(5), the information contemplated in subsection (1) may be disclosed – 40
 - (a) to any organ of state –

- (i) for a purpose relating to the functions in this Act;
 - (ii) in accordance with the directions of the Member of the Executive Council;
 - (iii) on condition that the name, address or any other means by which a specific individual, business or private organisation may be identified is deleted;
 - (iv) if its disclosure is not reasonably expected to endanger the life or physical safety of an individual, or prejudice or impair the security of property; and
 - (v) the Member of the Executive Council is satisfied that the confidentiality of that information or data will not be impaired; and
 - (b) to the person from whom the information was collected or his or her representative;
 - (c) with the prior written consent of the person from whom the information was collected or his or her representative;
 - (d) where the information is already available to the public from the individual, business or private organisation concerned; or
 - (e) if it is regarded as necessary or expedient in the interests of justice.
- (3) Despite the confidentiality constraints applicable to the Member of the Executive Council, the Head of the Department and authorised employees or persons, the Ombudsman is entitled to information or sight of documentation referred to in subsection (1) and in the Member of the Executive Council's possession which may be relevant in the consideration of a complaint.
- (4) The Member of the Executive Council, the Head of the Department and every authorised employee or person –
- (a) must take all reasonable steps to ensure that –
 - (i) information which is collected for the purposes of this Act is accurate, up-to-date and as complete as possible;
 - (ii) the confidentiality of that information is protected; and
 - (iii) the information is secured against unauthorised access; and

- (b) may not record or deal with information referred to in paragraph (a) other than for the purposes of this Act and in accordance with this section.

- (5) The Member of the Executive Council must ensure that the confidentiality of information referred to in subsection (1) which is reflected in a record of the Department is protected when that record is disposed of. 5

Establishment of Office of the Free State Provincial Police Ombudsman

10. (1) The Office of the Free State Provincial Police Ombudsman is established in the Department. 10
- (2) The staff members required for the performance of the functions of the Ombudsman are appointed in terms of the Public Service Act, 1994. 15
- (3) The police service, employees of the Department and any other organ of state must cooperate with and assist the Ombudsman and staff members of the Ombudsman in the performance of their functions in terms of this Act, which includes providing them with reasonable access to any building, premises, vehicle, property, information or document under the control of the organ of state concerned. 20

Appointment of Ombudsman

11. (1) The Premier must appoint a suitably qualified person, with experience in the field of law or policing, as the Free State Provincial Police Ombudsman. 25
- (2) The Ombudsman is appointed by the Premier – 30
- (a) after consultation with the Member of the Executive Council, the Provincial Commissioner and the executive heads of the provincial and municipal law enforcement agencies; and
- (b) subject to approval by the Provincial Legislature's portfolio committee responsible for policing by a resolution adopted in accordance with its rules. 35
- (3) The remuneration and other terms of appointment of the Ombudsman must be determined by the Premier with the concurrence of the Member of the Executive Council responsible for finance. 40
- (4) The Ombudsman is appointed for a non-renewable term not exceeding five years. 45
- (5) The Ombudsman may at any time resign by submitting a written resignation to the Premier at least three calendar months prior to the intended date of vacation of office, unless the Premier allows a shorter period.

- (6) The Premier may on good cause shown –
- (a) after consultation with the persons referred to in subsection (2)(a); and
 - (b) subject to approval by the Provincial Legislature's portfolio committee responsible for policing by a resolution adopted in accordance with its rules,
- remove the Ombudsman from office on the ground of misbehaviour, incapacity or incompetence, after affording him or her a reasonable opportunity to be heard.
- (7) The Ombudsman may, in the performance of his or her functions, also be assisted by a person whose service the Ombudsman requires for the purpose of a particular investigation.

Finances of Ombudsman

12. (1) Expenditure in connection with the functions of the Ombudsman must be funded from monies appropriated by the Provincial Legislature for that purpose, as part of the budget vote of the Department.
- (2) The Department must, subject to the laws governing the public service make available human and other resources to enable the Ombudsman to perform his or her functions.

Reporting by Ombudsman

13. (1) The Ombudsman must report annually to the Member of the Executive Council on the activities of the Ombudsman during the previous financial year including –
- (a) the number of complaints investigated;
 - (b) the number of complaints determined to be manifestly frivolous or vexatious under section 17(1);
 - (c) the outcome of investigations into the complaints; and
 - (d) the recommendations regarding the investigated complaints.
- (2) The Ombudsman must report to the Member of the Executive Council on his or her activities in terms of this Act as and when requested to do so by the Member of the Executive Council.
- (3) The Member of the Executive Council must table the report contemplated in subsection (1) in the Provincial Legislature.

Independence and impartiality of Ombudsman

14. (1) The Ombudsman and staff members of the Ombudsman must serve independently and impartially and must perform their functions in good faith and without fear, favour, bias or prejudice, subject to the Constitution and the law. 5
- (2) The Ombudsman and staff members of the Ombudsman must preserve confidentiality in respect of any information acquired in terms of this Act. 10

Functions of Ombudsman

15. The Ombudsman –
- (a) must receive and investigate complaints submitted in terms of section 16, regarding inefficiency of the police or a breakdown in relations between the police and any community; and 15
- (b) must perform the other functions assigned to him or her under this Act. 20

Submitting complaints

16. (1) Any person may submit a complaint in the prescribed manner and form to the Ombudsman regarding alleged police inefficiency or a breakdown in relations between the police and any community. 25
- (2) Any member of the Provincial Legislature may, on becoming aware of a complaint regarding alleged police inefficiency or a breakdown in relations between the police and any community, submit it to the Ombudsman for investigation. 30
- (3) The Ombudsman must issue guidelines that are publicly accessible in respect of the procedures to submit a complaint and the type of complaints that may be submitted to the Ombudsman. 35

Investigations by Ombudsman

17. (1) The Ombudsman may, if a complaint which is not manifestly frivolous or vexatious is submitted, institute any investigation that is necessary into alleged police inefficiency or a breakdown in relations between the police and any community. 40
- (2) If a member of the Provincial Legislature refers a matter contemplated in subsection (1) to the Ombudsman, he or she must conduct an investigation into that matter. 45

- (3) The Ombudsman may by notice in the *Provincial Gazette*, make known any investigation which he or she is conducting and state that any person may, within a period specified in the notice, make written representations to the Ombudsman regarding the investigation.

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- (4) If the Ombudsman is of the opinion that a complaint may more appropriately be dealt with by another competent authority, including a national authority, a community police forum, a constitutional institution or the Provincial Commissioner, he or she may at any time refer a complaint or aspect thereof to that other authority.

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- (5) The Ombudsman may, after consultation with the authority to which the matter has been referred and if the matter could not be resolved by that authority, at any time resume the investigation into that matter.

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- (6) If the Ombudsman decides not to initiate an investigation, the Ombudsman must inform the complainant of his or her decision and the reasons therefor.

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- (7) Upon completion of an investigation and if the matter could not be resolved, the Ombudsman must submit a recommendation on the investigation and his or her findings to the Member of the Executive Council and inform the complainant that he or she has done so.

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- (8) The Member of the Executive Council must make a recommendation to the Minister on any investigated complaint that could not be resolved by the Ombudsman, and must inform the complainant of the recommendation made.

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- (9) In order to avoid unnecessary duplication, the Ombudsman must coordinate his or her functions and activities in terms of this Act with other authorities that have jurisdiction in respect of the investigation of complaints against the police.

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Investigating powers and officers

- 18. (1) For the purposes of an investigation, the Ombudsman 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 that person thereon.

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- (2) The Ombudsman may request an explanation from any person whom he or she reasonably suspects of having information which has a bearing on the matter being investigated or to be investigated.

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- (3) The Ombudsman may designate staff members of the Ombudsman or other suitable persons as investigating officers to perform the functions in subsections (1) and (2).

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- (4) An investigating officer who is not in the full-time service of the state must be appointed on the prescribed conditions and at the prescribed remuneration.
- (5) An investigating officer must be provided with a certificate of appointment signed by or on behalf of the Ombudsman in which it is stated that he or she is an investigating officer appointed in terms of this Act. 5
- (6) An investigating officer must have a certificate of appointment on his or her person when performing a function in terms of this Act. 10

Reporting by Provincial Commissioner

- 19. (1) In order for the Member of the Executive Council to oversee the effectiveness and efficiency of the police service and to monitor police conduct, the Provincial Commissioner must, within and in respect of the period prescribed, report in writing to the Member of the Executive Council on the following matters: 15
- (a) with regard to the South African Police Service – 20
 - (i) the number of firearms issued to police officials which have been lost or stolen and the circumstances under which they have been lost or stolen;
 - (ii) the number of persons arrested by the police service, the number of cases relating to those arrests that have been referred to court, the number of those cases that have been prosecuted and the number of convictions in respect of those cases; 25
 - (iii) the allocation of funds and resources to safety objectives, the methods used to achieve the objectives and measurable outcomes achieved; 30
 - (iv) the number of disciplinary and criminal cases instituted against police officials, the names of those officials, the case reference numbers, the charges laid in respect thereof and the outcome of those cases; 35
 - (v) the number and nature of complaints received by the police regarding poor service delivery and police misconduct and how those complaints have been resolved; 40
 - (vi) statistical information regarding the number and nature of crimes reported to the police; 45
 - (vii) the circumstances regarding incidents where the police fires a weapon, allows a weapon to be fired or orders the firing of a weapon;

- (viii) the number of cases reported in terms of section 29 of the Independent Police Investigative Directorate Act and the outcome of the investigations into those cases; and
 - (ix) any other matter, as may be prescribed, relating to police conduct, efficiency and effectiveness of the police service or relations between the police and the community; and
- (2) The Provincial Commissioner must without delay inform the Member of the Executive Council of any deaths of police officials in the execution of their duties, any deaths caused by police officials in the execution of their duties, any persons that have died whilst in police custody and the circumstances under which they have died.
- (3) The Provincial Commissioner must report to the Provincial Legislature on all policing and the matters contemplated in this section.
- (4) The Member of the Executive Council may request the Provincial Commissioner to furnish any other report required by the Member of the Executive Council to perform his or her functions in terms of this Act.
- (5) The Provincial Legislature may require the Provincial Commissioner to appear before it or any of its committees to answer questions.
- (6) If the Provincial Commissioner fails to comply with any request by the Member of the Executive Council for information, the Member of the Executive Council must report the failure to the Provincial Legislature which in turn must require the Provincial Commissioner to appear before it to explain the failure to comply with the request.

Loss of confidence in Provincial Commissioner

20. If the Provincial Executive Committee loses confidence in the Provincial Commissioner, the Provincial Executive Committee must, except in exceptional circumstances, require the Provincial Commissioner to appear before it prior to instituting proceedings for the removal or transfer of, or disciplinary action against the Provincial Commissioner.

Recording of requests and recommendations

21. (1) The Member of the Executive Council must keep a register recording the following –
- (a) any written report or recommendation made to the Minister in terms of this Act;

- (b) any request for information given in writing to the Provincial Commissioner in terms of this Act; and
 - (c) any written comment or response received from the Minister, the Provincial Commissioner in respect of a report or recommendation referred to in paragraph (a) or a request referred to in paragraph (b). 5
- (2) The Member of the Executive Council must annually table a certified copy of the register in the Provincial Legislature. 10

Policing needs and priorities

22. (1) The Member of the Executive Council must annually report to the Provincial Legislature on his or her functions in terms of this Act and the findings in relation thereto. 15
- (2) The Provincial Legislature must refer the report referred to in subsection (1) to its portfolio committee responsible for policing.
- (3) The portfolio committee responsible for policing must consider and debate the report and may hold public hearings and request representations from stakeholders with an interest in the report. 20
- (4) The Provincial Legislature must afford the Provincial Commissioner an opportunity to respond to the report, representations and any other comments received. 25
- (5) The findings and comments of the portfolio committee responsible for policing must be taken into account by the Member of the Executive Council when he or she formulates a recommendation on the policing needs and priorities of the Province for approval by the Provincial Executive Committee. 30
- (6) The Member of the Executive Council must submit the approved policing needs and priorities of the Member of the Executive Council to be taken into account when the policing policies and plans for the Province are formulated, as contemplated in sections 206(1) and (2) of the Constitution. 35

Cooperation and intergovernmental relations

23. (1) The Member of the Executive Council, the Head of the Department, authorised persons and employees of the Department, investigative officers and the Ombudsman must perform their functions in terms of this Act in accordance with the principles of cooperative government and intergovernmental relations referred to in Chapter 3 of the Constitution. 40

- (2) The Member of the Executive Council may make recommendations regarding the police and policing matters to the Civilian Secretariat or enter into agreements to strengthen the cooperation between the various role players as contemplated by section 6(1)(g) of the Civilian Secretariat for Police Service Act, 2011. 5
- (3) The Member of the Executive Council must regularly liaise and consult with the Civilian Secretariat and the Provincial Secretariat regarding any matter relating to mutual administrative support and the coordination of their respective functions to avoid unnecessary duplication. 10

Offences

24. (1) Any person who – 15
- (a) without just cause, refuses or fails to comply with a direction or request under section 18(1) or (2) or refuses to answer any question put to him or her under that section or gives to such question an answer which to his or her knowledge is false; or 20
 - (b) hinders or obstructs the Ombudsman or an investigating officer in the exercise or performance of his or her powers or functions in terms of this Act,
- is guilty of an offence and liable on conviction to a fine or imprisonment not exceeding three years or both. 25
- (2) Any person who contravenes section 9(1) or 9(4)(b) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or both. 30

Regulations

25. (1) The Member of the Executive Council must make regulations regarding any matter in respect of which this Act requires regulations. 35
- (2) The Member of the Executive Council may make –
- (a) any matter in respect of which this Act authorises regulations; 40
 - (b) the functions and duties of the Member of the Executive Council or the Ombudsman;
 - (c) the receipt and processing of complaints submitted in terms of section 16; 45
 - (d) the methodology for conducting an investigation of complaints submitted in terms of section 16;

- (e) the format and the procedure to direct persons under section 18(1) or to request an explanation under section 18(2);
- (f) requirements for reporting by the Provincial Commissioner in terms of this Act; 5
- (g) the format of any report required in terms of this Act;
- (h) the determination of key indicators and types of empirical data that must be included in a report required in terms of this Act; 10
- (i) measures to ensure confidentiality, control of and access to information obtained through the integrated information system;
- (j) the requirements for authorisation and screening of employees, investigating officers and other persons authorised by the Member of the Executive Council to perform functions in terms of this Act; 15
- (k) indicators to oversee and assess the effectiveness and efficiency of the police service; or 20
- (l) any other matter necessary for the effective execution of the functions in terms of this Act.

Delegation 25

26. (1) The Member of the Executive Council may delegate any power conferred on or assign any duty imposed on him or her in terms of this Act, except the power to make regulations, to the Head of the Department. 30
- (2) The Head of the Department may delegate any power conferred on or assign any duty imposed on him or her in terms of this Act, to –
- (a) an employee of the Department; or 35
 - (b) the holder of a specific office or position in the Department.
- (3) A delegation or assignment referred to in subsection (1) or (2) –
- (a) must be in writing; 40
 - (b) may be made subject to conditions;

- (c) may be withdrawn or amended in writing by the Member of the Executive Council or the Head of the Department, as the case may be;
- (d) may include the power to subdelegate or further assign that power or duty; 5
- (e) does not prevent the Member of the Executive Council or the Head of the Department, as the case may be, from exercising that power or performing that duty; and 10
- (f) does not divest the Member of the Executive Council or the Head of the Department, as the case may be, of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty.

Short title and commencement 15

27. This Act is called the Free State Community Policing Act, 2020, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

MEMORANDUM ON THE OBJECTIVES OF FREE STATE COMMUNITY POLICING BILL, 2020

1. BACKGROUND

- 1.1 The Free State Community Policing Bill seeks to develop and introduce provincial oversight models in respect of the police in compliance with the constitutional mandate of provinces to monitor police conduct and to oversee the effectiveness and efficiency of the South African Police Service ("SAPS") in the Province. An effective and efficient police service will achieve increased levels of safety and an open society that is free from fear of crime. The functions of oversight are, in terms of the Bill, focussed on detecting patterns and practices of police conduct, identifying systemic failures in the police system and making recommendations on how best to improve policing in Free State Province.
- 1.2 The oversight functions in respect of the monitoring of police conduct and assessment of the police service are also addressed in this Bill.
- 1.3 The manner in which the Province addresses complaints received from communities about police inefficiency will be significantly enhanced through the introduction of the Provincial Police Ombudsman, who is duly empowered by the Bill to effectively address such complaints. The Ombudsman will also be tasked to investigate any breakdown in the relations between the police and the community.
- 1.4 The introduction of an integrated information system will enable the province to collect information to be considered by the provincial executive in determining the policing needs and priorities that exist within the Province. The intention is to move away from the current practice of determining policing needs primarily on the basis of crime statistics and to approach a more holistic understanding of policing needs based on information obtained in partnership with communities, civil society, other spheres of government, business and the like.
- 1.5 The Bill supports the development and establishment of partnerships with the business community and other role-players, and the accreditation and support of neighbourhood watches aimed at increasing capacity for innovation, cooperation and the development of safety initiatives to promote good relations between the police and communities.

- 1.6 The Bill will address other aspects such as the reporting to the Provincial Member of Executive Council by the Provincial Commissioner of the SAPS.
- 1.7 The legislative mandate given to the Provincial Member of the Executive Council in section 19(1), 20(1) and 21(1) of the South African Police Service Act, enabling the Provincial Member of the Executive Council to issue directives for the establishment of community police forums and boards, is amplified in the Bill in order to promote good relations between the SAPS and communities.
- 1.8 In the spirit of the Constitution the Bill reiterates the principles of cooperative government and intergovernmental relations in general and more specifically between the Civilian Secretariat and the Province.

2. LEGISLATIVE FRAMEWORK

Section 104(1), read with Schedule 4A of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), provides that the Province has legislative competence in the functional area of "police" to the extent that Chapter 11 (ss 205–208) confers such legislative power on the Province. Provincial legislative competence in respect of policing is further shared with the national sphere of government.

3. PURPOSE OF THE BILL

The purpose of the Bill is therefore to give effect to the Province's constitutional mandate and to regulate Free State Government's powers and functions with regard to its oversight function over the police.

4. CONTENTS OF THE BILL

Clause 1

This is the definition clause.

Clause 2

This clause states the purpose of the Bill namely, to regulate and provide for the carrying out of the functions of the Province and the Provincial Department of Police, Roads and Transport ("the Provincial Department") as provided for in sections 206(1), (3), (4), (5) and (9).5 and (6) of the Constitution.

These functions allow the Province to determine the policing needs and priorities of the Province, monitor police conduct; assess the effectiveness of visible policing; oversee the effectiveness and efficiency of the police service, including receiving reports on the police service, promote good relations between the police and communities, investigate any complaints of police inefficiency or a breakdown in relations between the police and any community, require the Provincial Commissioner and appear before the Provincial Legislature and to institute proceedings for the removal or transfer of, or disciplinary action against the Provincial Commissioner. The Bill also seeks to support the civilian oversight of police under the direction of the Minister of Police by the Civilian Secretariat and Provincial Secretariat established in terms of the Civilian Secretariat for Police Service Act, 2011 (Act 2 of 2011). The Bill further clarifies and defines the provincial sphere of government's oversight over national policing functions.

Clause 3

This clause deals with the functions of the Provincial Member of the Executive Council for Police, Roads and Transport. These functions are derived from the abovementioned constitutional powers referred to in section 206(1), (3) to (5), read with section 104 and Schedule 4 of the Constitution.

Clause 4

This clause provides for the Provincial Member of the Executive Council to authorise employees of the Provincial Department and other persons to monitor police conduct, including conduct in respect of persons held in police custody, to oversee and assess the police service and to evaluate the relations between the police and the community.

Clause 5

This clause provides for the issuing of directives for the establishment of community police forums and boards as referred to in sections 19, 20 and 21 of the South African Police Services Act, 1995 (Act 68 of 1995). This Act provides that the Provincial Commissioner may establish community police forums subject to the Provincial Member of Executive's directives.

Clause 6

This clause provides for the voluntary accreditation and support of neighbourhood watches in Free State in order to promote good relations between the police and communities. The Provincial Member of the Executive Council may also provide funding, training or resources to neighbourhood watches. This clause also provides for neighbourhood watches to submit reports to the Provincial Member of the Executive Council on:

- (a) the activities of the neighbourhood watches; and
- (b) safety concerns and incidents of crime in the areas in which neighbourhood watches operate.

These requirements seek to create a database on the safety situation in the Province in order to monitor the police's efficiency and effectiveness as required by the Constitution and to determine the Province's policing needs and priorities.

Clause 7

This clause provides for the maintenance of a database of community organisations that are actively involved in policing, support of victims of crime, crime prevention or community policing in the Province and to provide support to these organisations. It also provides for the entering into partnerships with community organisations to achieve the Bill's objectives, to improve the relations between the police.

Community organisations on the database must also report to the Head of Department on safety concerns and incidents of crime, to assist in the determination of the Province's policing needs and priorities.

Clause 8

This clause provides for the establishment, administration and maintenance of an integrated information system by the Provincial Member of the Executive Council and the Provincial Department. This information system will enable the Provincial Member of the Executive Council to oversee the effectiveness and efficiency of the police service and to determine the Province's policing needs and priorities.

This clause also provides for the Provincial Member of the Executive Council to request security service providers to register on the database of community organisations and to submit information on safety concerns and incidents of crime in their areas of operation. It is foreseen that this will improve the relations between the police and communities and will assist in the determination of the Province's policing needs and priorities.

Clause 9

This clause provides measures to ensure the confidentiality of personal information obtained from neighbourhood watches, security service providers and other organisations through the integrated information system.

Clauses 10 to 18

These clauses provide for the establishment of the Office of Free State Police Ombudsman and the appointment of the Ombudsman by the Premier after consultation with the Provincial Member of the Executive Council, the Provincial Commissioner and leaders of opposition parties, subject to the concurrence of the Provincial Legislature's portfolio committee responsible for Police, Roads and Transport.

The Ombudsman's primary functions are to investigate complaints regarding inefficiency of the police (SAPS and the provincial and municipal law enforcement agencies) or a breakdown in relations between the police and communities. The Province is authorised to perform these functions in terms of section 206(5) of the Constitution.

The Ombudsman may also refer complaints to any other competent authority if the complaints can be more appropriately dealt with by that authority.

Clause 18 also provides for the Ombudsman or designated investigators to 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 that has a bearing on a matter under investigation.

