



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA

Vol. 426 Pretoria, 15 December 2000/15 Desember 2000
No. 21896



AIDS HELPLINE: 0800-123-22 Prevention is the cure

CONTENTS**INHOUD**

No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
GOVERNMENT NOTICES				GOEWERMENTSKENNISGEWINGS			
Correctional Services, Department of				Korrektiewe Dienste, Departement van			
<i>Government Notices</i>				<i>Goewermentskennisgewings</i>			
1367	Correction Services Act, 1998 (111/1998): Establishment of the prison at Louis Trichardt (Northern Province), to be known as the Kutama-Senthumule Correctional Centre	3	21896	1367	Wet op Korrektiewe Dienste, 1998 (111/1998): Instelling van die gevangenis te Louis Trichardt (Noordelike Provinsie), wat bekend sal staan as die Kutama Senthumule Korrektiewe Sentrum	3	21896
1368	do.: Delegation of the undermentioned competencies to the post incumbent against the applicable competency	4	21896	1368	do.: Delegation of the undermentioned competencies to the post incumbent against the applicable competency	4	21896
1369	do.: Delegation of authority: Conditions of contracts for joint venture prisons	6	21896	1369	do.: Delegation of authority: Conditions of contracts for joint venture prisons	6	21896

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CORRECTIONAL SERVICES DEPARTEMENT VAN KORREKTIEWE DIENSTE

No. 1367

15 December 2000

ESTABLISHMENT OF THE PRISON AT LOUIS TRICHARDT (NORTHERN PROVINCE), TO BE KNOWN AS THE KUTAMA - SENTHUMULE CORRECTIONAL CENTRE

It has pleased the Minister of Correctional Services, in terms of section 5(1) of the Correctional Services Act, 1998 (Act No. 111 of 1998), to approve of the establishment of a prison in Louis Trichardt, in the Northern Province, situated on Portion 82 (a portion of Portion 7) of the farm Bergvliet 288, Registration Division L.S. Northern Province, measuring 74,6085 (seven four comma six nought eight five) hectares, which prison shall be known as the Kutama - Senthumule Correctional Centre with effect from the date of publication of this notice.



B.M. SKOSANA
MINISTER OF CORRECTIONAL SERVICES

No. 1367

15 Desember 2000

INSTELLING VAN DIE GEVANGENIS TE LOUIS TRICHARDT (NOORDELIKE PROVINSIE), WAT BEKEND SAL STAAN AS DIE KUTAMA - SENTHUMULE KORREKTIEWE SENTRUM

Dit het die Minister van Korrektiewe Dienste behaag om kragtens artikel 5(1) van die Wet op Korrektiewe Dienste, 1998 (Wet No. 111 van 1998), sy goedkeuring daaraan te verleen dat 'n gevangenis ingestel word te Louis Trichardt in die Noordelike Provinsie, geleë op Gedeelte 82 ('n gedeelte van Gedeelte 7) van die plaas Bergvliet 288, Registrasie Afdeling L.S. Noordelike Provinsie, groot 74,6085 (sewe vier komma ses nul agt vyf) hektaar, welke gevangenis bekend sal staan as die Kutama - Senthumule Korrektiewe Sentrum met ingang van die datum van publikasie van hierdie kennisgeweing.

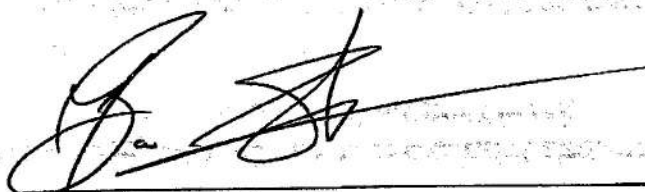


B.M. SKOSANA
MINISTER VAN KORREKTIEWE DIENSTE

UNDER THE POWERS GRANTED TO ME IN TERMS OF THE PROVISIONS OF THE PUBLIC SERVICE REGULATIONS, I, BEN MOLEHANE SKOSANA : MINISTER OF CORRECTIONAL SERVICES, HEREBY DELEGATE THE UNDERMENTIONED COMPETENCIES TO THE POST INCUMBENT AGAINST THE APPLICABLE COMPETENCY, PROVIDED THAT:

- (a) The level of delegation indicated hereunder against each competency, is the lowest level at which the competency may be exercised;**
- (b) Where a delegation is not linked to a specific post, any functionary responsible for the specific function on a higher post level, is authorised to exercise that competency;**
- (c) A functionary cannot exercise a discretion to approve of any matter in respect of a functionary on a higher or equivalent post level;**
- (d) The delegations indicated hereunder, remains in force should a regulation be renumbered in terms of an amendment of the regulation, precluding any amendments to the competency itself, and the number of the new regulation is considered to be the number of the relevant regulation;**
- (e) The summary of the competencies herein does not necessarily reflect the full details of the competencies contained in the Regulations and the exercise of the delegated competencies are at all times subject to the Provisions of the regulations and any directives issued in this regard;**
- (f) The following abbreviations are used :**
 - DC = Deputy Commissioner**
 - GDC = Chief Deputy Commissioner**

<u>STIPULATION IN PUBLIC SERVICE REGULATIONS</u>	<u>COMPETENCY</u>	<u>LEVEL OF DELEGATION</u>
Part 111/B.2(b)	Decision on the grading of post. - Up to the level of salary level 14. - Up to level of salary level 15.	CDC : Resource Management Commissioner