The Ombudsman must make recommendations to the Provincial Member of Executive Council regarding any complaint under investigation, which may include that a commission of inquiry must be appointed by the Premier. The Provincial Member of the Executive Council must make a recommendation on any investigated complaint that could not be resolved by the Ombudsman, to the national Minister and inform the complainant of the recommendation made.

Clause 19

This clause provides for various mandatory reports to be submitted by the Provincial Commissioner of the SAPS to the Member of the Executive Council.

Among others, the reports address the loss or theft of official firearms in the possession of SAPS members, any deaths of police officials in the execution of their duties, any deaths caused by police officials in the execution of their duties, any persons that have died while in police custody and the circumstances of their death, statistics regarding the number of persons arrested, the number of cases referred to court, the number of cases prosecuted and the conviction rate, the number of complaints received and recorded, and any other matter relating to police conduct, efficiency or effectiveness or relations between the police and communities.

This clause also requires the Provincial Commissioner to submit an annual report regarding policing in the Province.

Clause 20

This clause refers to the power of the Provincial Executive Council, to require the Provincial Commissioner to appear before it or any of its committees, if the Provincial Executive Council has lost confidence in the Provincial Commissioner.

Clause 21

This clause provides for similar reporting requirements to those referred to in clause 19, but in relation to provincial and municipal law enforcement established in terms of section 64A of the South African Police Services Act. It requires that the various executive heads of the provincial and municipal law enforcement agencies in the Province submit certain regular mandatory reports to the Provincial Member of the Executive Council.

Clause 22

This clause provides for the determination of the Province's policing needs and priorities. Section 206(1) of the Constitution provides that the national Minister responsible for policing must "determine national policing policy after consulting the provincial governments and taking into account the policing needs and priorities of the Provinces as determined by the provincial executives."

In order for the Provincial Executive Council to determine the policing needs and priorities of the Province, this clause provides for the Provincial Member of Executive Council to report to Free State Legislature.

The Portfolio Committee responsible for policing must debate the report and may call for public hearings to receive comments from stakeholders in the community and criminal justice system. The findings and comments will then be considered by the Provincial Executive Committee in its report on the Province's policing needs and priorities to the National Minister.

Clause 23

This clause provides for the exercise of provincial oversight of police in accordance with the principles of cooperative government and intergovernmental relations referred to in Chapter 3 of the Constitution.

Provision is also made for the Premier to concur with the Provincial Member of the Executive Council on the appointment of the head of the Provincial Secretariat established in terms of the Civilian Secretariat for Police Service Act, 2011 (Act 2 of 2011) to ensure alignment between provincial appointment requirements and the appointment requirements provided for in the Civilian Secretariat for Police Service Act, 2011.

Clause 24

This clause creates offences for hindering or obstructing the Ombudsman in exercising his or her functions in terms of this Act, in respect of a failure to adhere to a direction or request under clause 18(1) or (2) and for the contravention of the confidentiality measures in respect of personal information.

Clause 25

This clause authorises the Provincial Member of the Executive Council to make regulations on various aspects of the Bill.

Clause 26

This clause provides for the delegation of any power conferred or duty imposed on the Provincial Member of the Executive Council to the Head of the Provincial Department, who may, if authorised to do so, further delegate those powers and duties to employees of the Provincial Department. Provision is also made for the Head of Department to delegate or assign any power or duty conferred or imposed on him or her in terms of the Bill to any other employee of the Provincial Department.

Clause 27

This clause contains the Bill's short title and provides for the proclamation of the date of its coming into operation.

5. FINANCIAL IMPLICATIONS

The financial implications in respect of the implementation of the Bill will be incrementally budgeted for in forthcoming financial years.

6. CONSULTATION

The Bill will be submitted to:

- (a) The Minister of Police;
- (b) The Provincial Commissioner;
- (c) The Civilian Secretariat;
- (d) Community Police Forums;
- (e) The Independent Police Investigative Directorate;
- (f) The Security Industry Regulating Authority;
- (g) Local Government;

- (h) All Provincial Departments; and
- (i) Various public consultation sessions will have to be held with members of Community Police Forums, Neighbourhood Watches, and other members of the public.

7. LEGISLATIVE COMPETENCE

The provisions of the Bill fall within the legislative competence of the Province.

SEKAMOLAO

Bakeng sa ho petha le ho tsamaisa mesebetsi ya Provense le Lefapha le ikarabellang sepoleseng ka hara Freistata ka tlasa Kgaolo ya 11 ya Molaotheo wa Afrika Borwa , 1996; bakeng sa ho fana ka taelo ya ho thehwa ha diforamo tsa sepolesa sa setjhaba le diboto ho latela Molao wa Afrika Borwa wa Ditshebeletso tsa Sepolesa, 1995; bakeng sa ho nehelana ka ngodiso ya mekgatlo le makala jwalo ka dihlwela tsa boahisane (balebedi-ba-metse); ho nehelana ka kopanelo le mekgahlo ya setjhaba; ho theha le ho hlokomela motjha o momahaneng wa lesedi le pokello ya lesedi la mekgahlo; ho nehelana ka boithaopo ba ngodiso ya baabi ba ditshebeletso tsa tshireletso pokellong ya lesedi la mekgahlo; ho theha Kantororo ya Provense ya Freistata ya Ombudsman wa Sepolesa bakeng sa ho fuputsa ditetlebo tse mabapi le sepolesa; ho tsamaisa tlaleho ya ditshebeletso tsa sepolesa; le ho nehelana ka dintho tsa diketsahalo tse jwalo.

O FETISWE ke Lekgotla la Ketsamelao la Freistata, ka tsela e latelang:-

Ditlhaloso

1. Ka hara Molao ona, ntle le ha fela mooko o bontsha ka tsela e fapaneng – 5
 - “**Botsamaisi ba Provense**” e bolela botsamaisi ba Provense bo thehilweng ho latela karolo 16 ya Botsamaisi ba Setjhaba bakeng sa Molao wa Ditshebeletso tsa Sepolesa, 2011; 10
 - “**Botsamaisi ba Setjhaba**” bo bolela Botsamaisi ba Setjhaba bakeng sa Ditshebeletso tsa Sepolesa bo thehwang ke karolo ya 4 ya Botsamaisi ba Setjhaba bakeng sa Molao wa Ditshebeletso tsa Sepolesa, 2011; 15
 - “**diforamo tsa sepolesa sa setjhaba le diboto**” e bolela diforamo tsa setjhaba le diboto tse thehilweng ho latela karolo ya 9 ho ya ho 21 ya Molao wa Ditshebeletso tsa Sepolesa sa Afrika Borwa, 1995 (Molao 68 wa 1995); 20
 - “**Ditshebeletso tsa Sepolesa sa Afrika Borwa**” e bolela Ditshebeletso tsa Sepolesa sa Afrika Borwa tse thehilweng ke karolo 5(1) ya Molao wa Ditshebeletso tsa Sepolesa sa Afrika Borwa, 1995 mme di sebetse ka hara Provense; 25
 - “**Hlooho ya Lefapha**” e bolela hlooho ya Lefapha la provense ya ikarabellang mesebetsing e boletsweng Kgaolong ya 11 ya Molaotheo e thehilweng ka tlasa karolo ya 3A ya Molao wa Ditshebeletso tsa Setjhaba, 1994 jwalo ka ha e hlahella Shejulung ya 2 ya Molao; 30
 - “**Komiti ya Phethahatso**” e bolela Komiti ya Phethahatso ya Freistata;
 - “**Lefapha**” e bolela Lefapha la Provense le ikarabellang bakeng sa mesebetsi e oho buang ka yona Temaneng ya 11 ya Molaotheo le leo le thehilweng ka tlasa karolo 3A ya Molao wa Ditshebeletso tsa Setjhaba, 1994 jwalo ka ha e hlahellang Sejulung ya 2 ya Molao oo;

“Lekala le Ikemetseng la Diphuputso tsa Sepolesa” e bolela Lekala le Ikemetseng la Diphuputso tsa Sepolesa le thehilweng ke karolo 3(1) ya Molao wa Lekala le Ikemetseng la Diphuputso tsa Sepolesa, 2011 (Molao wa 1 wa 2011);

“Letona” e bolela setho sa naha sa kabinete se ikarabellng ka sepolesa; 5

“moabi wa ditshebeletso tsa tshireletso” e bolela moabi wa ditshebeletso tsa tshireletso jwaloka ha e hlaloswa ka hara karolo 1 ya Molao wa Tsamaiso ya Indasteri ya Tshireletso ya Poraeefe, 2001 (Molao wa 56 wa 2001);

“mohlanka wa sepolesa” e bolela setho sa Ditshebeletso tsa Sepolesa sa Afrika Borwa ya sebetsang ka hara Provense; 10

“Mokhomishenara wa Provense” e bolela mokhomishenara wa provense ya thontsweng ke Provense ho latela karolo ya 207(3) ya Molaotheo; 15

“Molao ona” o kenyelletsa ditsamaiso tse entsweng ka tlasa karolo ya 31 le taelo efe kapa efe e entsweng ka tlasa karolo 3(f) le 5;

“Molaotheo” e bolela Molaotheo wa Afrika Borwa, 1996; 20

“Ombudsman” e bolela Ombudsman wa Provense ya Freistata ya thontsweng ho latela karolo 11;

“Provense” e bolela Provense ya Freistata; 25

“sepolesa” e bolela mohlanka wa ditshebeletso tsa sepolesa;

“sepolesa” e bolela mesebetsi e etswang ke bahlanka ba sepolesa; 30

“Setho sa Lekgotla la Phethahatso” e bolela Setho sa Lekgotla la Phethahatso sa Provense ya ikarabellng mesebetsing e boletsweng Kgaolong ya 11 ya Molaotheo;

“tlhaloso” e bolela jwalo ka ha e hlaloswa ke tsamaiso; 35

“tlhokomelo ya boahisane” e bolela mokgatlo kapa lekala leo ho buang ka lona karolong ya 6(1) mme le ngodisitswe ho latela karolo ya 6(5); mme

“tsamaiso” e bolela tsamaiso e entsweng ka tlasa karolo 31.

Sepheo sa Molao

2. Sepheo sa Molao ona ke –

- | | | |
|--------|--|----|
| (a) | ke ho tsamaisa le ho phetha mesebetsi ya Provense eo ho buang ka yona dikarolong tsa 206(1), (3), (4), (5) le (9) le 207(5) and (6) tsa Molaotheo ho – | 5 |
| (i) | fumana ditlhoko tsa sepolesa le dintlha tse ka sehloohong; | |
| (ii) | hlokomela boitshwaro ba sepolesa; | 10 |
| (iii) | hlokomela tshusumetso le tshebetso ya ditshebeletso tsa sepolesa, ho kenyelletsa le ho fumana dipehelo ka ha ditshebeletso tsa sepolesa; | |
| (iv) | ho phahamisa dikamano tse ntle dipakeng tsa sepolesa le setjhaba; | 15 |
| (v) | lekola tshusumetso ya ho bonahala ha sepolesa; | |
| (vi) | fuputsa ditlebo efe kapa efe ya ho se kgone ha sepolesa le ho senyeha ha dikamano dipakeng tsa sepolesa le setjhaba; | 20 |
| (vii) | hloka hore Mokhomeshinara wa Provense a fane ka pehelo le ho hlahella ka pela Lekgotla la Ketsamelao la Provense; le | |
| (viii) | kenya tshebetsong metjha ya ho tloswa kapa ho fetisetwa, kapa kgato ya kgalemo kgahlanong le Mokhomeshinara wa Provense; le | 25 |
| (b) | ho tshehetsa maikemisetso a Botsamaisi ba Setjhaba le Botsamaisi ba Provense. | |

Mesebetsi ya Setho sa Lekgotla la Phethahatso 30

3. Setho sa Lekgotla la Phethahatso, hore a fihlelle maikemisetso a karolo ya 206(1), (3), (4) le (5) ya Molaotheo, a ka sebedisa le ho etsa mesebetsi le matla a latelang –

- | | | |
|-----|---|----|
| (a) | ho hlokomela boitshwaro ba sepolesa; | 35 |
| (b) | ho hlokomela bokgoni le tshusumetso ya ditshebeletso tsa sepolesa; | |
| (c) | ho hlokomela tshusumetso ya maano le ditaelo tse kentsweng tshebetsong ke ditshebeletso tsa sepolesa mabapi le ho thonngwa, thupello le sepolesa; | 40 |
| (d) | ho phahisa dikamano tse ntle dipakeng tsa sepolesa le setjhaba; | |

- (e) ho hlwaya sesosa sa ho dukeha ha dikamano dipakeng tsa setjhaba le sepolesa le ho etsa metjha ya ho lokisa dikamano tseo;
- (f) ho fana ka ditaelo bakeng sa ho theha le ho matlafatsa diforamo tsa setjhaba tsa sepolesa le diboto le ho hokahanya tshebetso e loketseng ya tsona e le ho phahamisa dikamano tse ntle dipakeng tsa setjhaba le sepolesa; 5
- (g) ho theha tshebedisano le setjhaba sefe kapa sefe eo sepheo sa yona eleng ho phahamisa dikamano tse ntle dipakeng tsa sepolesa le setjhaba; 10
- (h) ho boloka pokello ya lesedi la mekgatlo ya setjhaba e nang le scabo ka hara lekala la sepolesa;
- (i) ho lekola tshusumetso ya ponahalo ya sepolesa; 15
- (j) ho theha le ho hlokomela motjha o kopanetsweng bakeng sa ho hlokomela bokgoni le tshusumetso ya ditshebeletso tsa sepolesa le ho hlwaya dithoko tsa sepolesa le dintlha tse ka sehloohong tsa provense;
- (k) ho ikopanya le Letona mabapi le botlokotsebe le sepolesa ka hara Provense; 20
- (l) ho ngodisa ditsetebo mabapi le ho se kgone ha sepolesa kapa ho dubeha ha dikamano dipakeng tsa sepolesa le setjhaba;
- (m) ho fumana le ho lekodisa dipehelo, ho kenyetsetsa dipalopalo le boleng ba lesedi ka ha ditshebeletso tsa sepolesa; 25
- (n) ho bokelletsa tlhahisoleding e nang le nnete mabapi le dintlha tsa tshebetso le ho ajwa ha disebediswa; 30
- (o) ho hlwaya disebediswa bakeng sa ho hlokomela le ho lekola bokgoni le tshusumetso ya ditshebeletso tsa sepolesa;
- (p) ho fumana le ho lekola lesedi mabapi le dithuso tsa ditjhelete, ditjeho, diketsahalo, tshebetso le ditholwana tsa teng ka ha sepolesa ka hara Provense; 35
- (q) lekola bokgoni le boiphihlelo ba ditshebeletso tsa sepolesa, ditlwaelo le mekgwa ya boitshwaro ba sepolesa, ho hlwaya mathata le dikgaello ka hara metjha ya sepolesa le ho fana ka ditshisinyo ho Letona hore na di ka lokiswa jwang; 40
- (r) ho eletsa Lekgotla la Phethahatso la Provense le Lekgotla la Ketsamelao la Provense mabapi le dithoko tsa sepolesa le dintlha tse ka sehloohong tsa Provense jwalo ka ha di hlahella ka hara karo 22;

- (s) ho ikopanya le ho etsa ditshisinyo ho Letona mabapi le ditlhoko tsa sepolesa le dintlha tse ka sehloohong tsa Provense jwalo ka ha di hlwailwe ke Komiti ya Phethahatso la Provense;
- (t) ho lekola hore na ditlhoko tsa sepolesa le dintlha tse ka sehloohong di a hlahella kahara leano la naha la sepolesa; 5
- (u) ho hlwaya le ho sebitsana le dintlha tse itseng tse amanang le tekolo tse etswang ke sepolesa tseo batho ba bang ba nang le seabo ba sa di hlwayang; 10
- (v) ho teka pehelo ya selemo ka seng ka hara Lekgotla la Ketsameleo la Provense mabapi le kgato le tshebetso tsa matla le mesebetsi ho latela Molao ona;
- (w) ho etsa dipatlisiso jwaloka ha ho hlokahala; 15
- (x) ho ikamahanya le ho hokahanya tshebedisano ka hara bohle ba nang le seabo ka tjantjello le tshebetso, matla le mesebetsi ho latela Molao ona;
- (y) ho hlokomela tshebetso ya Botsamaisi ba Provense; 20
- (z) ho hlokomela tse fetiseditsweng ho Komiti ya Lekgotla la Phethahatso la Provense ke Lekala le Ikemetseng la Diphuputso tsa Sepolesa;
- (aa) hokahanya tshebedisanommoho e matla dipakeng tsa Lefapha le Botsamaisi ba Setjhaba, Botsamaisi ba Provense, Lekala le Ikemetseng la Diphuputso tsa Sepolesa le sepolesa nakong ya phethahatso tsa mesebetsi ho latela Molao ona. 25

Tlhokomelo, tekolo ya sepolesag

- 4.** (1) Setho sa Komiti ya Lekgotla la Phethahatso ka tsela e hlalositsweng, ho latela karolo ya 13(11) ya Molao wa Ditshebeletso tsa Sepolesa sa Afrika Borwa, 1995, a ka dumella mosebeletsi wa Lefapha ho – 30
- (a) ba teng boipelaetsong, sebakeng seo ho sona ho etsahetseng botlokotse le sebaka sefe kapa sefe se hlwailweng ke sepolesa ho hlomphe le ho hatisa dipuisano dipakeng tsa sepolesa le setjhaba; 35
- (b) hlokomela le ho lekola ho fumana, ho ajwa le tshebediso ya basebetsi le disebediswa tse ding tsa sepolesa; 40
- (c) ho hlahloba diteishene tsa sepolesa, kapa meaho e emeng ya sepolesa bakeng sa ho – 45
- (i) sheba boitshwaro ba sepolesa;

- (ii) ho hlokomela bokgoni le tshusumetso ya ditshebeletso tsa sepolesa kahara sebaka;
- (iii) ho hlokomela bokgoni le tshusumetso ya ditshebeletso tsa sepolesa nakong ya ho sebetsana le ditetlebo ho tswa setjhabeng mabapi le sepolesa kahara sebaka; 5
- (iv) lekola dikamano dipakeng tsa setjhaba le sepolesa;
- (v) hlokomela tshwara le maemo a batho ba kwaletsweng ke sepolesa ele ho hlwaya hore na sepolesa se lemoha ditokelo tsa batho ba tshwerweng ho latela karolo 35(2) ya Molaotheo. 10
- (2) Setho sa Komiti ya Phethahatso a ka nna a dumella motho ofe kapa ofe ka tsela e molaong ho etsa o mong wa mesebetsi eo ho buang ka yona karolwaneng ya (1) ka moputso o tla hlwaya ke Setho sa Komiti ya Phethahatso ka tumellano le Setho sa Komiti ya Phethahatso se ikarabellang ka ditjhelete. 15
- (3) Bakeng sa ho etsa mesebetsi ho latela Molao ona, Setho sa Komiti ya Phethahatso, kapa mosebeletsi ofe kapa ofe kapa motho ya dumelletsweng ho latela karolwana (1) kapa (2) le ho latela Karolo ya 206(4) ya Molaotheo wa Rephaboliki ya Afrika Borwa – 20
- (a) a ka kopa kapa a fumana lesedi le ditokomane tse mabapi le botsamaisi, tsamaiso le dipalopalo tsa bosinyi ka tlasa taolo ya ditshebeletso tsa sepolesa; 25
- (b) a ka nna a kena moahong ofe kapa ofe, sebakeng, koloing kapa moahong o tlasa taolo ya ditshebeletso tsa sepolesa; 30
- (c) o na le matla a ho thuswa ke setho sefe kapa sefe sa ditshebeletso tsa sepolesa.
- (4) Kgano efe kapa efe e mabapi le kopo, ho fihlella kapa thuso e hlaloswang karolwaneng (3) e lokelwa ho tlalehwa ho Setho sa Komiti ya Phethahatso. 35

Taelo bakeng sa ho thakgolwa ha diforamo tsa setjhaba tsa sepolesa le diboto

- 5. (1) Bakeng sa ho phahamisa dikamano tse ntle dipakeng tsa Ditshebeletso tsa Sepolesa sa Afrika Borwa le setjhaba, Setho sa Komiti ya Phethahatso a ka nna a fana ka taelo bakeng sa ho thakgolwa ha diforamo tsa setjhaba tsa sepolesa le diboto ho latela dikarolo tsa 19(1), 20(1) and 21(1) tsa Molao wa Ditshebeletso tsa Sepolesa, 1995, ho kenyetsetsa le ditaelo tse mabapi le – 40
- (a) ditlhoko tsa ho hlwaya mekgahlo e loketseng ya setjhaba, ditsi le dihlopha tse nang le kgahleho bakeng sa ho ba karolo ya diforamo tsa setjhaba tsa sepolesa kapa diboto; 45

- (b) metjha ya ho thehwa ha diforamo tsa setjhaba tsa sepolesa kapa diboto;
 - (c) nako ya tshebetso ya ditho tsa diforamo tsa setjhaba tsa sepolesa kapa diboto;
 - (d) amohelwa ha molatheo bakeng sa diforamo tsa setjhaba tsa sepolesa kapa diboto le dikateng tse itseng tsa ona; 5
 - (e) metjha ya ho rarolla dikganyetsano e sebediswang malebana le ho thehwa ha foramo ya sepolesa sa setjhaba kapa boto. 10
- (2) Hlooho ya Lefapha o lokela ho –
- (a) lekola boemo ba tshebetso ba diforamo tsa setjhaba tsa sepolesa le diboto le dikamano dipakeng tsa setjhaba le diforamo tsa setjhaba tsa sepolesa le diboto; 15
 - (b) etsa bonnete o ba le boemedi ka dinako tsohle ho tla dikopanong tsa diforamo tsa setjhaba tsa sepolesa le diboto bakeng sa ho phahamisa maikemisetso a karolo ya 18(1) Molao wa Ditshebeletso tsa Sepolesa sa Afrika Borwa, 1995; le 20
 - (c) pehelo ya selemo ka seng kapa diphihlello ho latela dirapa tsa (a) le (b) ho Setho sa Lekgotla la Phethahatso le Lekgotla la Ketsamelao la Provense. 25
- (3) Hlooho ya Lefapha a ka thusa diforamo tsa setjhaba tsa sepolesa le diboto ka ho fana ka ditjhelete, thupello le disebediswa.

Ngodiso le tshehetso bakeng sa tshireletso ya baahi

- 30
6. (1) Mokgahlo ofe kapa ofe o –
- (a) sebetsang e seng bakeng sa lekeno empa e le mokgatlo wa boithaopi;
 - (b) o nang le ditho tseo e leng baahi, bahiri kapa beng ba thepa e sa tloheng kapa mang kapa mang ya nang le thahasello ka hara sebaka moo mokgahlo oo o sebetsang teng; le 35
 - (c) ho ba le sepheo sa ho tshireletsa ditho tsa sona, thepa ya bona e sa tsamayeng le thepa e nngwe kgahlanong le bosinyi le dingongoreho tse ding tsa polokeho ka hara sebaka moo mokgahlo o sebetsang teng, 40
- a ka nna a etsa kopo ho Setho sa Komiti ya Phethahatso e le foromo e hlalolang jwalo ka mosireletsi wa baahi ya molaong. 45

- (2) Setho sa Komiti ya Phethahatso –
- (a) o lokela ho kopa mohlanka wa sepolesa ya ikarabellang wa seteishene sa sepolesa, ka hara tulo eo mokgahlo o sebetsang; hape 5
- (b) a ka kopa mokgahlo ofe kapa ofe,
- ho etsa tshitshinyo, ka nako e boletsweng ka hara kopo, hodima tshisinyo ya ngodiso ya mokgahlo jwalo ka mosireletsi ya molaong ka hara sebaka. 10
- (3) Ebang mohlanka wa sepolesa kapa mokgahlo o hloleha ho ntsha maikutlo nakong e behilweng eo ho buuang ka yona ka hara karolwana (2), lepolesa kapa mokgahlo o nkuwa o se na seo o ka se buang mabapi le ngodiso e sisingwang ya mokgahlo. 15
- (4) Setho sa Komiti ya Phethahatso a ka nna a batla lesedi le leng ho tswa ho mokgahlo bakeng sa tshehetso ya kopo. 20
- (5) Setho sa Komiti ya Phethahatso a ka nna a ngodisa mokgahlo jwaloka mosireletsi wa baahi ya molaong ka mora ho lekola, ho latela nako e boletsweng –
- (a) kopo; 25
- (b) lesedi lefe kapa lefe leo a le fuwang ke mokopi; 30
- (c) puo efe kapa efe e fumanweng ho tswa ho sepolesa kapa mokgahlo jwaloka ha ho hlahella karolwaneng ya (2);
- (d) hore na mokgahlo o etsa mesebetsi ya ona ho latela maemo a ngotsweng a mabapi le – 35
- (i) motjha wa botho wa mokgahlo wa tshireletso ya baahi le boitshwaro ba ditho;
- (ii) semelo sa mokgahlo wa tshireletso ya baahi, le
- (iii) taolo le tshebediso ya matlole a tshiretso ya baahi, le
- (e) hore na mokgahlo o sebedisana le foramo ya sepolesa sa setjhaba ka hara sebaka. 40
- (6) Ebang Setho sa Komiti ya Phethahatso –
- (a) a ngodisa mokgahlo jwalo ka mokgahlo wa tshireletso ya baahi, Setho sa Komiti ya Phethahatso o lokela ho – 45

- (i) kenya lebitso la mokgahlo wa tshireletso ya baahi rejisetareng ya mekgahlo ya tshireletso ya baahi;
- (ii) ho fana ka lengolo la ngodiso lebitsong la mokgahlo wa tshireletso ya baahi a hlalose nako ya ngodiso, sebaka seo mokgahlo wa tshireletso ya baahi o sebeletsang ho sona le dintho tse ding latela ngodiso; le 5
- (iii) ho romela lengolo la ngodiso ho mokgahlo wa tshireletso ya baahi, foramo ya sepolesa sa setjhaba le mohlanka wa sepolesa ya ikarabellang seteisheneng sa sepolesa ka hara sebaka; kapa 10
- (b) ho se ngodisi mokgahlo jwalo ka mokgahlo wa tshireletso ya baahi, Setho sa Lekgotla la Phethahatso o lokela ho eletsa mokopi ya sa atlehang, mohlanka wa sepolesa ya ikarabellang seisheneng sa sepolesa sa sebaka le diforamo tsa sepolesa sa baahi kahara sebaka ka ho ngola qeto ya hae le mabaka a qeto co.. 15
- (7) Setho sa Lekgotla la Phethahatso o lokela hore selemo ka seng a phatlatse lenaneo la mokgahlo wa tshireletso ya baahi *Koranteng ya Mmuso wa Provense*. 20
- (8) Setho sa Lekgotla la Phethahatso a ka fana ka matlole, thupello kapa disebediswa ho mokgahlo wa tshireletso ya baahi.
- (9) Setho sa Lekgotla la Phethahatso o lokela ho ba le lenaneo la mekgahlo ya tshireletso ya baahi mme e fumanehe bakeng sa tekolo ho batho ba nang le kgahleho ha ba e kopa. 25
- (10) Mokgahlo wa tshireletso ya baahi o lokela – 30
- (a) ho ntjhafatsa ngodiso ka mora dilemo tse ding le tse ding tse pedi ka mokgwa o boletsweng, ho seng jwalo boingodiso bo tla fela;
- (b) ho beha ka mokgwa o boletsweng le nako e boletsweng bakeng sa Setho sa Lekgotla la Phethahatso hodima – 35
- (i) dingongoreho tsa polekeho le diketso tsa bosinyi ka hara sebaka moo mokgahlo wa tshireletso ya baahi o sebetsang teng;
- (ii) diketsahalo tsa mokgahlo wa tshireletso ya baahi; le 40
- (iii) eng kapa eng e ngotsweng e batlang ke Setho sa Lekgotla la Phethahatso bakeng sa ho hlwaya ditlhoko tsa sepolesa le dintlha tse ka sehloohong le bokgoni le tshusumetso ya ditshebeletso tsa sepolesa; 45
- (c) ho boloka diphelelo tsa dintho tseo ho buuwang ka tsona serapeng sa (b)(i) to (iii); le

- (d) ho boloka dipehelo tseo ho buuwanang ka tsona serapeng sa (c) bonyane dileno tse hlano ka mora nako ya kgatiso.
- (11) Mosebeleletsi wa Lefapha, ya dumelletsweng ke Setho sa Lekgotla la Phethahatso, o na le tumello hodima pehelo efe kapa efe e bolokilweng ke kapa lebitsong la mokgahlo wa tshireletso ya baahi mme a ka nna a e lekola, a etsa diqotso ho tswa dikgatisong tsa, dipehelo bakeng sa ho fumana lesedi le leng ho latela pehelo e entsweng ho latela karolwana (10)(b) le ho netefatsa hore na mokgahlo wa tshireletso ya baahi o ikamahanya maemo a behilweng ka hara karolwana ya (5)(d) le (e). 5 10
- (12) Ebang mokgahlo wa tshireletso ya baahi o hloleha ho ikamahanya le maemo maemo a ngotsweng karolwaneng ya (5)(d) le (e) kpa le karolwana ya (10)(b), (c) kapa (d), Setho sa Lekgotla la Phethahatso a ka ngolla mokgahlo wa tshireletso ya baahi ho ikamahanya dikarolo tseo jwalo ka ha di boletswe ka hara tsebiso. 15
- (13) Ebang mokgahlo wa tshireletso ya baahi o hloleha ho ikamahanya le nako e boletsweng ka hara tsebiso, Setho sa Lekgotla la Phethahatso a ka nna a hula ngodiso ya mokgahlo wa tshireletso ya baahi. 20

Pokello ya tlhahisoleseding le kopanelo le mekgatlo ya setjhaba

7. (1) Ho phahamisa dikamano tse ntle dipakeng tsa sepolesa le baahi ka hara Provense, Hlooho ya Lefapha a ka – 25
- (a) boloka pokello ya tlhahisoleseding ya mekgahlo ya setjhaba e nang le seabo le lekala la sepolesa, tshehetso ya mahlatsipa a botlokotsebe, thibelo ya botlokotsebe kapa tshireletso ya setjhaba; 30
- (b) ho thusa mekgatlo ya setjhaba ka pokello ya tlhahisoleseding ka ho fana ka tshehetso, thupello kapa disebediswa; 35
- (c) ho latela molao ofe kapa ofe o tsamaisang ho ajwa ha dikonteraka ke Provense, a ka kena konterakeng ya mokga ofe kapa ofe bakeng sa ho rala, ditjhelete kapa ho sebetsana ha matsapa a polokeho ya setjhaba kapa kopanelo bakeng sa ho sepheo sa Molao ona. 40
- (2) Mokgahlo wa setjhaba o teng lenaneong la pokello ya tlhahisoleseding o lokela ho itlaleha ho Hlooho ya Lefapha, ka mokgwa o hlalositsweng, mabapi le dingongoreho tsa polokeho le diketsahalo tsa bosinyi tseo mokgahlo o sebetsanang le tsona. 45
- (3) Setho sa Lekgotla la Phethahatso, a ka nna a etsa hore ho be le ho thehwa ha makala a ikgethileng o tla beng o arabela mofuta wa bosinyi bakeng sa ho boloka dikamano tse ntle dipakeng tsa sepolesa le baahi ba Provense.

Motjha o kopanetsweng wa tlhahisoleseding

8. (1) Bakeng sa ho hlokomela tshusumetso le bokgoni ba ditshebeletso tsa sepolesa le ho hlwaya hore ditlhoko tsa sepolesa le dintlha tse ka sehloohong tsa Provense, Setho sa Lekgotla la Phethahatso se lokela ho theha le boloka motjha o kopanetsweng wa tlhahisoleseding. 5
- (2) Hlooho ya Lefapha o lokela ho dumella basebeletsi ba Lefapha ho bokella lesedi le ho le tsamaisa le ho le laola le ho hlokomela motjha o kopanetsweng wa tlhahisoleseding. 10
- (3) Setho sa Lekgotla la Phethahatso a ka buisana le Botsamaisi ba Setjhaba le Botsamaisi ba Provense mabapi le motjha wa tlhahisoleseding e kopanetsweng ho netefatsa hore ho kopanngwa ha tlhahisoleseding le motjha e meng ya polokeho le disebediswa tsa tlhokomelo tse radilweng ke Botsamaisi ba Provense jwaloka ha ho hlahella karolong ya 17(2) ya Botsamaisi ba Setjhaba ba Molao wa Ditshebeletso tsa Sepolesa, 2011. 15
- (4) Motjha wa tlhahisoleseding o lokela ho fana ka – 20
- (a) ho bokellwa ha lesedi ho tswa ho Makala a mmuso a loketseng kapa ditsi, baabi ba ditshebeletso tsa tshireletso ba ngodisitsweng ho latela karolwana ya (6) le ditshebeletso tsa sepolesa;
- (b) tekolo ya pokello ya lesedi; 25
- (c) ho ngolwa ha dingongoreho tsa polokeho ka hara baahi ba Provense;
- (d) ho kenyelletswa ha tlhahisoleseding ka hara pehelo jwaloka ha ho hlalositse ka hara karolo ya 6(10)(b), 7(2) le 8(7)(a); le 30
- (e) tekolo ya dipalo le mofuta wa ditletlebo tse mabapi le sepolesa tse amohetsweng ke Ombudsman ho latela karolo ya 16, makala a mmuso, diforamo tsa sepolesa sa setjhaba le ditsi tse ding. 35
- (5) Hlooho ya Lefapha o lokela fetisetse lesedi le mabapi le bosinyi le diketso tsa bobodu tse amohetsweng ka motjha wa tlhahisoleseding ho Mokhomishenara wa Provense.
- (6) Setho sa Lekgotla la Phethahatso a ka kopa moabi wa ditshebeletso tsa tshireletso ya sebetsang ka hara Provense ho ngodisa pokello ya tlhahisoleseding eo ho buang ka yona karolong ya 7. 40
- (7) Moabi ya ngodisitsweng wa ditshebeletso tsa tshireletso o lokela ho – 45
- (a) tlaleha ka mokgwa o boletsweng nakong e hlalositsweng ke Setho sa Lekgotla la Phethahatso –

- (i) ngongoreho tsa polokeho le diketsahalo tsa bosinyi kahara sebaka seo moabi wa ditsbeletso tsa tshireletso a sebetsang;
- (ii) dithunya tse lahlehileng kapa tse utswitsweng nakong eo di neng di le ho moabi wa ditshebeletso tsa tshireletso; le 5
- (iii) ntho efe kapa efe e hlolositsweng e batlwang ke Setho sa Lekgotla la Phethahatso bakeng sa ho hlwaya diithoko tsa sepolesa le dintlha tse ka sehloohong bakeng sa ho hlokomela tshusumetso le bokgoni ba ditsbeletso tsa sepolesa; 10
- (b) boloka dikgatiso tseo ho buang ka tsona serapeng sa (a)(i) ho isa ho (iii); le
- (c) boloka dikgatiso tseo ho buang ka tsona serapeng sa (b) bakeng sa bonyane dilemo tse hlano ho tswa nakong eo ho neng ho hatswa. 15
- (8) Mosebeletsi wa Lefapha, Setho sa Lekgotla la Phethahatso ya nang le matla, o na le phihlello ho dikgatiso dife kapa dife tse behilweng kapa tse ngodisitsweng lebitsong la moabi ya ngodisitsweng wa ditshebeletso tsa tshireletso ho latela karolwana ya (7)(b), a ka nna a lekola, ho etsa dikgatiso tsa, dikgatiso bakeng sa fumana tlhahisoleseding mabapi le pehelo e entsweng ho latela karolwana ya (7)(a). 20

Lekunutu le Phatlalatso

- 9. (1) Ha ho lesedi la motho le nkilweng bakeng sa Molao ona ke Setho sa Lekgotla la Phethahatso, Hlooho ya Lefapha le mosebeletsi kapa motho ofe kapa ofe ya dumelletsweng ho latela Molao ona, bakeng sa – 25
- (a) motho ya ikemetseng; 30
- (b) monga lelapa;
- (c) kgwebo; kapa 35
- (d) mokgahlo wa poraefete,
- le ka, ho latela melao e laolang lesedi la mmuso le diratswana tsa (2) le (3), le tla fuwa motho ofe kapa ofe. 40
- (2) Ho latela karolo 8(5), lesedi leo ho buang ka lona ka hara seratwana sa (1) le ka fuwang –
- (a) lekala lefe kapa lefe la mmuso – 45

- (i) bakeng sa sepheo se mabapi le mesebetsi ya Molao ona;
- (ii) ho latela taelo ya Setho sa Lekgotla la Phethahatso;
- (iii) ha fela lebitso, aterese kapa mokgwa ofe kapa ofe oo motho ya ikgethileng, kgwebo kapa mokgahlo wa poraefete e ka hlwayang e ka phumulwa; 5
- (iv) ebang ho tsebahatswa ha ho utlwahale ho na le bokgoni ba ho kenya kotsing bophelo kapa polokeho ya motho, kapa e nka lehlakore kapa e senye moaho wa tshireletso; le 10
- (v) Setho sa Lekgotla la Phethahatso ha a kgotsofetse hore polokeho ya lekunutu kapa lesedi ha e na ho senngwa; le 15
- (b) ho motho eo lesedi le nkilweng ho yena kapa moemedi wa hae;
- (c) ka tumello pele ya motho eo lesedi le nkilweng ho yena kapa ho tswa ho moemedi wa hae; 20
- (d) moo e leng hore lesedi leo le seng le fumanwa setjhabeng ho tswa ho motho ya itseng, kgwebo kapa mokgatlo wa poraefete o amehang; kapa
- (e) e nkuwa e hlokeha kapa e le bohlokwa molemong wa toka. 25
- (3) Ntle le mathata a ho boloka dintho tsa lekunutu bakeng sa Setho sa Lekgotla la Phethahatso, Hlooho ya Lefapha le mosebeletsi kapa motho ofe kapa ofe ya dumelletsweng, Ombudsman o dumelletwe ho fumana lesedi leo kapa ditokomane tseo ho buang ka tsona seratswaneng sa (1) le ho ba matsohong a Setho sa Lekgotla la Phethahatso nakong ya tekolo ya tletlebo. 30
- (4) Setho sa Lekgotla la Phethahatso, Hlooho ya Lefapha le mosebeletsi kapa motho ofe kapa ofe ya dumelletsweng –
- (a) a nke dikgato tse hlokehang ho etsa bonnete ba hore – 35
 - (i) lesedi le bokellwa bakeng sa Molao ona le nepahetse, le nakong le ho fella ka moo ho ka kgonehang;
 - (ii) tshireletso ya lesedi la lekunutu; le 40
 - (iii) lesedi le fumanweng ka tsela e seng molao; le

- (b) a ka se hatisi kapa ho sebetšana le tlhahisoleseding eo ho buuwanng ka yona ka hara serapa sa (a) ntle le sepheo sa Molao ona le ho latela karolo ena.
- (5) Setho sa Lekgotla la Phethahatso o lokela ho netefatsa hore tlhahisoleseding ya lekunutu eo ho buang ka yona karolwaneng ya (1) e hlahellang kgatisong ya Lefapha, e a tshiereletswa ha ho senngwe dikgatiso. 5

Ho thehwa ha Kantoro ya Provense ya Ombudsman wa Freistata

10. (1) Kantoro ya Provense ya Ombudsman wa Freistata e thehwa ka hara Lefapha. 10
- (2) Basebeletsi ba hlokehang bakeng sa ho phetha mosebetsi ona wa Ombudsman ba thongwa ho latela Molao wa Ditsbeletso tsa Setjhaba, 1994. 15
- (3) Ditshebeletso tsa sepolesa, basebeletsi ba Lefapha kapa ba lekala lefe kapa lefe la mmuso le lokela ho ba le tshebedisano le ho thusa Ombudsman le basebeletsi ba Ombudsman bakeng sa ho phetha mosebetsi ya bona ho latela Molao ona, ho kenyelletsang hore ba fuwe tumello e utlwahalang moahong ofe kapa ofe, di bakeng, makoloing, thepeng, tlhahisoleseding kapa ditokomaneng tse ka tlasa taolo ya lekala le amehang la mmuso. 20

Ho Thongwa ha Ombudsman

11. (1) Tonakgolo o lokela ho thonya motho a nang le mangolo a loketseng, tsebo ka hara lekala la molao kapa sepolesa, jwalo ka Ombudsman wa Provense ya Freistata. 25
- (2) Ombudsman o thongwa ke Tonakgolo – 30
- (a) ka mora dipuisano le Setho sa Lekgotla la Phethahatso, Mokhomishenara wa Sepolesa wa Provense le dihlooho tsa phethahatso tsa provense le makala a molao a masepala; le
- (b) ha feela ho na le tumello ho tswa ho Komiti ya Lefapha ya Lekgotla la Ketsamelao la Provense ya Freistata ho latela qeto e ileng ya amohelwa ho latela melawana ya lona. 35
- (3) Moputsp le maemo a mang a ho thongwa ha Ombudsman a tla ralwa ke Tonakgolo ka tshebedisano le Setho sa lekgotla la Phethahatso se ikarabelng ditjheleteng. 40
- (4) Ombudsman o thongwa bakeng sa nako e ke keng ya ntjhafatswa e sa feteng dilemo tse hlano. 45
- (5) Ombudsman a ka leboha mosebetsi nako e nngwe le e nngwe ka ho fana ka lengolo ho Tonakgolo bonyane nako ya dikgwedi tse tharo pele a tswa mosebetsing, ntle le ha Tonakgolo a amohela nako e nyenyane ho eo.

- (6) Tonakgolo a ka bontsha ho latela motjha o loketseng –
- (a) ka mora dipuisano le motho eo ho buang ka yena karolwaneng ya (2)(a);
le 5
 - (b) ha e amohetswe ke Komiti ya Lefapha ya Lekgotla la Ketsamelao la
Provense e ikarabellang ditabeng tsa sepolesa ka qeto e amohetsweng ho
latela melawana ya lona,
a ka ntsha Ombudsman mosebetsing ka lebaka la boitshwaro bo hlephileng, ho 10
hloka bokgoni kapa ho se tsebe mosebetsi ka mora ho mo neha monyetla wa
hore a utlwe lehlakore la hae la ditaba.
- (7) Ombudsman, nakong ya ho phetha mesebetsi ya hae, a ka thuswa ke motho ya
hlokwang ke ditshebeletso tsa Ombudsman bakeng sa diphuputso tse itseng. 15

Ditjhelete tsa Ombudsman

12. (1) Ditjeho tse amanang le mesebetsi ya Ombudsman di lokelwa ho fuwa matlole ho
tsa ditjheleteng tse fetisitsweng ke Lekgotla la Ketsamelao la Provense bakeng 20
sa tekanyetso-kabo ya Lefapha.
- (2) Lefapha le lokela ho, ho ikamahantswe le melao e tsamaisang ditshebeletso tsa
setjhaba fane ka basebetsi le disebediswa tse ding hore Ombudsman a kgone ho
etsa mesebetsi ya hae. 25

Ho Beha ha Ombudsman

13. (1) Ombudsman o lokela ho fana ka tlaleho selemo ka seng ho Setho sa Lekgotla la
Phethahatso e mabapi le diketsahalo tsa Ombudsman selemong se fetileng sa 30
ditjhelete ho kenyetsetsa –
- (a) palo ya dinyewe tse fopuditsweng;
 - (b) palo ya ditletlebo tse hlwaiweng di bonahala esc tse nang le moelelo 35
kapa di kena ka tlasa karolo ya 17(1);
 - (c) sephetho sa diphuputso sa ditletlebo; le
 - (d) ditshisinyo mabapi le ditletlebo tse fupuditsweng. 40
- (2) Ombudsman a tlalehe ho Setho sa Lekgotla la Phethahatso mabapi le diketsahalo
ho latela Molao ona ha ho hlokeha hore a etse jwalo ke Setho sa Lekgotla la
Phethahatso. 45
- (3) Setho sa Lekgotla la Phethahatso o lokela ho teka pehelo jwalo ka ha e
hlahositse karolwaneng ya (1) ka hara Lekgotla la Ketsamelao la Provense.

Boikemelo le ho hloka leeme ha Ombudsman

14. (1) Ombudsman le basebeletsi ba Ombudsman ba lokela ho sebetsa ka boikemelo le ho hloka leeme mme ba lokela ho phetha mosebetsi wa bona ka botshepehi ntle tshabo, leeme, lehlakore kapa kगतello, ho latela Molaotheo le molao. 5
- (2) Ombudsman le basebeletsi ba Ombudsman ba lokela ho boloka lekunutu bakeng sa lesedi lefe kapa lefe ho latela Molao ona.

Mesebetsi ya Ombudsman

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15. Ombudsman –

- (a) o lokela ho amohela le ho fuputsa ditletlebo tse rometsweng ho latela karolo ya 16, mabapi le ho hloka bokgoni ha sepolesa kapa ho dukeha ha dikamano dipakeng tsa sepolesa le setjhaba sefe kapa sefe; mme 15
- (b) o lokela ho etsa mesebetsi e meng eo a e fiwlang ka tlasa Molao ona.

Ho fana ka ditletlebo

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16. (1) Motho emong le emong a ka fana ka tletlebo ka mkgwa hlahositsweng le foromo ho Ombudsman mabapi le monyenetsi wa ho hloka bokgoni ha sepolesa kapa ho dukeha ha dikamano dipakeng tsa sepolesa le setjhaba. 25
- (2) Setho sefe kapa sefe sa Lekgotla la Ketsamelao la Provense a ka, ha a lemoha tletlebo mabapi le monyenetsi ya kgaello ya bokgoni ba sepolesa kapa ho dukeha ha dikamano dipakeng tsa sepolesa le setjhaba sefe kapa sefe, e tlisitsweng ho Ombudsman bakeng sa ho fuphuputswa. 30
- (3) Ombudsman o lokela ho fana ka ditataiso ho setjhaba hore na ba mo fihlella jwang le metjha e latelwang ya ho kenya ditletlebo le mofuta wa ditletlebo tse ka romelwang ho Ombudsman.

Diphuputso ka Ombudsman

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17. (1) Ombudsman, ebang e se tletlebo e sa fosahalang kapa e entswe ka tsela e seng yona o tla kenya tshebetsong diphuputso tse loketseng monyenetsi wa ho hloka bokgoni kapa ho dukeha ha dikamano dipakeng tsa sepolesa le setjhaba sefe kapa sefe. 40
- (2) Ebang Setho sa Lekgotla la Ketsamelao sa Provense a romela taba eo ho buang ka yona karolwaneng ya (1) ho Ombudsman, o lokela ho etsa diphuputso tabeng eo.

- (3) Ombudsman ka tshebediso ya *Provincial Gazette*, a tsebahatsa phuputso e nngwe le e nngwe eo a ntseng a e etsa mme bolela hore motho emong le emong, nakong e boletsweng ya tsebiso, a ka etsa nyehelo ka mokgwa wa ho ngolla ho Ombudsman mabapi le phuputso. 5
- (4) Ha eba maikutlo a Ombudsman ele hore tsela e phethahetseng ya ho sebetsana le tletlebo ke ho e fetisetsa lekgotleng le nang le bokgoni, ho kenyelletsa lekgotla la naha, setheo sa molaotheo kapa Mokhomishenara wa Provense, yena ka nako e nngwe le e nngwe o tla fetisetsa tletlebo eo kapa karolo ya yona lekgotleng le leng le nang le bokgoni. 10
- (5) Ombudsman ka mora ho tshwara dikopano le lekgotla leo taba e fetiseditsweng ho lona mme ha ntlha eo e sa rarollwe ke lekgotla leo, ka nako e nngwe le e nngwe a ka qalang ho etsa diphuputso mabapi le ntlha eo. 15
- (6) Ha eba Ombudsman a nka qeto ya ho se thakgole diphuputso, Ombudsman o lokela ho tsebisa motletlebi ka qeto ya hae le mabaka a amanang le hona. 20
- (7) Nakong eo ho phethelwang diphuputso mme ntlha e sa kgone ho rarollwa, Ombudsman o lokela ho romela dikgothalletso mabapi le diphuputso le diphihlello tsa hae ho Setho sa Lekgotla la Phethahatso le ho tsebisa motletlebi hore o entse jwalo. 25
- (8) Setho sa Lekgotla la Phethahatso se lokela ho etsa dikgothalletso ho Letona mabapi le diphuputso tsa tletlebo efe kapa efe e fupuditsweng empa e sa kgona ho rarollwa ke Ombudsman, mme o lokela ho tsebisa motletlebi ka dikgothalletso tse entsweng. 30
- (9) Sebakeng sa ho qoba phethaphetho e sa hloka haleng Ombudsman o lokela ho nyallanya mesebetsi ya hae le tshebetso ho latela Molao ona le makgotla a mang a nang le matla a tshebetso malebana le diphuputso tsa ditletlebo tse kgahlano le sepolesa. 35

Matla a ho etsa diphuputso le bahlanka/baofisiri

18. (1) Boemong ba melemo ya diphuputso, Ombudsman a ka laela motho e mong le e mong ho romela *affidavit* kapa boipolelo ba nnete kapa ho hlaha kapele ho yena ho tlo fana ka bopaki kapa ho nehelana ka tokomane efe kapa efe eo motho eo a nang le yona kapa e taolong ya hae eo eleng bohlokwa bakeng sa ntlha e ntseng e fuputswa, mme a ka botsa motho eo ho tloha moo. 40
- (2) Ombudsman a ka kopa tlhakisetsa ho tswa ho motho emong le emong eo a mo belaelang haholo hore a ka ba le lesedi le ka thusang ntlheng e ntseng e fuputswa kapa e tla fuputswa. 45
- (3) Ombudsman a ka kgethela basebetsi ba hae mesebetsi kapa batho ba bang ba ka kgonang ho ba baofisiri ba diphuputso hore ba phethe mesebetsi e hlahellang karolwaneng ya (1) le (2).

- (4) Moofisiri ya Fuputsang ha se mosebeletsi wa mmuso wa dinako tsohle, o lokela ho thongwa ka maemo a hlalositsweng le ka moputso o hlakisitsweng.
- (5) Moofisiri ya fuputsang o lokela ho fumantshwa lengolo la ho thongwa le tekinilweng ke kapa boemong ba Ombudsman moo ho hlakisetsweng hore motho enwa o thontswe ho ba moofisiri ya fuputsang ho latela Molao. 5
- (6) Moofisiri ya Fuputsang o lokela ho ba le lengolo la ho thongwa ho yena nakong eo etsang mosebetsi ho latela Molao. 10

Ditlaleho ka Mokhomishenara wa Provense

19. (1) Boemong ba hore Setho sa Lekgotla la Phethahatso le lemohe tshebetso e ntle e phethahetseng ya mosebetsi wa sepolesa le ho laola boitshwaro ba mapolesa, Mokhomishenara wa Provense o lokela, nakong e hlwauweng a etse tlaleho e ngodilweng ho ya ho Setho sa Lekgotla la Phethahatso mabapi le ditaba tse latelang: 15
- (a) malebana le Ditshebeletso tsa Sepolesa tsa Afrika Borwa – 20
- (i) palo ya dithunya tse filweng bahlanka ba sepolesa tse lahlehileng le tse utswitsweng le maemo ao di lahlehileng kapa di utswitsweng ka ona; 25
- (ii) palo ya batho ba tshwerweng ke sepolesa, palo ya mekotla e butsweng bakeng sa batho ba hlahelletseng ka lekgotleng la dinyewe palo ya mekotla ya batho ba qositsweng le palo ya batho ba tshwerweng ka lebaka la mekotla eo; 30
- (iii) ho ajwa ha ditjhelete le mehlodi ya maikemisetso a polokeho, metjha e sebedisitsweng ho fihlella maikemisetso le diphetho tse ka lekanngwang tse fihlelletseng; 35
- (iv) palo ya mekotla ya dikgalemelo le botlokotsebe e butsweng kgahlano le bahlanka ba sepolesa, mabitso a bahlanka bao, dinomoro tsa mekotla eo, diqoso tse dihilweng boemong boo le diphetho tsa mekotla eo; 40
- (v) palo le mefuta ya ditletlebo tse fumanweng ke sepolesa mabapi le phano ya ditshebeletso e fokolang le ho hloka boitshwaro ha sepolesa le hore ditletlebo tseo di rarollotswe jwang; 45
- (vi) tlhahisoleseding ya dipalopalo e mabapi le mofuta le palo ya ditlolo tsa molao tse tlalehetsweng sepolesa;
- (vii) maemo a mabapi le diketsahalo moo sepolesa se thunyang, a dumellang hore sethunya se sebediswe kapa a laela hore ho sebediswe sethunya;

- (viii) palo ya mekotla e tlahilweng ho latela karolo ya 29 ya Molao wa Bofuputsi wa Lefapha le diphetho tsa diphuputso tsa mekotla eo; mme
- (ix) ntlha efe kapa efe, jwaloka ho hlalositse, e amanang le boitshwaro ba sepolesa, tshebetso e ntle e phethahetseng ya ditshebeletso tsa sepolesa kapa ya dikamano dipakeng tsa sepolesa le setjhaba; le 5
- (2) Mokhomishenara wa Provense hang hang o lokela ho tsebisa Setho sa Lekgotla la Phethahatso ka mafu a mapolesa nakong ya bona ya tshebetso, motho emong le emong ya hlokaletseng nakong eo a leng tlhokomelong ya sepolesa le mabaka a lebisitsseng ho hloka haleng ha hae. 10
- (3) Mokhomishenara wa Provense o lokela ho tlahela Lekgotla la Ketsamelao la Provense mabapi le ditaba tsa sepolesa le dintlha tse kenelleditsweng karolong ena. 15
- (4) Setho sa Lekgotla la Ketsamelao se ka kopa Mokhomishenara wa Provense ho nehelana ka tlaho efe kapa efe e hlokwang ke Setho sa Lekgotla la Phethahatso hore a etse mesebetsi ya hae ho latela Molao. 20
- (5) Lekgotla la Ketsamelao la Provense le ka hloka hore Mokhomishenara wa Provense a hlahe ka pele ho lona kapa ho enngwe ya dikomiti tsa lona ho arabela dipotso. 25
- (6) Ha eba Mokhomishenara wa Provense a hloleha ho ikamahanya le kopo efe kapa efe e etswang ke Setho sa Lekgotla la Ketsamelao bakeng sa tlhahisoleseding, Setho sa Lekgotla la Ketsamelao se lokela ho tlahela ho hloleha hoo ho Lekgotla la Ketsamelao leo kamora moo le tla kopa ho bona Mokhomishenara wa Provense a hlahella ka pele ho lona ho tlo hlalosa ho se ikamahanye ha hae le kopo. 30

Ho hloka tshepo ho Mokhomishenara wa Provense

- 20. Ha eba Komiti ya Provense ya Phethahatso e hloka tshepo ho Mokhomishenara wa Provense, Komiti ya Provense ya Phethahatso e lokela ho kopa Mokhomishenara wa Provense hore a hlahelle kapele ho yona pele ho etswa tshebetso efe kapa efe, ho mo tlosa kapa ho moromela sebakeng se seng, kapa ho nka dikgato tsa dikgalemelo kgahlano le Mokhomishenara wa Provense, ntle le maemong a ikgethileng. 35 40

Ho ngodiswa ha dikopo le dikgothalletso

- 21. (1) Setho sa Lekgotla la Phethahatso se lokela ho boloka rejisetara e rekotang tse latelang – 45
 - (a) tlaho enngwe le enngwe e ngotsweng kapa kgothalletso e entsweng ho Letona ho latela Molao ona;

- (b) kopo efe kapa efe bakeng sa tlhahisoseding eo ho fanweng ka yona ka ho ngolla Mokhomishenara wa Provense ho latela Molao ona; mme
- (c) tlhahiso efe kapa efe kapa karabelo e tswang ho Letona, Mokomishinara wa Provense ho latela pohelo kapa kgothaletso e hlalositseeng serapeng sa (a) kapa kopo e hlositsweng serapeng sa (b). 5
- (2) Setho sa Lekgotla la Phethahatso se tshwanela hore se teke kgatiso ya rejistara ka hara Lekgotla la Ketsamelao la Provense. 10

Ditlhoko tsa sepolesa le dintlha tse ka sehloohong

- 22. (1) Setho sa Lekgotla la Phethahatso se tshwanela ho fana ka pehelo ya selemo ka seng Lekgotleng la Ketsamolao la Provense ka tswelopele ya tshebetso ya hae ho latela Molao ona le diphihlello tse amanang le hona. 15
- (2) Lekgotla la Ketsamelao la Provense le tshwanela ho lebisa pehelo o hlalositweng karolong a tlase ya (1) komiting e ikarabellang maanong.
- (3) Komiti ya lefapha e ikarabellang sepoleseng e tshwanela ho lekola le sekaseka pehelo mme a ka tshwara dikopano tsa ho nonya maikutlo a setjhaba le ho kopa ditshisinyo ho tswa ho ba nang le seabo ka hob a le tjantjello tabatabelo pehelong. 20
- (4) Lekgotla la Ketsamelao la Provense le tshwanela ho neha Mokhomeshenara wa Provense monyetla ho arabela pehelo, dikgothaletso kapa maikutlo afe kapa afe a fumanweng. 25
- (5) Diphihlello le ditshisinyo tsa komiti ya lefapha e ikarabellang ka ditlhoko tsa sepolesa di tshwanela ho elwahloko ke Setho sa Lekgotla la Phethahatso ha a rala dikgothaleso tse mabapi le ditlhoko tsa sepolesa le dintlha tsa sehlooho tsa Provense bakeng la ho amohelwa ke Komiti ya Phethahatso ya Provense. 30
- (6) Setho sa Lekgotla la Phethahatso o tshwanela ho fana ditlhoko tsa sepolesa le dintlha tse ka sehloohong tse amohetsweng tsa Setho sa Lekgotla la Phethahatso tse lokelwang ho kenyelletswa ha ho ralwa maano a sepolesa le moralo wa Provense, jwalo ka ha di hlhella dikarolong tsa 206(1) le (2) tsa Molaotheo. 35

Dikamano tsa tshebedisanommohlo tsa mafapha a mmuso

- 23. (1) Setho sa Lekgotla la Phethahatso, Hlooho ya Lefapha, batho ba dumelletsweng le basebetsi ba Lefapha, bahlanka ba diphuputso le Ombudsman ba tshwanela ho etsa mosebetsi wa bona ho latela Molao ona ka tsamellano ya leano la mmuso wa kopanelo le dikamano tsa mafapha a mmuso tse hlalositweng Kgaolong ya 3 ya Molaotheo. 40 45

- (2) Setho sa Lekgotla la Phethahatso se ka fana ka dikgothaletso mabapi le sepolesa le ditaba tse amanang le maano ho Botsamaisi ba Setjhaba kapa ho kena tumellanong ho matlafatsa tshebedisano dipakeng tsa batho ba fapaneng ba nang le seabo jwalo ka ha di hlalositse karolong ya 6(1)(g) ya Botsamaisi ba Setjhaba ba Molao wa Ditshebeletso tsa Sepolesa bakeng la Molao wa Tshebeletso ya Sepolesa wa 2011. 5
- (3) Setho sa Lekgotla la Phethahatso se tshwanela hore kamehla ho buisana le Botsamaisi ba Setjhaba le Botsamaisi ba Provense mabapi tshehetso e kopenetsweng ya tsamaiso le ho hokahanya ha mesebetsi ka tatellano bakeng sa ho qoba phetapheto e sa hlokahaleng. 10

Melato

24. (1) Motho ya e mong le e mong ya - 15
- (a) se nang lebaka, ya hanang kapa ya sa lateleng taolo kapa ho kapo tlasa karolo ya 18(1) kapa (2) kapa ho hana ho araba potso efe kapa efe e tla mobehe tlasa karolo eo kapa ho araba potso eo yena a tsebang e se nnete; kapa 20
- (b) ho thibela kapa ho sitisa Ombudsman kapa mohlanka wa diphuphutso ha a phetha tshebediso ya matla a hae kapa mesebetsi ho latela Molao na, o molato wa tlolo ya molao mme tshwanela ke kotlo faene kapa ho kwalla tjhankaneng nako e sa feteng dilemo tse tharo kapa ka bobedi. 25
- (2) Mang kapa mang ya tloang molao wa karolo ya 9(1) kapa 9(4)(b) o molato mme a ka fuwa kotlo kapa ho kwallwa tjhankaneng dilemo tse sa feteng tse pedi kapa bobedi. 30

Ditsamaiso

25. (1) Setho sa Lekgotla la Phethahatso se tshwanela ho etsa melao ya tsamaiso mabapi le taba efe kapa efe ho latela moo Molao ona e hlokanang melao ya ditsamaiso. 35
- (2) Setho sa Lekgotla la Phethahatso se ka etsa -
- (a) eng kapa eng ho latela moo Molao ona o fanang ka tumello ya ditsamaiso tseo; 40
- (b) mesebetsi le maikarabelo a Setho sa Lekgotla la Phethahatso kapa Ombudsman;
- (c) bopaki le ho ntshetsapele ditlitlebo tse tlisitsweng ho latela karolo ya 16; 45
- (d) motjha wa ho etsa dipatlisiso tsa ditlitlebo tse tlisitsweng ho latela karolo ya 16;

- (e) sebopeho sa tokomane le motjha wa tshebetso ho laela batho tlasa karolo ya 18(1) kapa ho kopa tlhalosetso tlasa karolo ya 18(2);
- (f) tse lokelwang ho fihlellwa bakeng la ho tlaheha bakeng la Mokhomishinara wa Provense ho latela Molao ona; 5
- (g) sebopeho sa peheleo efe kapa efe e hlokehang ho latela Molao ona;
- (h) ho fumana ditshupo tse ka sehloohong le mefuta yapokello e lokotsweng ya tlhahisoleseding e lokelwang ho kenyelletswa ka hara pehelo ho latela Molao ona; 10
- (i) mehato ho netefatsa lekunutu, taelo le phihlello ya tlhaisoleseding le fumanweng ka motjha o kopaneng wa tlhahisoleseding; 15
- (j) ditlhoko bakeng la tumello le ho hlahloba basebetsi, bahlanka ba dipatlisiso le batho ba bang ba dumelletsweng ke Setho sa Lekgotla la Phethahatso ho etsa mesebetsi ho latela Molao ona;
- (k) ditshupa ho lakola le ho hlahloba bokgoni le tshusumetso ya ya ditshebeletso tsa sepolesa; kapa 20
- (l) Eng kapa eng e hlokehang bakeng sa tshebetso e ntle mosebetsing ho latela Molao ona. 25

Thomo

- 26. (1) Setho sa Lekgotla la Phethahatso se ka fana ka matla ao ho boisanweng ka ona kapa ho fana ka mosebetsi oo ao fuweng ho latela Molao ona, ntle le matla a ho etsa melao ya tsamaiso, Hloohong ya Lefapha. 30
- (2) Hlooho ya Lefapha e ka fana ka matla kapa ho fan aka mosebetsi oo ao fuweng ho latela Molao ona, ho –
 - (a) mosebeletsi wa Lefapha; kapa 35
 - (b) mookamedi wa kantoro e itseng kapa boemo ba mosebetsi wa hae Lefapheng.
- (3) thomo kapa mosebetsi oo hlositsweng ho karolo e ka tlase ka (1) kapa (2) – 40
 - (a) e be e ngotsweng;
 - (b) e ka etswa ho latela dipehelo;

- (c) e ka hulwa kapa ya fetolwa ka ho ngolwa ke Setho sa Lekgotla la Phethahatso kapa Hlooho ya Lefapha, ha ho ka etsahala;
- (d) e ka kenyeletsa matla a ho fana ka mosebetsi kapa ho fana ka matla kapa mosebetsi; 5
- (e) ha e thibele Setho sa Lekgotla la Phethahatso kapa Hlooho ya Lefapha, ha ho ka etsahala, ho sebedisa matla kapa ho etsa mosebetsi oo; le
- (f) ha e kgele Setho sa Lekgotla la Phethahatso kapa Hlooho ya Lefapha , 10
ha ho ka etsahala, maikarabelong a ho sebedisa matla ao ho abilweng
kapa mosebetsi abilweng.

Sehloho se kgutshwane le tswelopele

15

27. Molao ona o bitswa Molao Free State wa Sepolesa sa Setjhaba, 2020, mme o tla sebetse ka letsatsi le hlophisitsweng ke Toanagolo ka phatlalatso ya Koranteng ya Provense.

MEMORANDAMO O MABAPI LE MAIKEMISETSE KA SEKAMOLAO SA FREISTATA SA DITSHEBELETSE TSA SEPOLESA SETJHABENG, 2020

1. BOITSHETLEHO

- 1.1 Sekamolao sa Freistata sa Ditshebeletso tsa Sepolesa Setjhabeng se reretswe ho theha le ho kenya tshebetso meralo-tshebetso ya provense eo ka yona ditshebeletso tsa sepolesa di tla behwa leihlo ho latela taelo ya molatheo e reng diprovence di lokela ho dula di lekola boitshwaro ba sepolesa le ho netefatsa hore ho ba le tshebetso e phethahetseng kahara Ditshebeletso tsa Sepolesa sa Afrika Borwa. Tshebetso e phethahetseng kahara Ditshebeletso tsa Sepolesa sa Afrika Borwa e tla ntlafatsa maemo a polokeho setjhabeng le ho netefatsa hore setjhaba se phela ka mokgwa o phuthulohileng mme ha ho tshabo ya ditlolo tsa melao. Ho ya ka Sekamolao, mesebetsi ya ho beha ditshebeletso tsa sepolesa leihlo e tla tsepamisa maikutlo haholo ho shebeng mekgwa le ditlwaello tse teng boitshwarong ba sepolesa ka kakaretso, ho bona hore na ke hokae moo tsamaiso e sa nepahalang le ho tla ka dikgothaletso tsa kamoo ho ka ntlafatswang ditshebeletso tsa sepolesa Provenseng ya Freistata.
- 1.2 Sekamolao se bua ka mesebetsi ya ho beha ditshebeletso tsa sepolesa leihlo ka morero wa ho lekodisa boitshwaro ba mapolesa.
- 1.3 Ho tla ba le ntlafalo e kgolo e bang teng mabapi le mokgwa o sebediswang ke provense ho rarolla ditlaleho tse hlhang setjhabeng tse malebana le tshebetso e sa kgotsofatseng ya sepolesa, mme sena se tla etswa ka ho theha Ofisi ya Provense ya Bofuputsi ba Ditlaleho tse mabapi le Ditshebeletso tsa Sepolesa, eo ho latela dipehelo tsa Sekamolao etlaba le matla a ho rarolla ditlaleho tse bang teng. Ofisi ena ya bofuputsi hape e tla lekodisa le hore na ke hokae moo ho bileng le tshenyeho ya dikamano dipakeng tsa setjhaba le sepolesa.
- 1.4 Ho hlalisoa ha mokgwa-tshebetso wa tlhahisoleseding o kopantsweng ke ntho e tla etsa hore provense e kgone ho bokella tlhahisoleseding e tla lekodiswa ke boetapele ba phethahatso ba provense ka morero wa ho bona moo dikgaello di leng teng le hore ke mananeo afe a lokelang ho behwa ka sehloohong ditshebeletsong tsa sepolesa kahara provense. Maikemisetso ke ho tloha ditlwaellong tsa jwale tsa tshebetso tsa ho sheba ditlhoko tse teng ditshebeletsong tsa sepolesa ka ho sheba dipalopalo tsa ditlolo tsa melao. Ditlhoko tse teng ditshebeletsong tsa sepolesa jwale di tla utlwisiswa ka mokgwa o phethahetseng ka ha jwale ho tla be ho sebediswa tlhahisoleseding e fumanweng ka tshebedisano le setjhaba le mekgatlo e teng setjhabeng, le makaleng a mang a mmuso, dikgwebo, jwalojwalo.
- 1.5 Sekamolao se tshehetsa ho thehwa le ho ntshetswapele ha maqhama le borakgwebo le bankakarolo ba bang, mmoho le ho ananelwa le ho tshehetswa ha mekgatlo ya balebedi-ba-metse eo maikemisetso ka yona eleng ho eketsa bokgoni ba ho tla ka mekgwa-tshebetso e metjha, ho ntlafatsa tshebedisano le ho ntshetsapele merero ya polokeho hore dikamano dipakeng tsa sepolesa le setjhaba di tle di ntlafale.

- 1.6 Sekamolao se tla shebana le dintlha tse ding tse jwaloka ho itlaleha ha Mokhomishenara wa Ditshebeletso tsa Sepolesa sa Afrika Borwa (DSAB) ho Setho sa Lekgotla la Phethahatso la Provense.
- 1.7 Thomo ya molao e fuweng Setho sa Lekgotla la Phethahatso la Provense karolong ya 19(1), 20(1) le 21(1) ya Molao wa Ditshebeletso tsa Sepolesa sa Afrika Borwa, e netefatsang hore Setho sa Lekgotla la Phethahatso la Provense a ka laela hore ho thehwe diforamo tsa sepolesa sa setjhaba le diboto/makgotla, e behwa ka ho hlaka kahara Sekamolao molemong wa netefatsa hore ho ba le dikamano tse ntlafetseng dipakeng tsa ba Ditshebeletso tsa Sepolesa sa Afrika Borwa le setjhaba.
- 1.8 Ka boikamahanyo le dikateng tsa Molaotheo, Sekamolao se toboketsa bohlokwa ba maano a tshebetsa a puso ya kopanelo le dikamano tsa kahara-mmuso ka kakaretso, haholo ka ho ikgetha dipakeng tsa Provense le Ofisi e Emetseng Ditaba tsa Setjhaba.

2. MORALO WA TSHEBETSO WA MOLAO

Karolo ya 104(1), ha e balwa ka kopanelo le Shejule ya 4A ya Molaotheo wa Rephaboliki ya Afrika Borwa, 1996 ("Molaotheo"), e hlalosa hore Provense e na le bokgoni ba ho theha melao mererong ya tshebetsa e amanang le tsa "sepolesa" ka ha Kgaolo ya 11 (205-208) e nehelana ka matla a jwalo ho Provense. Bokgoni ba Provense ba ho theha melao malebana le dintlha tse amanang le ditshebeletso tsa sepolesa ke ntho e etswang ka kopanelo le lekala la naha la mmuso.

3. SEPHEO SA SEKAMOLAO

Sepheo ka Sekamolao ke ho kenya tshebetsong thomo ya provense e tswang kahara Molaotheo le ho laola matla le mesebetsi ya Mmuso wa Freistata malebana le mosebetsi wa ona wa bohlokomedi hodima ditshebeletso tsa sepolesa.

4. DIKATENG TSA SEKAMOLAO

Polelwana ya 1

Ena ke polelwana ya dithaloso.

Polelwana ya 2

Polewana ena e hlalosa sepheo sa Sekamolao, eleng ho laola le ho netefatsa ho kenngwa tshebetsong ha mesebetsi e fuweng Provense le Lefapha la Provense le ikarabellang mererong ya Sepolesa, Mebila le Dipalangwang ("Lefapha la Provense") jwaloka ha ho hlalositse dikarolong tsa 206(1), (3), (4), (5) le (9).5 le (6) tsa Molaotheo.

Mesebetsi eo e dumella Provense ho hlwaya mananeo a sehlooho le ditlhoko tse teng ditshebeletsong tsa sepolesa kahara Provense, ho lekola boitshwaro ba mapolesa; ho lekola seabo sa ho iponahatsa ha mapolesa setjhabeng; ho lekola ho phethahala ha ditshebeletso tsa sepolesa, ho kenyelleditswe le ntlha ya ho fumantshwa ditaleho malebana le ditshebeletso tsa sepolesa, ho ntlafatsa dikamano tse ntle dipakeng tsa sepolesa le setjhaba, ho fuputsa ditsetlebo dife kapa dife tsa tshebetso e sa nepahalang ya sepolesa kapa ho senyeha ha dikamano dipakeng tsa sepolesa le setjhaba, le tlhokeho ya hore Mokhomishenara wa Provense a itlhahise kapele ho Lekgotla la Ketsamelao la Provense le hore ho be le ditsamaiso tsa ho tloswa kapa ho fetisetwa mosebetsing o mong ha, kapa mehato ya kgalemo kgahlano le Mokhomishenara wa Provense. Sekamolao se boetse se reretswe le ho tshehetsa ofisi e emetseng ditaba tsa setjhaba mererong ya ho beha ditshebeletso tsa sepolesa leihlo tlasa boetapele ba Letona la Sepolesa ka Kantoru ya Bongodi e Emetseng Ditaba tsa Setjhaba le Bongodi ba Provense ho atela Molao wa Kantoru ya Bongodi e Emetseng Ditaba tsa Setjhaba Ditshebeletsong tsa Sepolesa, 2011 (Molao wa 2 wa 2011). Sekamolao se boetse se hlakisa le ho hlalosa seabo sa lekala la provense la mmuso mererong ya bohlokomedi hodima mesebetsi ya ditshebeletso tsa sepolesa boemong ba naha.

Polelwana ya 3

Polelwana ena e bua ka mesebetsi ya Setho sa Lekgotla la Phethahatso la Provense se ikarabelang Lefapheng la Sepolesa, Mebila le Dipalangwang. Mesebetsi ena e nkuwa ditaelong tsa Molaotheo tseo ho buuweng ka tsona karolong ya 206(1), (3) le (5), ha e balwa le karolo ya 104 ya Shejule ya 4 ya Molaotheo.

Polelwana ya 4

Polelwana ena e hlalosa hore Setho sa Lekgotla la Phethahatso la Provense se ka laela basebetsi ba Lefapha la Provense le batho ba bang ho lekola boitshwaro ba sepolesa, ho kenyelleditswe le boitshwaro malebana le batho ba tshwerweng ke mapolesa hoka hlahlola le ho lekola ditshebeletso tsa sepolesa le dikamano tse teng dipakeng tsa sepolesa le setjhaba.

Polelwana ya 5

Polelwana ena e hlalosa ho ntshuwa ha ditaelo tse malebana le ho thehwa ha diformamo tsa sepolesa sa setjhaba le makgora ao ho buuweng ka ona dikarolong tsa 19, 20, le 21 tsa Molao wa Ditshebeletso tsa Sepolesa sa Africa Borwa, 1995 (Molao wa 68 wa 1995). Molao ona o hlalosa hore Mokhomishenara wa Provense a ka theha diforamo tsa sepolesa sa setjhaba ebang a laetswe jwalo ke Setho sa Lekgotla la Phethahatso la Provense.

Polelwana ya 6

Polelwana ena e bua ka boingodiso bo etswang ka boithaopo le tshehetso ya balebedi-ba-metse kahara Freistata molemong wa ho ntlafatsa dikamano tse ntle dipakeng tsa sepolesa le setjhaba. Setho sa Lekgotla la Phethahatso la Provense se ka nehelana ka dithuso tsa ditjhelete, thupello kapa mehlodi emeng ho balebedi-ba-metse. Polelwana ena e boetse e bua le ka hore balebedi-ba-metse ba lokela ho nehelana ka dipehelo ho Setho sa Lekgotla la Phethahatso la Provense mabapi le:

- (a) Ditshebetso tsa balebedi-ba-metse; le
- (b) Dingongoreho tse teng mabapi le polokeho le diketsahalo tsa bosinyi dibakeng tseo balebedi-ba-metse ba sebetsang ho tsona.

Maikemisetso ka letoto lena la tseo hothweng ke dintho tse hlokehang ke ho theha lenane la tlhahisoleseding (database) le mabapi le maemo a polokeho kahara Provense ele hore ho tle ho hlalobisiswe tshebetso ya sepolesa ka ho phethahala jwaloka ha ho laetswe kahara Molaotheo mmoho le ho bona hore na ke ditlhoko dife tse teng ditshebeletsong tsa sepolesa le hore ke mananeo afe a tshebetso a hlokehang ho behwa ka sehloohong.

Polelwana ya 7

Polelwana ena e bua ka ho lokiswa ha database ya mekgatlo ya setjhaba e nkang karolo mererong ya ditshebeletso tsa sepolesa, tshehetsong ya mahlatsipa a ditlolo tsa molao, thibelong ya ditlolo tsa molao kapa ditshebeletsong tsa sepolesa ka setjhaba kahara provense le ho fana ka tshebetso mekgatlong ena. E boetse e bua le ka ho thehwa ha maqhama le mekgatlo ya setjhaba molemong wa ho fihlella merero ya Sekamolao le ho ntlafatsa dikamano dipakeng tsa sepolesa le setjhaba.

Mekgatlo ya setjhaba e teng databaseising le yona e lokela ho itdaleha ho Hlooho ya Lefapha malebana le dingongoreng tse amanang le polokeho ya setjhaba le diketsahalo tsa ditlolo tsa melao, ho thusa mererong ya ho fihlella ditlhoko tsa phano ya ditshebeletso tsa sepolesa le ho hlwaya mananeo a sehlooho a lokelang ho elwa hloko.

Polelwana ya 8

Polelwana ena e bua ka ho thehwa, ho tsamaiswa le tokiso ya mokgwa-tshebetso wa tlhahisoleseding o kopantsweng jwaloka ha di tla etswa ke Setho sa Lekgotla la Phethahatso la Provense le Lefapha la Provense. Mokgwa-tshebetso ona o tla etsa hore Setho sa Lekgotla la Phethahatso la Provense se kgone ho netefatsa hore ho ba le tshebetso e phethahetseng ditshebeletsong tsa sepolesa le ho bona hore ho fihlellwa ditlhoko tse teng ntshetsopeleng ya mananeo a sehlooho le phanong ya ditshebeletso tsa sepolesa.

Polelwana ena e boetse e hlalosa le hore Setho sa Lekgotla la Phethahatso la Provense se ka kopa bafani ba ditshebeleso tsa tshireletso ho ingodisa databaseising ya mekgatlo ya setjhaba le ho nehelana ka tlhahisoleseding malebana le dingongoreho se mabapi le polokeho le diketsahalo tsa ditlolo tsa molao dibakeng tseo ba sebeletsang ho tsona. Ponelopele ke hore sena se tla ntlafatsa dikamano dipakeng tsa sepolesa le setjhaba mme se tla thusa le mererong e mabapi le ho fihlella ditlhoko tse teng ntshetsopeleng ya mananeo a sehlooho le phanong ya ditshebeletso tsa sepolesa.

Polelwana ya 9

Polelwana ena e bua ka metjha e lokelang ho latelwa ho netefatsa hore tlhahisoleseding e fumanwang ho balebedi-ba-metse le bafani ba ditshebeletso tsa tshireletso le mekgatlo e meng e tshwarwa ka mokgwa o sireletschileng.

Polelwana ya 10 ho fihla ho ya 18

Polelwana tsena di bua ka ho thehwa ha Ofisi ya Freistata ya Bofuputsi ba Ditsetlebo tse mabapi le Ditshebetso tsa Sepolesa le ho hirwa ha motho ya tla emela ofisi eo ke Tonakgolo ha ho se ho ile ha eba le dipuisano le Setho sa Lekgotla la Phethahatso la Provense, Mokhomishenara wa Provense le baetapele ba mekgatlo ya bohanyetsi, kamora hoba Komiti ya Lekgotla la Ketsamelao la Provense e ikarabellang ho tsa Sepolesa, Mebila le Dipalangwang e dumellane le tseo tsohle.

Mesebetsi ya mantlha ya Ofisi ena ke ho fuputsa ditsetlebo tse mabapi le tshebetso e sa nepahalang ya sepolesa (DSAB le Makala a mang a molao boemong ba bomasepala le ba provense) kapa ho senyeha ha dikamano dipakeng tsa sepolesa le setjhaba. Provense e fuwe matla ha phetha mesebetsi ena ho latela karolo ya 206(5) ya Molaotheo.

Ofisi ena e boetse e ka fetisetsa ditsetlebo lekaleng lefe kapa lefe le ka kgonang ho sebetsana le tsona.

Polelwana ya 18 e boetse e neha Ofisi kapa bafuputsi ba hlwauweng matla a ho laela motho ofe kapa ofe ho etsa lengolo la boitlamo kapa afidaviti, kapa ho itlhahisa le ho nehelana ka bopaki kapa ho tisa tokomane e nang le kamano e itseng le taba e fuputswang.

Ofisi e lokela ho etsa dikgothaletso ho Setho sa Lekgotla la Phethahatso la Provense mabapi le tsetlebo efe kapa efe e fuputswang, tse ka nnang tsa lebiswa ntlheng ya hore Tonakgolo a iphumane a lokela ho theha khomishene ya dipatlisiso. Setho sa Lekgotla la Phethahatso la Provense se lokela ho etsa kgothaletso mabapi le tsetlebo efe kapa efe e fuputsweng e sa kang ya kgona ho rarolleha boemong ba Ofisi, mme kgothaletso e jwalo e tla lebiswa ho Letona, ebe motlidi o tsebiswa ka ha mehato e jwalo hamorao.

Polelwana ya 19

Polelwana ena e bua ka dipehelo tse fapafapaneng tseo Mokhomishenara wa Provense wa DSAB a lokelang ho di neha Setho sa Lekgotla la Phethahatso.

Kahare ho tse ding, dipehelo tsena di bua ka ho lahleha kapa ho utsuwa ha dithunya tsa mmuso matsohong a mapolesa, ho hloka-hala ha mapolesa ba le mosebetsing, ho bolawa kapa ho shwa ha batho ba le matsohong a sepolesa, dipalopalo tsa batho ba tshwerweng, dinyewe tse boemong ba makgotla a dinyewe, dinyewe tse tshotjhisitsweng le sekgahla sa dikahlolo tse entsweng, palo ya ditsetlebo tse fumanweng le tse kentsweng direkotong, le dintlha tse ding tse amanang le boitshwaro ba mapolesa, le boemo ba dikamano tse teng dipakeng tsa sepolesa le setjhaba.

Polelwana ena e boetse e laela hore Mokhomishenara wa Provense a nehelane ka pehelo ya selemo le selemo e mabapi le tshebetso ya sepolesa kahara Provense.

Polelwana ya 20

Polelwana ena e bua ka matla a Lekgotla la Phethahatso la Provense a ho laela Mokhomishenara wa Provense ho ithahisa kapele ho Lekgotla kapa ho enngwe ya Dikomiti tsa bona, ebang Lekgotla la Phethahatso la Provense le sa kgotsofatswa ke tshebetso ya Mokhomishenara wa Provense.

Polelwana ya 21

Polelwana ena e bua ka hore ho itlalehwa jwang ho ba boletsweng polelwaneng ya 19, empa seo se etswa ka boikamahanyo le tshebediso ya molao boemong ba provense le bomasepala jwaloka ha ho laetswe karolong ya 64A ya Molao wa Ditshebeletso tsa Sepolesa sa Afrika Borwa. Polelwana ena e laela hore dihlooho tse boemong ba phethahatso kahara makala a tshebediso ya molao bomasepaleng le provenseng ba nehelane ka dipehelo ho Setho sa Lekgotla la Phethahatso la Provense.

Polelwana ya 22

Polelwana ena e bua ka mananeo a sehlooho le ditlhoko tse amanang le ditshebeletso tsa sepolesa. Karolo ya 206(1) ya Molaotheo e bua ka hore Letona la naha le ikarabellang ho tsa sepolesa le lokela ho “netefatsa boteng ba leano la ditshebeletso tsa sepolesa la naha kamora ho buisana le mafapha a diprovense le ho lekodisa hore na mananeo a sehlooho le ditlhoko tse amanang le ditshebeletso tsa sepolesa ke dife kahara diprovense jwaloka ha ho qetuwwe ke baokamedi ba phethahatso ba diprovense”.

Hore Lekgotla la Phethahatso la Provense le tle le kgone ho qeta hantle ka ha mananeo a sehlooho le ditlhoko tse mabapi le ditshebeletso tsa sepolesa kahara provense, polelwana ena e laela hore Setho sa Lekgotla la Phethahatso la Provense se itlalehe Lekgotleng la Ketsamelao la Provense.

Komiti ya Lekgotla la Ketsamelao e ikarabellang ho tsa ditshebeletso tsa sepolesa e lokela ho buisana ka pehelo eo mme e ka bitsa le dikopano le setjhaba ho fumana ditshwaelo ho tswa ho bankakarolo setjhabeng le ho tswa ho ba ditshebeletso tsa toka. 'Tsohle tse fumanweng mmoho le ditshwaelo di tla sekasekuwa ke Komiti ya Phethahatso ya Provense pehelong ya yona ho Letona la Naha e mabapi le mananeo a sehlooho le ditlhoko tse amanang le ditshebeletso tsa sepolesa.

Polelwana ya 23

Polelwana ena e bua ka mosebetsi wa bohlokomedi wa sepolesa kahara provense ho latela maano a tshebetso a mabapi le puso ya kopanelo le dikamano tsa kahara-mafapha jwaloka ha ho hlalositsewe Kgaolong ya 3 ya Molaotheo.

Ho boetse ho buuwa le ka hore Tonakgolo a amahanye tshebetso tsa hae le tsa Setho sa Lekgotla la Phethahatso la Provense ntlheng ya ho hirwa ha hlooho ya Kantoru ya Bongodi ya Provense e thehuweng ho latela Molao wa Kantoru e Emetseng Setjhaba Dintlheng tsa Ditshebeletso tsa Sepolesa, 2011 (Molao wa 2 wa 2011) ho netefatsa hore dipehelo tsa khiro boemong ba provense di tsamaellana le dipehelo tsa khiro tse kahara Molao wa Kantoru e Emetseng Setjhaba Dintlheng tsa Ditshebeletso tsa Sepolesa, 2011.

Polelwana ya 24

Polelwana ena e tla ka dikotlo tse malebana le ho thibela Ofisi ya Bofuputsi ba Ditsetlebo tse mabapi le Ditshebeletso tsa Sepolesa ho etsa mosebetsi wa yona ho latela Molao ona, moo ho sa kang ha ba le boikamahanyo le taelo kapa kopo e etswang ho latela polelwana ya 18(1) kapa (2) le moo ho sa ikamahangwang le metjha ya tshireletso ya tlhahisoleseding ya ba amehang.

Polelwana ya 25

Polelwana ena e neha Setho sa Lekgotla la Phethahatso la Provense matla a ho tla ka melawana ya tsamaiso e mabapi le dintlha tse fapafapaneng tse teng kahara Sekamolao

Polelwana ya 26

Polelwana ena bua ka phetisetso ya matla a tshebetso a Setho sa Lekgotla la Phethahatso la Provense ho Hlooho ya Lefapha la Provense, eo le yena, ebang a fuwe matla a ho etsa jwalo, a ka fetisetsang matla le mosebetsi e oho basebeletsi ba Lefapha la Provense. Hlooho ya Lefapha e boetse e fuwe le matla a ho fetisetsa mosebetsi e meng ya hae, ho latela Sekamolao, ho mosebeletsi ofe kapa ofe wa Lefapha la Provense.

Polelwana ya 27

Polelwana ena ho na le sehlooho se sekgutshwanyane sa Sekamolao mme hoo buuwa le ka ho phatlalatswa ha letsatsi leo ka lona Sekamolao se tla qala ho kena tshebetsong.

5. DITJEHO

Ditjeho tse tla ba teng malebana le ho kenngwa tshebetsong ha Sekamolao di tla kenyelletswa tekanyetsong dilemong tse tla latela tsa ditjhelete.

6. DIKOPANO LE BA AMEHANG

Sekamolao se tla fetisetswa ho ba latelang:

- (a) Letona la Sepolesa;
- (b) Mokhomishenara wa Provense;
- (c) Ofisi ya Bofuputsi ba Ditsetlebo tse mabapi le Ditshebeletso tsa Sepolesa;
- (d) Diforamo tsa Sepolesa sa Setjhaba;
- (e) Lekala le Ikemetseng la Diphuphutso tsa Sepolesa;
- (f) Lekgotla la Bolaodi ba tsa Indasteri ya Tshireleso;
- (g) Mmuso wa Selehae;

- (h) Mafapha a Provense kaofela; le
- (i) Dikopano tse fapafapaneng le setjhaba tse tla lokela ho tshwarwa le Diforamo tsa Sepolesa sa Setjhaba; Balebedi-ba-Metse, le ditho tse ding tsa setjhaba.

7. BOKGONI BA KETSO YA MELAO

Dipehelo tsa Sekamolao di wela tlasa bokgoni le ditshebetso tsa ketso ya melao ya Provense.

WETSONTWERP

Om voorsiening te maak vir die uitvoering en regulering van die funksies van die Provinsie en die departement wat verantwoordelik is vir vir polisiëring in die Vrystaat ingevolge hoofstuk 11 van die Grondwet van Suid-Afrika, 1996, om voorsiening te maak vir voorskrifte vir die instelling van gemeenskapspolisieforums en -rade kragtens die Suid-Afrikaanse Polisie wet, 1995; om voorsiening te maak vir die akkreditering van organisasies en verenigings as buurtwagte, om voorsiening te maak vir vennootskappe met gemeenskapsorganisasies; om 'n geïntegreerde inligtingsstelsel en 'n databasis van organisasies op te stel en te onderhou, om voorsiening te maak vir die vrywillige registrasie van sekuriteitsdiensverskaffers op die databasis van organisasies, om die kantoor van die Vrystaat provinsiale polisieombudsman in te stel om klagtes rakende die polisie diens te reguleer; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DIT WORD BEPAAL deur die Provinsiale Wetgewer van die Vrystaat, soos volg:-

Definisies

1. In hierdie Wet, tensy die konteks anders aandui, beteken – 5
 - “**Burgerlike Sekretariaat**” - die sekretariaat van die polisie diens, gestig kragtens artikel 4 van die Burgerlike Sekretariaat vir die Polisie diens wet, Wet 2001;
 - “**buurtwag**” - ‘n organisasie of vereniging beoog in artikel 6(1) en geakkrediteer ingevolge artikel 6(5); 10
 - “**Departement**”- die provinsiale departement wat verantwoordelik is vir die funksies bedoel in Hoofstuk 11 van die Grondwet en ingestel kragtens artikel 3A van die Staatsdiens wet 1994, soos weerspieël in 2 Bylae van daardie Wet; 15
 - “**Grondwet**” - die Grondwet van die Republiek van Suid-Afrika, 1996;
 - “**hierdie Wet**” bevat die regulasies wat kragtens artikel 31 uitgevaardig is, en enige voorskrifte kragtens artikels 3(f) en 5; 20
 - “**Hoof van die Departement**”- die hoof van die provinsiale departement wat verantwoordelik is vir die funksies bedoel in Hoofstuk 11 van die Grondwet en ingestel kragtens artikel 3A van die Wet op Openbare Diens 1994, soos weerspieël in Bylae 2 van die Wet; 25

“Lid van die Uitvoerende Raad” - die provinsiale lid van die Vrystaat van die Uitvoerende Raad wat verantwoordelik is vir die funksies bedoel in Hoofstuk 11 van die Grondwet;	
“Minister” - die nasionale kabinetminister verantwoordelik vir polisiëring;	5
“Ombudsman” - die Vrystaatse Polisieombudsman wat aangestel is kragtens artikel 11;	
“Onafhanklike polisieondersoekdirektoraat” - die onafhanklike polisie-ondersoekdirektoraat, wat ingestel is ingevolge artikel 3(1) van die Wet op die Onafhanklike Polisie-Ondersoekdirektoraat 2011 (Wet 1 van 2011);	10
“polisie” - polisiebeamptes van die polisie diens;	
“polisiebeampte” - ‘n lid van die Suid-Afrikaanse Polisie diens wat in die Provinsie ontplooi is;	15
“polisieforums en -rade” - gemeenskapspolisieforums en -rade ingestel artikels 19 tot 21 van die Wet op die Suid Afrikaanse Polisie diens, 1955 (Wet 68 van 1955);	20
“polisiëring” - die funksies wat deur die die polisiebeamptes uitgevoer word;	
“Provinsiale Kommissaris” - die Provinsiale Kommissaris wat ingevolge artikel 207(3) van die Grondwet vir die Provinsie aangestel is;	25
“Provinsiale Sekretariaat” - die Provinsiale Sekretariaat vir die Provinsie ingestel ingevolge artikel 16 van die Wet op die Burgerlike Sekretariaat vir Polisie diens, 2011;	
“Provinsie” - die Vrystaat Provinsie;	30
“regulasie” - ‘n regulasie uitgevaardig kragtens artikel 31;	
“sekuriteitsdiensverskaffer” - ‘n sekuriteitsdiensverskaffer soos omskryf in artikel 1 van die Wet op Regulering van die Private Veiligheidsbedryf, 2001 (Wet 56 van 2001);	35
“Suid-Afrikaanse Polisie diens” die Suid-Afrikaanse Polisie diens, wat ingestel is deur artikel 5(1) van die Suid-Afrikaanse Polisie dienswet, 1995 en in die Provinsie ontplooi is;	
“Uitvoerende Komitee” - die provinsiale uitvoerende komitee van die Vrystaat; en	40
“voorskryf” - voorskryf deur regulasie.	

Doel van die Wet

2. Die doel van die Wet is om –

- | | | |
|--------|---|----|
| (a) | die funksies van die Provinsie waarna in artikels 206 (1), (3), (4), (5) en (9) en 207(5) en (6) van die Grondwet verwys word, te reguleer en daarvoor voorsiening te maak om – | 5 |
| (i) | polisiëringbehoefte en prioriteite te bepaal; | 10 |
| (ii) | polisie-optrede te monitor; | |
| (iii) | toesig te hou oor die doeltreffendheid en doeltreffendheid van die polisiediens, insluitend die ontvangs van verslae oor die polisiediens; | 15 |
| (iv) | goeie verhoudinge tussen die polisie en die gemeenskap te bevorder; | |
| (v) | die doeltreffendheid van die sigbare polisiëring te beoordeel; | |
| (vi) | enige klagtes van polisie onbevoegdheid of 'n verbodskeling van verhoudings tussen die polisie en die gemeenskap te ondersoek; | 20 |
| (vii) | van die provinsiale kommissaris te vereis om voor die Provinsiale Wetgewer te verskyn; en | 25 |
| (viii) | verrigtinge in te stel vir die verwydering of die oordrag of dissiplinêre aksie teen die Provinsiale Kommissaris; en | |
| (b) | ondersteun die oogmerke van die Burgerlike Sekretariaat en Provinsiale Sekretariaat. | 30 |

Funksies van die Lid van die Uitvoerende Raad

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|-----|--|----|
| 3. | Die Lid van die Uitvoerende Raad mag, ten einde die doelstellings van artikel 206(1), (3), (4) en (5) van die Grondwet te bereik, die volgende magte uitvoer en funksie vervul – | 35 |
| (a) | gedrag van die polisie monitor; | |
| (b) | toesig hou oor die doeltreffendheid van die polisiediens; | 40 |
| (c) | toesig hou oor die doeltreffendheid van beleide en voorskrifte wat deur die polisiediens in verband met aanstellings, opleiding en polisiëring toegepas word; | |
| (d) | goeie verhoudings tussen die polisie en die gemeenskap bevorder; | 45 |

- (e) oorsake van enige verbokkeling in verhoudinge tussen die polisie en enige gemeenskap identifiseer en maatreëls vasstel om die verhoudinge te verbeter;
- (f) riglyne uitvaardig vir die totstandkoming en versterking van gemeenskapspolisieforums en -rade en om hulle behoorlike funksionering te fasiliteer ten einde goeie verhoudings tussen die polisie en die gemeenskap te bevorder; 5
- (g) vennootskappe met enige gemeenskap aangaan wat gerig is op die vestiging van goeie verhoudings tussen die polisie en die gemeenskap; 10
- (h) 'n databasis van die gemeenskapsorganisasies wat betrokke is by polisiëring, in stand hou;
- (i) die effektiwiteit van sigbare polisiëring assessee; 15
- (j) 'n geïntegreerde inligtingstelsel totstandbring en instandhou ten einde die doeltreffendheid van die polisie diens en die polisiëeringsbehoefte en prioriteite van die Provinsie te bepaal; 20
- (k) met die Minister skakel rakende misdaad en polisiëring in die Provinsie;
- (l) klagte rakende ondoeltreffendheid van die polisie of 'n verbokkeling in verhoudings tussen die polisie en die gemeenskap op rekord hou; 25
- (m) verslae ontvang en ontleed, insluitend kwalitatiewe en kwantitatiewe inligting oor die polisie diens;
- (n) empiriese inligting in te samel oor prestasie bestuur en hulpmiddel verspreiding; 30
- (o) indikatore te identifiseer waarvolgens die effektiwiteit en doeltreffendheid van die polisie diens gemoniteer kan word;
- (p) inligting te ontvang en analiseer oor die befondsing, besteding, aktiwiteite, uitsette en uitkoms van die polisie in die Provinsie; 35
- (q) die bevoegdheid en kapasiteit van die polisie diens te analiseer, patrone en praktyke van polisie-optrede, probleme en tekortkominge in die polisie stelsel te identifiseer en voorstelle aan die Minister te maak oor hoe om dit reg te stel; 40
- (r) die Provinsiale Uitvoerende Raad te adviseer oor die behoeftes ten opsigte van polisiëring en die Provinsie se prioriteite soos in artikel 22 uiteengesit;

- (s) met die Minister skakel aangaande die polisiëringsbehoefte en prioriteite en aanbevelings daarvoor maak soos deur die Uitvoerende Raad vasgestel;
- (t) 'n evaluering doen oor hoe polisiëringsbehoefte en prioriteite weerspieël word in nasionale polisiëringsbeleid; 5
- (u) spesifieke polisie-oorsig kwessies identifiseer en aanspreek wat anders wat by polisie oorsig betrokke is, nie aanspreek nie;
- (v) 'n jaarverslag in die Provinsiale Wetgewer tetafel lê oor die uitvoer en optrede van die magte en funksies ten opsigte van hierdie Wet; 10
- (w) navorsing doen soos dit benodig word;
- (x) samewerking en skakeling tussen rolspelers met belange in die oefening en prestasie van die magte en funksies in terme van die wet; 15
- (y) toesig hou oor die funksionering van die provinsiale sekretariaat;
- (z) klagtes monitor wat deur die Provinsiale Uitvoerende Komitee na die Onafhanklike Polisieonderzoek Direktooraat verwys is; 20
- (aa) fasiliteer noue samewerking tussen die Departement en die Burgerlike Sekretariaat, die Provinsiale Sekretariaat, die Onafhanklike Polisieonderzoek Direktooraat en die polisie in die uitvoer van die funksies in terme van hierdie Wet. 25

Monitering, oorsig en assessering van polisiëring

- 4. (1) Die Lid van die Uitvoerende Raad mag, op die voorgeskrewe wyse, onderhewig aan artikel 13(11) van die Suid-Afrikaanse Polisie dienswet, 1995 werknemers van die Departement magtig om – 30
 - (a) proteste, misdaad tonele en enige ander toneel waarby polisie optrede betrokke is, om van die interaksie tussen die polisie en die gemeenskap kennis te neem en op rekord te plaas; 35
 - (b) die toekenning, verspreiding en gebruik van menslike en ander hulpbronne vir polisiëring te monitor; 40
 - (c) polisie stasie, of enige ander polisie terrein inspekteer, ten einde –
 - (i) polisie-optrede te monitor;

- (ii) die doeltreffendheid van die polisie diens in die omgewing te oorsien;
 - (iii) die doeltreffendheid van die polisie diens ten opsigte van die hantering van die gemeenskap se klagtes aangaande polisieëring in die omgewing; 5
 - (iv) die verhoudings tussen die gemeenskap en die polisie evalueer;
 - (v) die behandeling en toestande van persone wat in polisie aanhouding is monitor ten einde die erkenning deur die polisie oor die regte van aangehouenes ingevolge artikel 35(2) van die Grondwet. 10
- (2) Die Lid van die Uitvoerende Raad mag enige ander persoon op die voorgeskrewe wyse toestemming gee om om enige van die funksies soos in subartikel (1) genoem, teen vergoeding wat vasgestel is deur die Lid van die Uitvoerende Komitee met die ondersteuning van die Lid van die Uitvoerende Komitee verantwoordelik vir Finansies. 15
- (3) Ten einde die funksies uit te rig in terme van die Wet, mag die Lid van die Uitvoerende Komitee of enige ander werknemer of gemagtigde persoon ingevolge subartikel(1) of (2) en in ooreenstemming met artikel 206(4) van die Grondwet van die Republiek van Suid-Afrika – 20
- (a) inligting aanvra en inwin en dokumente wat verband hou met bestuur, administrasie en misdaadstatistiek onder die beheer van die polisie diens; 25
 - (b) enige gebou, perseel, voertuig of eiendom betree onder die beheer van die polisie diens; 30
 - (c) geregtig wees op bystand deur enige ander lid van die polisie diens.
- (4) Enige dispuut wat verband hou met 'n versoek, toegang of bystand soos oorweeg in subartikel (3) moet aan die Lid van die Uitvoerende Raad gerapporteer word. 35

Riglyne vir die totstandkoming van polisieforums en -rade

5. (1) Ten einde goeie verhoudings tussen die Suid-Afrikaanse Polisie diens en die gemeenskap te bevorder, mag die Lid van die Uitvoerende Raad riglyne aangaande die totstandkoming van gemeenskapspolisieforums en kragtens artikel 19(1), 20(1) en 21(1) van die Suid-Afrikaanse Polisie dienswet, 1995, uitreik, insluitend riglyne wat verband hou met – 40
- (a) die vereistes vir die identifisering van relevante gemeenskapsorganisasies, instellings en belangegroep om deel te vorm van 'n gemeenskapspolisieforum of -raad; 45

- (b) die prosedures vir die stigting van 'n gemeenskapspolisieforum of raad; 5
 - (c) die ampstermyn van lede van 'n gemeenskapspolisieforum of raad; 5
 - (d) die aanvaarding van die grondwet vir 'n gemeenskapspolisieforum of raad en die minimum inhoud daarvan; 10
 - (e) dispuutoplossingprosedures wat van toepassing is op enige dispuut ten opsigte van die stigting van 'n gemeenskapspolisieforum- of raad. 10
- (2) Die Hoof van die Departement moet –
- (a) die funksionaliteitsvlak van polisieforums en rade en die verhoudinge tussen die polisie en die gemeenskapspolisieforums- en rade evalueer; 15
 - (b) verseker dat hy of sy verteenwoordiger gereeld vergaderings van die gemeenskapspolisieforums en -rade ten einde die doelstellings van artikel 18(1) van die Suid-Afrikaanse Polisie-wet, 1995; en 20
 - (c) jaarliks sy bevindings ten opsigte van paragrawe (a) en (b) aan die Lid van die Uitvoerende Komitee en die Provinsiale Wetgewer rapporteer; 25
- (3) Die Hoof van die Departement mag gemeenskapspolisieforums- en rade bestaan deur befondsing, opleiding of hulpbronne te voorsien. 25

Akkreditasie van en ondersteuning aan buurtwagte

6. (1) Enige organisasie of vereniging wat–
- (a) funksioneer sonder wins as 'n vrywillige organisasie of vereniging; 30
 - (b) bestaan uit lede wat inwoners, huurders of eienaars is van vaste eiendom of met enige ander relevante belangstelling in die gebied waar die organisasie of vereniging funksioneer; en 35
 - (c) die doelstelling het om die beveiliging van sy lede, hulle vaste en ander eiendom teen misdaad en ander veiligheidskwessies in die gebied waar die organisasie of vereniging funksioneer, 40
- mag aansoek doen by die Lid van die Uitvoerende Raad op die voorgeskrewe vorm vir akkreditasie as 'n buurtwag.

- (2) Die Lid van die Uitvoerende Raad –
- (a) moet die polisiebeampte wat aan die hoof van die polisiestasie staan in die gebied waarin die organisasie of vereniging funksioneer; en 5
 - (b) mag enige ander organisasie versoek,
 - om kommentaar te lewer, binne die tydperk van die versoek oor die voorgestelde akkreditasie van die organisasie of vereniging as 'n buurtwag in daardie gebied te lewer. 10
- (3) Indien die polisiebeampte of 'n organisasie in gebreke bly om kommentaar binne die vasgestelde tyd te lewer soos in subartikel (2) vermeld, word die polisie of organisasie gesien in die lig daarvan dat hulle geen kommentaar oor die voorgestelde akkreditasie van die organisasie of vereniging het nie. 15
- (4) Die Lid van die Uitvoerende raad mag verdere inligting van die organisasie of vereniging vereis ter ondersteuning van die aansoek.
- (5) Die Lid van die Uitvoerende Raad mag na oorweging, 'n organisasie of vereniging as 'n buurtwag akkrediteer, binne die voorgeskrewe tydperk – 20
- (a) 'n aansoek;
 - (b) enige verdere inligting deur die aansoeker verskaf; 25
 - (c) enige kommentaar wat van die polisie of 'n organisasie in subartikel (2) ontvang is;
 - (d) of die organisasie of vereniging hul aktiwiteite uitvoer volgens die voorgeskrewe standarde wat betrekking het op – 30
 - (i) kriteria vir lidmaatskap van 'n buurtwag en die gedrag van lede;
 - (ii) die struktuur van 'n buurtwag; 35
 - (iii) die bestuur en gebruik van fondse van 'n buurtwag; en
 - (e) of die organisasie of vereniging saam met die gemeenskapsforum saamwerk in die omgewing. 40
- (6) As die Lid van die Uitvoerende Raad besluit –
- (a) 'n organisasie of vereniging as buurtwag te akkrediteer, moet die Lid van die Uitvoerende Raad – 45

- (i) die naam van die buurtwag in die register van buurtwagte aanteken;
 - (ii) 'n akkreditasiesertifikaat in die naam van die buurtwag uitreik wat die akkrediteringsperiode meld, die gebied waarbinne die buurtwag mag werk en ander akkrediteringsbepalings; en 5
 - (iii) die akkreditasiesertifikaat aan die gemeenskapspolisieringsforum en die polisiebeampte in beheer van die plaaslike polisie-staatsie; of 10
- (b) besluit om nie 'n organisasie of vereniging as buurtwag te akkrediteer nie, moet die Lid van die Uitvoerende Raad die onsuksesvolle applikant, die polisiebeampte in beheer van die polisie-staatsie in die gebied en die gemeenskapspolisieringsforum in die gebied skriftelik van sy of haar besluit inlig en redes vir die besluit gee. 15
- (7) Die Lid van die Uitvoerende Raad moet jaarliks 'n lys van buurtwagte in die Staatskoerant publiseer. 20
- (8) Die Lid van die Uitvoerende Raad mag befondsing, opleiding of hulpbronne aan 'n buurtwag voorsien.
- (9) Die Lid van die Uitvoerende Raad moet 'n register van buurtwagte byhou en aan enige belangstellende persoon beskikbaar stel, sou hy of sy dit aanvra. 25
- (10) 'n Buurtwag moet –
 - (a) elke twee jaar hul akkreditering op die voorgeskrewe wyse hernu, en die akkreditering sal verval as dit nie so gedoen word nie; 30
 - (b) op die voorgeskrewe wyse binne die voorgeskrewe tydperk aan die Lid van die Uitvoerende Raad verslag doen rakende –
 - (i) veiligheidskwessies en insidente van misdaad binne die gebied waarin die buurtwag werk; 35
 - (ii) die aktiwiteite van die buurtwag ; en
 - (iii) enige kwessie wat deur die Provinsiale Lid van die Uitvoerende Raad voorgeskryf word om polisieeringsbehoefte en prioriteite vas te stel en die doeltreffendheid en doelmatigheid van die polisie-diens te bepaal; 40
 - (c) rekord hou van kwessies wat in paragraaf (b)(i) tot (iii) beskryf word; en 45

- (d) die rekords in paragraaf (c) vir ten minste vyf jaar na die opstelling daarvan bewaar.
- (11) 'n Werknemer van die Departement, wat deur die Lid van die Uitvoerende Raad afgevaardig is, het toegang tot enige rekords wat deur of namens 'n buurtwag opgestel is en mag die rekords nagaan, opsommings of afdrukke van die rekords maak om verdere inligting te bekom soos dit in subartikel (10)(b) beskryf word en om vas te stel of 'n buurtwag aan die standaarde in artikel (5)(d) en (e) voldoen. 5
- (12) As 'n buurtwag nie aan die standaarde in artikel (5)(d) en (e) of aan artikel (10)(b), (c) of (d) voldoen nie, mag die Lid van die Uitvoerende Raad skriftelike opdrag aan die buurtwag gee om binne 'n tydperk soos in die kennisgewing genoem, aan daardie artikels te voldoen. 10
- (13) As die buurtwag versuim om die kennisgewing binne die tydperk daarin genoem te gehoorsaam, mag die Lid van die Uitvoerende Raad daardie buurtwag se akkreditasie onttrek. 15
- Databasis en vennootskappe met gemeenskapsorganisasies 20**
7. (1) Om goeie verhoudinge tussen die polisie en gemeenskappe in die Provinsie te bevorder, mag die Departement:
- (a) 'n databasis van organisasies byhou wat binne polisiëring, ondersteuning aan misdaadslagoffers, misdaadvoorkoming of gemeenskapsveiligheid werk; 25
- (b) gemeenskapsorganisasies op die databasis bystaan deur ondersteuning, inligting, opleiding of hulpbronne te bied; 30
- (c) onderhewig aan enige wet wat oor die sluit van 'n kontrak met die Provinsie handel, 'n kontrak met enige party aangaan vir die ontwerp, finansiering of bedryf van enige gemeenskapsveiligheidsinisiatief of vennootskap om die doel van die Wet te bereik. 35
- (2) 'n Gemeenskapsorganisasie op die databasis moet, op die voorgeskrewe wyse, aan die Departementshoof verslag doen oor veiligheidskwessies en misdaadvoorvalle wat deur die organisasie hanteer is. 40
- (3) Die Lid van die Uitvoerende Raad mag toestemming verleen vir die totstandkoming van spesialiseenhede in antwoord op spesifieke kategorieë van misdade om sodoende goeie verhoudings tussen die polisie en gemeenskappe in die Provinsie te bevorder.

Geïntegreerde Inligtingstelsel

8. (1) Die Lid van die Uitvoerende Raad moet 'n Geïntegreerde inligtingstelsel om toesig oor die doeltreffendheid en doelmatigheid van die polisie diens te hou en om die Provinsie se polisie diens behoeftes en prioriteite vas te stel. 5
- (2) Die Departementshoof moet werknemers van die Departement bevoeg om inligting in te samel en die geïntegreerde inligtingstelsel te administreer en onderhou. 10
- (3) Die Lid van die Uitvoerende Raad mag met die Burgerlike Sekretariaat en Provinsiale Sekretariaat vergader met betrekking tot die geïntegreerde inligtingstelsel om te verseker dat inligting met enige veiligheidsmodelle en moniteringshulpbronne wat deur die Provinsiale Sekretariaat ontwikkel is, geïntegreer word soos in artikel 17(2) van die Wet op die Burgerlike Sekretariaat vir die Polisie diens, 2011 voorsien is. 15
- (4) Die inligtingstelsel moet voorsiening maak vir –
 - (a) die invorder van data van verskeie staatsorgane en instellings, veiligheidsdiensverskaffers wat volgens subartikel (6) geregistreer is en die polisie diens; 20
 - (b) analise van data; 25
 - (c) die afneem van veiligheidskwessies wat deur gemeenskappe in die Provinsie geopper word;
 - (d) die insluiting van inligting binne 'n verslag soos in subartikels 6(10)(b), 7(2) en 8(7)(a) bepaal; en 30
 - (e) die analise van die aantal en aard van klagtes in verband met die polisie wat volgens artikel 16 deur die Ombudsman, staatsorgane, gemeenskapspolisiëeringsforums en ander instellings ontvang is. 35
- (5) Die Departementshoof moet inligting oor misdaad en misdaadbedrywighede wat deur die inligtingstelsel ontvang word aan die Provinsiale Kommissaris rapporteer.
- (6) Die Lid van die Uitvoerende Raad mag 'n veiligheidsdiensverskaffer wat in die Provinsie werk, versoek om op die databasis, soos in artikel 7 genoem, te registreer. 40
- (7) 'n Geregistreerde veiligheidsdiensverskaffer moet – 45
 - (a) op die voorgeskrewe wyse en binne die voorgeskrewe tydperk aan die Lid van die Uitvoerende Raad verslag doen oor –

- (i) veiligheidskwessies en misdaadvoorvalle in die area waar die veiligheidsdiensverskaffer werk;
- (ii) vuurwapens wat gesteel of weggraak terwyl dit in die besit van die veiligheidsdiensverskaffer is; en 5
- (iii) enige voorgeskrewe kwessie wat deur die Lid van die Uitvoerende Raad voorgeskryf is om polisiëringsbehoefte en prioriteite vas te stel en toesig oor die doeltreffendheid en doelmatigheid van die polisie diens te hou; 10
- (b) rekord te hou van die kwessies wat in paragraaf (a)(i) tot (iii) genoem word; en
- (c) die rekords in paragraaf (b) vir ten minste vyf jaar na die datum van afname te bewaar. 15
- (8) 'n Werknemer van die Departement, wat deur die Lid van die Uitvoerende Raad bevoeg is, het toegang tot enige rekords wat volgens subartikel (7)(b), deur of namens 'n geregistreerde veiligheidsdiensverskaffer gehou word, en mag rekords ondersoek, opsom of afskrifte van die rekords maak om verdere inligting te bekom met betrekking tot 'n verslag wat volgens subartikel (7)(a) geskryf is. 20

Vertroulikheid en bekendmaking

- 9. (1) Geen persoonlike inligting wat vir die doel van hierdie Wet deur die Lid van die Uitvoerende Raad, Departementshoof werknemer, of persoon wat volgens hierdie Wet bevoeg is, ingevorder is rakende – 25
 - (a) 'n individu; 30
 - (b) 'n huishouding;
 - (c) onderneming; of
 - (d) privaatorganisasie, 35

mag, onderhewig aan wette wat staatsinligting beheer en subartikels (2) en (3), aan enige ander persoon bekendgemaak word nie. 40
- (2) Onderhewig aan artikel 8(5), mag die inligting wat in subartikel (1) genoem word bekendgemaak word –
 - (a) aan enige staatsorgaan –

- (i) vir 'n doel wat met die funksie van die Wet verband hou;
 - (ii) in ooreenstemming met 'n opdrag deur 'n Lid van die Uitvoerende Raad;
 - (iii) op voorwaarde dat die naam, adres of enige ander kenmerk waardeur 'n bepaalde individu, onderneming of privaatorganisasie geïdentifiseer kan word, geskrap word;
 - (iv) as die bekendmaking daarvan nie 'n redelike vooruitsig het om die lewe of fisieke veiligheid van 'n individu in gevaar te stel nie, of die veiligheid van eiendom in gevaar te stel of te bedreig nie; en
 - (v) die Lid van die Uitvoerende Raad die mening huldig dat die vertroulikheid van daardie inligting of data nie bedreig sal word nie; en
- (b) aan die persoon wie se inligting ingesamel is of sy of haar verteenwoordiger;
- (c) met geskrewe toestemming van die persoon wie se inligting ingesamel is of sy of haar verteenwoordiger;
- (d) waar die inligting reeds aan die publiek beskikbaar gemaak is deur die individuele onderneming of betrokke privaatorganisasie; of
- (e) as dit nodig geag word om die regsproses vlot te laat verloop.
- (3) Ten spyte van die toepaslike beperkinge van vertroulikheid aan die Lede van die Uitvoerende Raad, die Departementshoof en gemagtigde werknemers en persone, is die Ombudsman geregtig op inligting of die ondersoek van dokumente soos per subartikel (1) en in die besit van die Lid van die Uitvoerende Raad wat in die ondersoek na 'n klagte ter sprake kan wees.
- (4) Die Lid van die Uitvoerende Raad, die Departementshoof en elke gemagtigde werknemer of persoon –
- (a) moet alle redelike stappe neem om te verseker –
 - (i) dat inligting wat vir die doel van hierdie Wet ingesamel word, akkuraat, bygewerk en so volledig moontlik is;
 - (ii) die vertroulikheid van die inligting beskerm is; en
 - (iii) die inligting teen ongemagtigde toegang beskerm is; en

- (b) mag geen inligting soos in paragraaf (a) opneem of hanteer, behalwe vir die doel van die Wet, in ooreenstemming met hierdie artikel nie.
- (5) Die Lid van die Uitvoerende Raad moet verseker dat die vertroulikheid van die inligting waarna subartikel (1) verwys, wat in 'n rekord van die Departement voorkom, beskerm word wanneer die rekord vernietig word. 5

Stigting van die Kantoor van die Vrystaatse Provinsiale Polisie-ombudsman

- 10. (1) Die Kantoor van die Vrystaatse Provinsiale Polisie-ombudsman word in die Departement in die lewe geroep. 10
- (2) Die personeel wat nodig is vir die uitvoering van die Ombudsman se funksies word in ooreenstemming met die Wet op die Staatsdiens, 1994, aangestel. 15
- (3) Die polisie-diens, werknemers van die Departement en enige ander staatsorgaan moet die Ombudsman bystaan en saamwerk en werknemers van die Ombudsman bystaan in die uitvoer van hul pligte, soos in die Wet uiteengesit, wat insluit dat hulle redelike toegang verleen moet word tot enige, perseel, voertuig, eiendom, inligting of dokument wat in die beheer van die betrokke staatsorgaan is. 20

Aanstelling van die Ombudsman

- 11. (1) Die Premier moet 'n persoon met gepaste kwalifikasie, met ondervinding van die reg of polisiëring, as die Vrystaatse Polisie-ombudsman aanstel. 25
- (2) Die Ombudsman word deur die Premier aangestel–
 - (a) na vergadering met die Lid van die Uitvoerende Raad, die Provinsiale Kommissaris, uitvoerende hoofde van die provinsiale en munisipale wetstoepassingsagentskappe; en 30
 - (b) onderhewig aan die goedkeuring van die Provinsiale Wetgewer se portefeuljekomitee vir polisiëring deur middel van 'n resoluë wat volgens die toepaslike reëls geneem is. 35
- (3) Die besoldiging en ander aanstellingsvoorwaardes van die Ombudsman moet deur die Premier in ooreenstemming met die Lid van die Uitvoerende Raad vir finansies vasgestel word. 40
- (4) Die Ombudsman word vir 'n nie-verlengbare tydperk van nie langer nie as vyf jaar aangestel.
- (5) Die Ombudsman mag op enige tyd bedank deur ten minste drie maande voor die voorgenoemde datum van diensstaking 'n geskrewe bedanking aan die Premier te stuur, behalwe as die Premier 'n korter periode goedkeur. 45

- (6) Die Premier mag met goeie rede en bewyse –
- (a) na afloop van konsultasie met persone wat in artikel (2)(a) genoem word;
en 5
 - (b) onderhewig aan goedkeuring deur die Provinsiale Wetgewer se
portefeuljekomitee vir polisiëring deur 'n resoluëie wat in
ooreenstemming met die reëls geneem is,
- die Ombudsman van die pos verwyder op grond van wangedrag, onvermoë of
onbevoegdheid, nadat die persoon 'n behoorlike geleentheid gegun is om
verhoor te word. 10
- (7) Die Ombudsman mag in die uitvoering van sy of haar pligte, ook deur 'n
persoon bygestaan word wie se dienste vir die doel van 'n bepaalde ondersoek
benodig word. 15

Finansies van die Ombudsman

12. (1) Uitgawes wat met die funksie van die Ombudsman verband hou moet befonds
word uit geld wat die Provinsiale Wetgewer daarvoor begroot het, terwyl daar vir
die Departement se begrotingspos begroot is. 20
- (2) Die Departement moet, onderhewig aan wetgewing wat op die staatsdiens van
toepassing is, menslike en ander hulpbronne beskikbaar stel sodat die
Ombudsman sy of haar funksie kan uitvoer. 25

Rapportering deur die Ombudsman

13. (1) Die Ombudsman moet jaarliks aan die Lid van die Uitvoerende Raad verslag
doen oor die Ombudsman se aktiwiteite vir die vorige boekjaar met betrekking
tot – 30
- (a) die aantal klagte wat ondersoek is; 35
 - (b) die aantal klagte wat as onnodig tydvermorsend is of bloot aanhangig
gemaak is om die ander party te frustreer, soos in artikel 17(1) aangedui;
 - (c) die uitslag van ondersoeke na klagte; en 40
 - (d) die aanbevelings vir die klagte wat ondersoek is.
- (2) Die Ombudsman moet aan die Lid van die Uitvoerende Raad rapporteer oor sy
of haar aktiwiteite volgens die Wet, as en wanneer die Lid van die Uitvoerende
Raad daarvoor vra. 45
- (3) Die Lid van die Uitvoerende Raad moet die verslag waarna subartikel (1) verwys
in die Provinsiale Wetgewer ter Tafel lê.

Onafhanklikheid en onpartydigheid van die Ombudsman

14. (1) Die Ombudsman en personeellede van die Ombudsman moet onafhanklik en onpartydig funksioneer en in goeie vertroue sonder vrees, guns, vooroordeel, of diskriminasie, onderhewig aan die Grondwet en wet handel. 5
- (2) Die Ombudsman en hul personeel moet vertroulikheid handhaaf met betrekking tot enige inligting wat volgens hierdie Wet vereis word.

Funksies van die Ombudsman 10

15. Die Ombudsman –
- (a) moet klagtes wat volgens artikel 16 ingedien is, met betrekking tot ondoeltreffendheid deur die polisie of die verbokkeling van die verhouding tussen die gemeenskap en polisie ontvang ondersoek; en 15
- (b) ander funksies verrig wat volgens die Wet aan hom of haar oorgedra is.

Indiening van klagtes 20

16. (1) Enige persoon mag 'n klagte op die voorgeskrewe wyse en vorm aan die Ombudsman indien met betrekking tot ondoeltreffendheid van die polisie of 'n verbokkeling van die verhouding tussen die gemeenskap en polisie. 25
- (2) Enige Lid van die Provinsiale Wetgewer mag, nadat hulle bewus word van 'n klagte oor ondoeltreffendheid van die polisie of 'n verbokkeling tussen die gemeenskap en polisie, dit aan die Ombudsman stuur om ondersoek te word.
- (3) Die Ombudsman moet openbare regulasies uitreik met betrekking tot die prosedure om 'n klagte aanhangig te maak en die tipe klagte wat deur die Ombudsman hanteer kan word. 30

Ondersoeke deur die Ombudsman 35

17. (1) Die Ombudsman mag, indien 'n klagte nie onnodig tydvermorsend is of bloot aanhangig gemaak is om die ander party te frustreer nie, enige nodige ondersoek van stapel stuur met betrekking tot beweerde ondoeltreffendheid van die polisie of 'n verbokkeling van die verhouding tussen die gemeenskap en polisie. 40
- (2) As 'n Lid van die Provinsiale Wetgewer 'n saak volgens subartikel (1) na die Ombudsman verwys, moet hy of sy daardie saak ondersoek.

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| (3) | Die Ombudsman mag deur middel van 'n kennisgewing in die Provinsiale Koerant, kennis gee van enige ondersoek wat gedoen word en noem dat enige persoon binne die tydperk in die kennisgewing verstrekk, geskrewe insette rakende die ondersoek aan die ombudsman lewer. | 5 |
| (4) | Indien die Ombudsman van mening is dat 'n saak beter deur 'n ander bevoegde owerheid, insluitende 'n nasionale owerheid, 'n gemeenskapspolisieringsforum, 'n grondwetlike instansie of die Provinsiale Kommissaris hanteer kan word, mag hy/sy enige tyd sodanige saak of 'n aspek daarvan na die gepaste owerheid verwys. | 10 |
| (5) | Die Ombudsman mag, na oorlegpleging met die owerheid waarna die saak verwys is, en nadat sodanige owerheid nie die saak kon oplos nie, enige tyd die saak herondersoek. | 15 |
| (6) | Indien die Ombudsman besluit om nie die saak te ondersoek nie, moet hy/sy die klaer van sy/haar besluit verwittig en redes daarvoor verskaf. | 20 |
| (7) | Na voltooiing van 'n ondersoek en indien die saak nie opgelos kon word nie, moet die Ombudsman 'n aanbeveling oor die ondersoek en sy/haar bevindinge by die Lid van die Uitvoerende Raad indien en die klaer in kennis stel dat hy/sy so gedoen het. | 25 |
| (8) | Die Lid van die Uitvoerende Raad moet 'n aanbeveling maak aan die Minister oor enige ondersoekte klagte wat nie deur die Ombudsman opgelos kon word nie, en moet die klaer oor die aanbeveling in kennis stel. | 30 |
| (9) | Om onnodige duplisering te verhoed, moet die Ombudsman sy/haar aktiwiteite ingevolge hierdie Wet koördineer met ander owerhede wat jurisdiksie ten opsigte van ondersoeke van klagtes teen die polisie het. | 35 |

Ondersoekbeamptes en magte

- | | | | |
|-----|-----|---|----|
| 18. | (1) | Vir ondersoekdoeleindes mag die Ombudsman enige persoon beveel om 'n beëdigde verklaring of bevestigde verklaring indien of voor hom te verskyn om bewyse te lewer of enige dokument in die persoon se besit of beheer wat verbandhou met die saak te bewys en mag daardie persoon daarvoor ondervra. | 35 |
| | (2) | Die Ombudsman mag 'n verduideliking van enige persoon vra wat hy redelik vermoed inligting in verband met die saak het. | 40 |
| | (3) | Die Ombudsman mag personeellede van die Ombudsman of ander gepaste persone afvaardig as ondersoekbeamptes om die pligte in subartikel (1) en (2) uit te voer. | |

- (4) 'n Ondersoekbeampte wat nie voltyds in die staatsdiens aangestel is nie, moet volgens die voorgeskrewe voorwaardes en die voorgeskrewe beloning aangestel word.
- (5) 'n Ondersoekbeampte moet 'n aanstellingsertifikaat wat deur of namens die Ombudsman onderteken is, gegee word waarin aangedui word dat hy/sy 'n ondersoekbeampte is wat deur die Ombudsman ingevolge hierdie Wet aangestel is. 5
- (6) 'n Ondersoekbeampte moet 'n aanstellingsertifikaat in sy besit het wanneer hy/sy 'n plig volgens hierdie Wet uitvoer. 10

Verslaggewing deur die Provinsiale Kommissaris

19. (1) Vir die Lid van die Uitvoerende Raad om die doeltreffendheid en doelmatigheid van die polisie diens te oorsien en die polisie se gedrag te monitor, moet die Provinsiale Kommissaris binne en ten opsigte van die voorgeskrewe tydperk skriftelik aan die Lid van die Uitvoerende Raad oor die volgende sake verslag doen: 15
- (a) Met betrekking tot die Suid-Afrikaanse Polisie diens – 20
- (i) die aantal vuurwapens wat aan polisiebeamptes uitgereik is wat verlore of gesteel is, en die omstandighede waaronder dit verlore of gesteel is; 25
- (ii) die aantal persone wat deur die polisie diens in hegtenis geneem is, die aantal sakewat verband hou met die arrestasies wat na die hof verwys is, die aantal sake wat vervolgt is en die aantal skuldigbevindings ten opsigte van daardie sake; 30
- (iii) die toewysing van fondse en hulpbronne aan veiligheidsdoelstellings, die metodes wat gebruik word om die doelstellings te bereik en meetbare uitkomst wat bereik is; 35
- (iv) die aantal dissiplinêre en strafregtelike sake wat teen polisiebeamptes ingestel is, die name van daardie amptenare, die verwysingsnommers van die saak, die klagte ten opsigte daarvan en die uitslag van die sake; 40
- (v) die aantal en aard van klagtes wat die polisie ontvang het oor swak dienslewering en wangedrag van hoe die klagtes opgelos is; 45
- (vi) statistiese inligting rakende die aantal en aard van misdade wat by die polisie aangemeld is;
- (vii) die omstandighede rakende voorvalle waar die polisie 'n wapen afvuur, toelaat dat 'n wapen afgevuur word of 'n wapen afvuur;

	(viii) die aantal sake wat ingevolge artikel 29 van die Wet op Onafhanklike Polisieonderzoekdirektoraat aangemeld is en die uitslag van die ondersoek na daardie sake; en	
	(iv) enige ander aangeleentheid, soos voorgeskryf, met betrekking tot polisiegedrag, doeltreffendheid en doeltreffendheid van die polisie diens of betrekkinge tussen die polisie en die gemeenskap.	5
(2)	Die Provinsiale Kommissaris moet die Lid van die Uitvoerende Raad onverwyld in kennis stel van enige sterftes van polisiebeamptes in die uitvoering van hul pligte, enige sterftes wat deur polisiebeamptes veroorsaak is tydens die uitvoering van hul pligte, en enige persone wat tydens	10
(3)	Die Provinsiale Kommissaris moet aan die Provinsiale Wetgewer verslag doen oor alle polisieëring en die aangeleenthede in hierdie afdeling beoog.	15
(4)	Die lid van die Uitvoerende Raad kan die Provinsiale Kommissaris versoek om enige ander verslag in te dien wat deur die Lid van die Uitvoerende Raad vereis word om sy of haar funksies ingevolge hierdie Wet te verrig.	20
(5)	Die Provinsiale Wetgewer kan van die provinsiale kommissaris vereis om voor hom of enige van sy komitees te verskyn om vrae te beantwoord.	
(6)	As die Provinsiale Kommissaris nie aan die versoek van die Lid van die Uitvoerende Raad om moet die Lid van die Uitvoerende Raad die versuim by die Provinsiale Wetgewer wat op sy beurt moet vereis dat die provinsiale kommissaris voor hom moet verskyn en die versuim om aan die versoek te voldoen, verduidelik .	25
	Verlies van vertroue in Provinsiale Kommissaris	30
20.	As die Provinsiale Uitvoerende Komitee vertroue in die Provinsiale Kommissaris verloor, moet die Provinsiale Uitvoerende Komitee, behalwe in buitengewone omstandighede, van die Provinsiale Kommissaris vereis om voor hom te verskyn voordat 'n prosedure ingestel word vir die verwydering of oordrag van, of dissiplinêre stappe teen die Provinsiale Kommissaris.	35
	Optekening van versoeke en aanbevelings	
21.	(1) Die lid van die Uitvoerende Raad moet 'n register byhou wat die volgende –	40
	(a) enige skriftelike verslag of aanbeveling wat ingevolge hierdie Wet aan die Minister gedoen word;	

- (b) enige versoek om inligting wat ingevolge hierdie wet skriftelik aan die provinsiale kommissaris gegee word; en
 - (c) enige skriftelike kommentaar of antwoord ontvang van die Minister, die provinsiale kommissaris met betrekking tot 'n verslag of aanbeveling bedoel in paragraaf (a) of 'n versoek in paragraaf (b) bedoel. 5
- (2) Die lid van die Uitvoerende Raad moet jaarliks 'n gewaarmerkte afskrif van die register in die provinsiale wetgewer ter tafel lê. 10

Polisiëringbehoefte- en prioriteite

22. (1) Die lid van die Uitvoerende Raad moet jaarliks aan die provinsiale wetgewer verslag doen oor sy of haar werksaamhede ingevolge hierdie wet en die bevindings in verband daarmee. 15
- (2) Die Provinsiale Wetgewer moet die verslag bedoel in subartikel (1) verwys na sy portefeuljekomitee wat verantwoordelik is vir polisiëring.
- (3) Die portefeuljekomitee verantwoordelik vir polisiëring moet die verslag oorweeg en daaroor debatteer, en kan openbare verhore hou en versoek van belanghebbendes met 'n belang in die verslag. 20
- (4) Die Provinsiale Wetgewer moet die Provinsiale Kommissaris die geleentheid bied om te reageer op die verslag, versoek en enige ander kommentaar wat ontvang is. 25
- (5) Die bevindings en kommentaar van die portefeuljekomitee wat verantwoordelik is vir polisiëring moet deur die Lid van die Uitvoerende Raad in ag geneem word wanneer hy of sy 'n aanbeveling oor die polisiebehoefte en prioriteite van die Provinsie formuleer vir goedkeuring deur die Provinsiale Uitvoerende Komitee. 30
- (6) Die lid van die Uitvoerende Raad moet die goedgekeurde polisiëringsbehoefte en prioriteite van die Lid van die Uitvoerende Raad voorlê om in ag te neem wanneer die polisiëringsbeleid en -planne vir die Provinsie geformuleer word, soos beoog in artikels 206 (1) en (2) van die Grondwet. 35

Samewerkings en interregingsverhoudinge

23. (1) Die Lid van die Uitvoerende Raad, die Hoof van die Departement, gemagtigde persone en werknemers van die Departement, ondersoekbeampies en die Ombudsman moet hulle werksaamhede ingevolge hierdie Wet verrig in ooreenstemming met die beginsels of samewerkernde regering en interregeringsverhoudings soos verwys in Hoofstuk 3 van die Grondwet. 40

- (2) Die Lid van die Uitvoerende Raad kan aanbevelings rakende polisie en polisêringsaangeleenthede aan die Burgerlike Sekretariaat doen of ooreenkomste aan gaan om die samewerking tussen die verskillende rolspelers te soos in versterk, soos beoog in artikel 6(1)(g)riat van die die Burgerlike Sekretariaat van die Polisie dienswet, 2011. 5
- (3) Die Lid van die Uitvoerende Raad moet gereeld met die Burgerlike Sekretariaat en die Provinsiale Sekretariaat skakel oor enige aangeleentheid wat verband hou met onderlinge administratiewe ondersteuning en die koördinering van hulle onderskeie funksies om onnodige duplisering te verhoed. 10

Misdrywe

24. (1) Enige persoon wat – 15
- (a) sonder regverdiging 'n opdrag of versoek kragtens artikel 18 (1) of (2) weier of versuim om daaraan te voldoen, of weier om enige vraag wat hom of haar ingevolge daardie artikel aan hom of haar gestel word, te beantwoord of 'n antwoord te gee waarop sy of haar kennis is vals; of 20
- (b) die Ombudsman of 'n ondersoekbeampte belemmer of belemmer by die uitoefening of uitvoering van sy of haar bevoegdhede of funksies ingevolge hierdie Wet,
- is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf van hoogstens drie jaar of albei. 25
- (2) Iemand wat artikel 9 (1) of 9 (4) (b) oortree, is skuldig aan 'n misdryf en onder skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir hoogstens twee jaar of albei. 30

Regulasies

25. (1) Die lid van die Uitvoerende Raad moet regulasies uitvaardig rakende enige aangeleentheid waarvoor hierdie wet regulasies vereis. 35
- (2) Die lid van die Uitvoerende Raad kan –
- (a) enige aangeleentheid ten opsigte waarvan hierdie wet regulasies magtig; 40
- (b) die funksies en pligte van die lid van die Uitvoerende Raad of die Ombudsman;
- (c) die ontvangs en verwerking van klagtes ingevolge artikel 16 ingedien; 45
- (d) die metodiek vir die ondersoek na klagtes wat ingevolge artikel 16 ingedien is;

- (e) die formaat en die prosedure om persone ingevolge artikel 18 (1) te rig of om 'n verduideliking ingevolge artikel 18 (2) aan te vra;
- (f) vereistes vir verslagdoening deur die Provinsiale Kommissaris ingevolge hierdie Wet; 5
- (g) die formaat van enige verslag wat ingevolge hierdie Wet benodig word;
- (h) die bepaling van sleutelaanwysers en soorte empiriese gegewens wat opgeneem moet word in 'n verslag wat ingevolge hierdie Wet vereis word; 10
- (i) maatreëls om vertroulikheid, beheer oor en toegang tot inligting wat deur die geïntegreerde inligtingstelsel verkry word, te verseker; 15
- (j) die vereistes vir magtiging en keuring van werknemers, ondersoekbeamptes en ander persone wat deur die lid van die Uitvoerende Raad gemagtig is om werksaamhede ingevolge hierdie Wet te verrig; 20
- (k) aanwysers om toesig te hou oor die doeltreffendheid en doeltreffendheid van die polisie diens; of
- (l) enige ander aangeleentheid wat nodig is vir die doeltreffende uitvoering van die funksies ingevolge hierdie Wet. 25

Afvaardiging

- 26. (1) Die lid van die Uitvoerende Raad kan enige bevoegdheid wat aan hom of haar opgelê is ingevolge hierdie Wet toegeken of toewys, behalwe die bevoegdheid om regulasies uit te vaardig, aan die Hoof van die Departement deleger. 30
- (2) Die Departementshoof kan enige mag wat aan hom of haar opgelê is ingevolge hierdie Wet verleen of enige plig opdra, deleger aan – 35
 - (a) 'n werknemer van die Departement; of
 - (b) die houer van 'n spesifieke amp of posisie in die Departement.
- (3) 'n Afvaardiging of opdrag bedoel in subartikel (1) of (2) – 40
 - (a) moet skriftelik wees;
 - (b) onderworpe kan wees aan voorwaardes;

- (c) kan die lid van die Uitvoerende Raad of die Departementshoof, na gelang van die geval, skriftelik teruggetrek of gewysig word;
- (d) die mag kan insluit om daardie mag of plig te onderdelegeer of verder toe te ken; 5
- (e) verhinder nie dat die lid van die Uitvoerende Raad of die Departementshoof, na gelang van die geval, daardie mag uitoefen of daardie plig uitvoer nie; en 10
- (f) nie die lid van die Uitvoerende Raad of die Departementshoof, na gelang van die geval, van die verantwoordelikheid rakende die uitoefening van die gedelegeerde mag of die uitvoering van die opgedraende plig ontsê nie. 15

Kort titel en aanvang

27. Hierdie wet heet die Vrystaatse Gemeenskapspolisieringswet, 2020, en tree in werking op 'n datum wat deur die Premier by proklamasie in die Provinsiale Staatskoerant bepaal word. 20

MEMORANDUM OOR DIE OOGMERKE VAN DIE VRYSTAATSE WETSONTWERP OP GEMEENSKAPSPOLISIËRING, 2020

1. AGTERGROND

- 1.1 Die Vrystaatse Wetsontwerp op Gemeenskapspolisiëring het ten doel om provinsiale oorsigmodelle ten opsigte van die polisie te ontwikkel en in te stel, ter voldoening aan die grondwetlike mandaat van provinsies om polisiegedrag te monitor en om oorsig oor die doeltreffendheid en doelmatigheid van die Suid-Afrikaanse Polisiediens ("SAPD") in die Provinsie uit te oefen. 'n Doeltreffende en doelmatige polisiediens sal verhoogde vlakke van veiligheid en 'n oop gemeenskap vry van vrees vir misdaad moontlik maak. Die funksies van oorsig is, ingevolge die Wetsontwerp, gefokus op die naspeur van patrone en praktyke van polisiegedrag, die identifisering van sistemiese mislukkings van die polisiestelsel en die doen van aanbevelings oor hoe om polisiëring in die Provinsie Vrystaat op die beste wyse te verbeter.
- 1.2 Die oorsigfunksies ten opsigte van die monitor van polisiegedrag en die assessering van die polisiediens word ook in hierdie Wetsontwerp aangeraak.
- 1.3 Die wyse waarop die Provinsie klagtes hanteer wat van gemeenskappe oor polisie-ondoeltreffendheid ontvang is, sal merkbaar versterk word deur die instel van die Provinsiale Polisie-ombudsman, wat toepaslik deur die Wetsontwerp bemagtig word om sodanige klagtes doeltreffend te hanteer. Die Ombudsman sal ook die taak opgelê word om enige verslegting in verhoudinge tussen die polisie en die gemeenskap te ondersoek.
- 1.4 Die invoer van 'n geïntegreerde inligtingstelsel sal die Provinsie in staat stel om inligting te versamel wat deur die provinsiale uitvoerende raad oorweeg moet word om die polisiëringsbehoefte en -prioriteite wat binne die Provinsie bestaan te bepaal. Die oogmerk is om weg te beweeg van die huidige praktyk om polisiëringsbehoefte primêr te bepaal op grond van misdaadstatistiek en om 'n meer holistiese begrip van polisiëringsbehoefte te ontwikkel; gegrond op inligting wat in vennootskap met gemeenskappe, die burgerlike samelewing, ander regeringsfere, sakeondernemings en ander soortgelyke instellings verkry is.
- 1.5 Die Wetsontwerp steun die ontwikkeling en vestiging van vennootskappe met die sakegemeenskap en ander betrokkenes, asook die akkreditasie en ondersteuning van buurtwagte wat gerig is op 'n toenemende kapasiteit vir innovering, samewerking en die ontwikkeling van beveiligingsinisiatiewe ten einde goeie verhoudinge tussen die polisie en gemeenskappe te bevorder.

- 1.6 Die Wetsontwerp sal ander aspekte hanteer, soos verslagdoening aan die Provinsiale Lid van die Uitvoerende Raad deur die Provinsiale Kommissaris van die SAPD.
- 1.7 Die wetgewende mandaat wat in artikels 19(1), 20(1) en 21(1) van die Wet op die Suid-Afrikaanse Polisie diens aan die Provinsiale Lid van die Uitvoerende Raad gegee word, stel die Provinsiale Lid van die Uitvoerende Raad in staat om bevele uit te reik vir die daarstelling van gemeenskapspolisiëringsforums en -rade, word in die Wetsontwerp versterk ten einde goeie verhoudinge tussen die SAPD en gemeenskappe te bevorder.
- 1.8 In die gees van die Grondwet herbeklemtoon die Wetsontwerp die beginsels van samewerkende regering en interregeringsverhoudinge oor die algemeen en meer spesifiek tussen die Burgerlike Sekretariaat en die Provinsie.

2. WETGEWENDE RAAMWERK

Artikel 104(1), saamgelees met skedule 4A van die Grondwet van die Republiek van Suid-Afrika, 1996 ("die Grondwet") maak daarvoor voorsiening dat die Provinsie wetgewende bevoegdheid in die funksionele gebied van "polisie" het tot die mate dat hoofstuk 11 (artikels 205 tot 208) sodanige wetgewende bevoegdheid aan die Provinsie verleen. Provinsiale wetgewende bevoegdheid ten opsigte van polisiëring word verder met die nasionale regeringsfeer gedeel.

3. DOEL VAN DIE WETSONTWERP

Die doel van die Wetsontwerp is dus om gevolg te gee aan die Provinsie se grondwetlike mandaat en om die Vrystaatse regering se magte en funksies ten opsigte van sy oorsigfunksie oor die polisie te reguleer.

4. INHOUD VAN DIE WETSONTWERP

Klousule 1

Dit is die definisieklousule.

Klousule 2

Hierdie klousule stel die doel van die Wetsontwerp, naamlik om te reguleer en voorsiening te maak vir die uitvoer van die funksies van die Provinsie en die Provinsiale Departement van Polisie, Paaie en Vervoer ("die Provinsiale Departement") soos in artikels 206(1), (3), (4), (5) en (9.5) en (9.6) van die Grondwet voor voorsiening gemaak word.

Hierdie funksies laat die Provinsie toe om die polisiëringsbehoefte en -prioriteite van die Provinsie te bepaal, polisiegedrag te monitor, die doeltreffendheid van sigbare polisiëring te assesser, oorsig oor die doeltreffendheid en doelmatigheid van die polisie diens uit te oefen wat insluit om verslae oor die polisie diens te ontvang, om goeie verhoudinge tussen die polisie en gemeenskappe te bevorder, om enige klagtes van polisie-ondoeltreffendheid of 'n ineenstorting van verhoudinge tussen die polisie en enige gemeenskap te ondersoek, om van die Provinsiale Kommissaris te vereis om voor die Provinsiale Wetgewer te verskyn en om aksie vir die verwydering of verplasing van of dissiplinêre aksie teen die Provinsiale Kommissaris in te stel. Die Wetsontwerp het ook ten doel om burgerlike oorsig oor die polisie te ondersteun, onder leiding van die Minister van Polisie deur die Burgerlike Sekretariaat en die Provinsiale Sekretariaat wat ingevolge die Wet op die Burgerlike Sekretariaat vir die Polisie diens, 2011 (Wet no. 2 van 2011) gevestig is. Die Wetsontwerp maak verder die provinsiale regeringsfeer se oorsig oor nasionale polisiëringsfunksies duidelik en definieer dit.

Klousule 3

Hierdie klousule handel oor die funksies van die Provinsiale Lid van die Uitvoerende Raad vir Polisie, Paaie en Vervoer. Hierdie funksies spruit uit die bogenoemde grondwetlike bevoegdheid waarna in artikels 206(1) en (3) tot (5) verwys word, saamgelees met artikel 104 en skedule 4 van die Grondwet.

Klousule 4

Hierdie klousule maak voorsiening vir die Provinsiale Lid van die Uitvoerende Raad om werknemers van die Provinsiale Departement en ander persone te magtig om polisiegedrag te monitor; insluitende gedrag teenoor persone wat in polisieaanhouding gehou word, om oorsig oor die polisie diens uit te oefen en die diens te assesser en om die verhoudinge tussen die polisie en die gemeenskap te evalueer.

Klousule 5

Hierdie klousule maak voorsiening vir die uitreiking van bevel vir die vestiging van gemeenskapspolisiëringsforums en -rade soos na verwys in artikels 19, 20 en 21 van die Wet op die Suid-Afrikaanse Polisie diens, 1995 (Wet no. 68 van 1995). Hierdie Wet maak daarvoor voorsiening dat die Provinsiale Kommissaris gemeenskapspolisiëringsforums mag vestig, onderworpe aan die bevel van die Provinsiale Lid van die Uitvoerende Raad.

Klousule 6

Hierdie klousule maak voorsiening vir die vrywillige akkreditering en ondersteuning van buurtwagte in die Vrystaat ten einde goeie verhoudinge tussen die polisie en gemeenskappe te bevorder. Die Provinsiale Lid van die Uitvoerende Raad mag ook befondsing, opleiding of hulpbronne aan buurtwagte verskaf. Hierdie klousule maak ook voorsiening vir buurtwagte om verslae by die Provinsiale Lid van die Uitvoerende Raad in te dien oor:

- (a) die aktiwiteite van die buurtwagte; en
- (b) kommer oor veiligheid en misdaadvoorvalle in die gebiede waarin buurtwagte optree.

Hierdie vereistes het ten doel om 'n databasis te skep oor die veiligheidsituasie in die Provinsie ten einde die polisie se doeltreffendheid en doelmatigheid te monitor soos dit deur die Grondwet vereis word en om die Provinsie se polisiëringsbehoefte en -prioriteite te bepaal.

Klousule 7

Hierdie klousule maak voorsiening vir die instandhouding van 'n databasis van gemeenskapsorganisasies wat aktief betrokke is by polisiëring, ondersteuning van die slagoffers van misdaad, misdaadvoorkoming of gemeenskapspolisiëring in die Provinsie en om ondersteuning aan hierdie organisasies te verskaf. Dit maak ook voorsiening vir die sluit van vennootskappe met gemeenskapsorganisasies om die Wetsontwerp se doelwitte te bereik om verhoudinge tussen die polisie en die gemeenskap te verbeter.

Gemeenskapsorganisasies op die databasis moet ook aan die departementshoof verslag doen oor kommer oor veiligheid en misdaadvoorvalle om behulpsaam te wees met die bepaling van die Provinsie se polisiëringsbehoefte en -prioriteite.

Klousule 8

Hierdie klousule maak voorsiening vir die vestiging, administrasie en instandhouding van 'n geïntegreerde inligtingstelsel deur die Provinsiale Lid van die Uitvoerende Raad en die Provinsiale Departement. Hierdie inligtingstelsel sal die Provinsiale Lid van die Uitvoerende Raad in staat stel om oorsig oor die doeltreffendheid en doelmatigheid van die polisie diens uit te oefen en om die Provinsie se polisiëringsbehoefte en -prioriteite te bepaal.

Hierdie klousule maak ook voorsiening vir die Provinsiale Lid van die Uitvoerende Raad om veiligheidsdiensverskaffers te versoek om op die databasis van gemeenskapsorganisasies te registreer en om inligting oor kommer oor veiligheid en misdaadvoorvalle in hulle werksgebied in te dien. Daar word in die vooruitsig gestel dat dit die verhoudinge tussen die polisie en gemeenskappe sal verbeter en behulpsaam sal wees om die Provinsie se polisiëringsbehoefte en -prioriteite te bepaal.

Klousule 9

Hierdie klousule maak voorsiening vir maatreëls om die vertroulikheid van persoonlike inligting wat deur die geïntegreerde inligtingstelsel ingesamel is vanaf buurtwagte, veiligheidsdiensverskaffers en ander organisasies, te waarborg.

Klousules 10 tot 18

Hierdie klousules maak voorsiening vir die vestiging van die Kantoor van die Vrystaatse Polisie-ombudsman en die aanstelling van die Ombudsman deur die Premier na oorlegpleging met die Provinsiale Lid van die Uitvoerende Raad, die Provinsiale Kommissaris en leiers van opposisiepartye, onderhewig aan die medewerking van die Provinsiale Wetgewer se portefeuljekomitee wat vir Polisie, Paaie en Vervoer verantwoordelik is.

Die Ombudsman se primêre funksies is om klagtes rakende ondoeltreffendheid van die polisie (SAPD en die provinsiale en munisipale wetstoepassingsagentskappe) of 'n ineenstorting van verhoudinge tussen die polisie en die gemeenskappe te ondersoek. Die Provinsie word gemagtig om hierdie funksies ingevolge artikel 206(5) van die Grondwet uit te voer.

Die Ombudsman mag ook klagtes na enige ander bevoegde gesagsliggaam verwys indien die klagtes meer toepaslik deur daardie gesagsliggaam hanteer kan word.

Klousule 18 maak ook voorsiening vir die Ombudsman of aangewese ondersoekers om enige persoon aan te sê om 'n beëdigde verklaring of 'n plegtige verklaring in te dien, of om voor hom of haar te verskyn om getuienis te lewer of om enige dokument te oorhandig wat verband hou met 'n saak wat ondersoek word.

Die Ombudsman moet aanbevelings aan die Provinsiale Lid van die Uitvoerende Raad maak rakende enige klagte wat ondersoek word, wat mag insluit dat 'n kommissie van ondersoek deur die Premier aangestel moet word. Die Provinsiale Lid van die Uitvoerende Raad moet 'n aanbeveling aan die nasionale Minister maak oor enige ondersoekte klagte wat nie deur die Ombudsman opgelos kon word nie en die klaer van die aanbeveling wat gemaak is, inlig.

Klousule 19

Hierdie klousule maak voorsiening vir verskeie verpligte verslae wat deur die Provinsiale Kommissaris van die SAPD by die Lid van die Uitvoerende Raad ingedien moet word.

Die verslae moet onder meer die verlies of diefstal van amptelike vuurwapens in besit van SAPD-lede, enige sterfgevalle van polisiebeamptes in die uitvoering van hulle pligte, enige sterfgevalle wat deur polisiebeamptes in die uitvoering van hulle pligte veroorsaak is, enige persone wat gesterf het terwyl hulle in polisie-aanhouding was en die omstandighede van hulle dood, statistiek oor die getal persone wat gearresteer is, die getal sake wat na die hof verwys is, die getal sake wat vervolgt is en die skuldigbevindingskoers, die getal klagtes wat ontvang en aangeteken is, en enige ander kwessie wat met polisiegedrag, doeltreffendheid of doelmatigheid, of verhoudinge tussen die polisie en gemeenskappe verband hou, hanteer.

Hierdie klousule vereis ook van die Provinsiale Kommissaris om 'n jaarverslag oor polisiëring in die Provinsie in te dien.

Klousule 20

Hierdie klousule verwys na die bevoegdheid van die Provinsiale Uitvoerende Raad om van die Provinsiale Kommissaris te vereis om voor dit of enige van die komitees daarvan te verskyn indien die Provinsiale Uitvoerende Komitee vertroue in die Provinsiale Kommissaris verloor het.

Klousule 21

Hierdie klousule maak voorsiening vir soortgelyke vereistes oor verslagdoening vir diegene waarna in klousule 19 verwys is, maar wat verband hou met provinsiale en munisipale wetstoepassing wat ingevolge artikel 64A van die Wet op die Suid-Afrikaanse Polisiediens gevestig is. Dit vereis dat die verskeie uitvoerende hoofde van die provinsiale en munisipale wetstoepassingsagentskappe in die Provinsie sekere gereelde verpligte verslae aan die Provinsiale Lid van die Uitvoerende Raad moet indien.

Klousule 22

Hierdie klousule maak voorsiening vir die bepaling van die Provinsie se polisiëringsbehoeftes en -prioriteite. Artikel 206(1) van die Grondwet maak voorsiening dat die nasionale Minister wat vir polisiëring verantwoordelik is "nasionale polisiëringsbeleid moet bepaal na oorlegpleging met die provinsiale regerings en met inagneming van die polisiëringsbehoeftes en -prioriteite van die provinsies, soos dit deur die provinsiale uitvoerende rade bepaal is".

Vir die Provinsiale Uitvoerende Raad om die polisiëringsbehoeftes en -prioriteite van die Provinsie te bepaal, maak hierdie klousule voorsiening vir die Provinsiale Lid van die Uitvoerende Raad om aan die Vrystaat Wetgewer verslag te doen.

Die portefeuljekomitee wat vir polisiëring verantwoordelik is, moet die verslag debatteer en mag openbare verhore aanvra om kommentaar vanaf belanghebbers in die gemeenskap en die strafregstelsel te ontvang. Die bevindinge en kommentaar sal dan deur die Provinsiale Uitvoerende Komitee in sy verslag oor die Provinsie se polisiëringsbehoeftes en -prioriteite aan die nasionale Minister oorweeg word.

Klousule 23

Hierdie klousule maak voorsiening vir die uitoefen van provinsiale oorsig oor die polisie in ooreenstemming met die beginsels van samewerkende regering en interregeringsverhoudings waarna in hoofstuk 3 van die Grondwet verwys word.

Voorsiening word ook vir die Premier gemaak om met die Provinsiale Lid van die Uitvoerende Raad instemming te bereik oor die aanstelling van die hoof van die Provinsiale Sekretariaat wat ingestel is ingevolge die Wet op die Burgerlike Sekretariaat vir die Polisiediens, 2011 (Wet no. 2 van 2011) om belyning tussen provinsiale aanstellingsvereistes en die aanstellingsvereistes waarvoor in die Wet op die Burgerlike Sekretariaat vir die Polisiediens, 2011 voorsiening gemaak word, te verseker.

Klousule 24

Hierdie klousule skep misdrywe vir die belemmering of obstruksie van die Ombudsman in die uitvoering van sy of haar funksies ingevolge hierdie Wet ten opsigte van 'n versuim om gehoor te gee aan 'n bevel of versoek ingevolge klousule 18(1) of (2) en vir die oortreding van die maatreëls ten opsigte van vertroulikheid van persoonlike inligting.

Klousule 25

Hierdie klousule magtig die Provinsiale Lid van die Uitvoerende Raad om regulasies oor verskeie aspekte van die Wetsontwerp uit te vaardig.

Klousule 26

Hierdie klousule maak voorsiening vir die delegering van enige bevoegdheid wat verleen is of verpligting wat aan die Provinsiale Lid van die Uitvoerende Raad opgedra is aan die hoof van die Provinsiale Departement wat, indien gemagtig om dit te doen, daardie bevoegdhede en verpligtinge verder mag deleger aan werknemers van die Provinsiale Departement. Voorsiening word ook vir die departementshoof gemaak om enige bevoegdheid of verpligting wat aan hom of haar verleen of opgedra is ingevolge die Wetsontwerp aan enige ander werknemer van die Provinsiale Departement te deleger of toe te wys.

Klousule 27

Hierdie klousule bevat die Wetsontwerp se kort titel en maak voorsiening vir die proklamasie van die datum waarop dit in werking tree.

5. FINANSIËLE IMPLIKASIES

Daar sal gedurende die komende boekjare toenemend begroot word vir die finansiële implikasies ten opsigte van die implementering van die Wetsontwerp.

6. OORLEGPLEGING

Die Wetsontwerp sal voorgelê word aan:

- (a) Die Minister van Polisie;
- (b) Die Provinsiale Kommissaris;
- (c) Die Burgerlike Sekretariaat;
- (d) Gemeenskapspolisiëringsforums;
- (e) Die Onafhanklike Polisie-onderzoekdirektoraat;
- (f) Die Regulerende Gesagsliggaam vir die Veiligheidsbedryf;
- (g) Plaaslike regering;

- (h) Alle provinsiale departemente; en
- (i) Verskeie sessies van openbare oorlegpleging sal met lede van gemeenskapspolisiëringsforums, buurtwagte en ander lede van die publiek gehou moet word.

7. WETGEWENDE BEVOEGDHEID

Die bepalings van die Wetsontwerp val binne die wetgewende bevoegdheid van die Provinsie.