B.M. SKOSANA


DATE

No. 1369

15 December 2000

**DELEGATION OF AUTHORITY: CONDITIONS OF CONTRACTS FOR
JOINT VENTURE PRISONS.**

**UNDER THE POWERS VESTED IN ME IN TERMS OF SECTION 97(2) OF THE
CORRECTIONAL SERVICES ACT, 1998 (ACT 111 OF 1998), I LULAMILE
WALTER MBETE, COMMISSIONER OF CORRECTIONAL SERVICES, HEREBY
DELEGATE THE UNDERMENTIONED COMPETENCY TO THE PERSON
INDICATED AGAINST THE APPLICABLE COMPETENCY, PROVIDED THAT:**

- (a) the level of delegation indicated hereunder is the lowest level at which the competency may be exercised;
- (b) the delegation indicated hereunder, remains in force should a clause of the contract be renumbered in terms of an amendment of the contract, precluding any amendments to the competency itself, and the new number of the clause is considered to be the number of the relevant provision of the Contract;
- (c) the exercising of the delegated competency is at all times subject to the provisions of the Correctional Services Act, 1998 and the Regulations thereto, the Conditions of Contract, the Departmental Orders and any directives issued in this regard.

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
3.1	Approval of maximum amount of Lender Liabilities.	Chief Financial Officer	
3.1	Approval of any amendment of the Financing Agreement which increases or may increase the Lender Liabilities.	Chief Financial Officer	

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
4.10(c)	Approval for settlement of any claim by a third party not exceeding R50 000 to which the Department is not and is not likely to become a party.	Chief Financial Officer, with written recommendations from the Director: Legal Services	
5.2	Approval of terms of insurances taken by the Contractor with insurers.	Chief Financial Officer	
5.7	Approval of any insurance claim above R50 000 or any insurance claim whatsoever relating to the infringement of a prisoner's rights.	CDC: Operational Support	
7.1	Granting approval for any of the Contractor's obligations under the Contract to be performed or undertaken by any other person.	None	Delegation remains with the Commissioner
7.4	Granting approval for the appointment of a replacement Construction Sub-contractor or Operating Sub-contractor.	None	Delegation remains with the Commissioner
8.1	Granting approval in the case of the Contractor Change, or where the Independent Engineer reasonably determines that an application by the Contractor for Design Development under Part 3 of Schedule A constitutes a Contractor Change.	CDC: Operational Support	
9	Granting of, and subsequent approval of Departmental changes.	CDC: Operational Support CDC: Functional Services CDC: Resource Management	
9.9	Acceptance/approval of estimates of the increase or decrease in the Contract Fee which occurs as a result of the changes set out in the Notice to Change.	Chief Financial Officer	

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
12.2	Assisting the Contractor in connection with the obtaining of all requisite planning permissions.	DC: Facilities Management	
16.2	Effecting variation in accordance with Clause 62 (Variations).	Named Representatives	
19.2	Conducting a dilapidation survey for the purpose of determining the physical condition and state of maintenance of the Prison Assets and the road.	Dir: Maintenance	
19.2	Notifying the Contractor of the work the Department reasonably believes is required to be done consequent to the survey referred to in Clause 19.1 or Clause 52.1.	Named Representatives	
19.3	Carrying out such unremedied repairs and/or maintenance itself, or to procure same, at the Contractor's reasonable cost, where the latter has failed to effect any and all repairs and/or maintenance required pursuant to Clause 19.2	Dir: Maintenance	
20.2	Approval of such part of the Operation Proposals as do not comply with the Contract.	Director of function	
20.3 and 20.6	Approval of the Operational proposals.	Director of function	
20.5	Approval of the Operation Proposals subject to satisfactory completion of the tests in accordance with Clause 20.6.	Director of function	
22.1 (b)	Electing, at his discretion, to utilise Available Prisoner Places made available by the Contractor.	Dir: Prison Services	

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
22.2	Suspending the Phase-in Period by issuing a Rectification Notice in accordance with Clause 44 (default).	CDC: Functional Services	
24	Granting the Delay Notice: 0 – 90 days 91 days and more	Dir: APOPS None	Delegation remains with the Commissioner
31.3	Approval of any change to the person occupying the position of a Director. NB: Appointment of a Director is regulated by section 107 of the Correctional Services Act, No. 111 of 1998.	None	Delegation remains with the Commissioner
33.3	Approval of uniforms or standard of dress to be used by the Contractor or the Operating Sub-contractor.	Dir: Human Resources Maintenance	In consultation with CDC: Resource Management
33.4	Approval of the appointment of members of staff who are not required to be certified as custody officials.	Dir: Human Resource Maintenance	In consultation with CDC: Resource Management
33.6(b) and (c)	Consent to the varying of the numbers of Staff as referred to in the table headed "Staffing Summary" in Schedule D (the "Staffing Summary Table") and the table headed "Minimum Staffing Levels" in Schedule D.	Dept. Representatives	
33.8	Granting approval to the Contractor to engage a new member of staff who has not been a subject of prior approval or certification in accordance	Dir: Human Resource Maintenance	In consultation with CDC: Resource Management

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
	with Clause 31 and 32.		
41	Approval of the Contractor's strategic development plan to operate the Prison.	Dir: APOPS	
45.1	Granting a Rectification Notice: 0 – 30 days 31 – 90 days 90 days and more	DD: APOPS Admin and Operations Dir: APOPS None	Delegation remains with the Commissioner
45.1	Granting a Termination Notice.	None	Delegation remains with the Commissioner
49.1 and Schedule F	Determination of payment and/or set-off amounts owing under the Contract prior to termination, where the Contract terminates by virtue of Clause 45 (Termination for Contractor Default).	CDC: Operational Support	
49.2	Determination of payment and/or set-off amounts owing under the Contract prior to termination, where the Contract terminates by virtue of Clause 47 (Termination of Department Default) of Clause 44.2 (Material Adverse Governmental Action).	CDC: Operational Support	
49.3 Schedule H	Determination of payment and/or set-off amounts owing under the Contract prior to termination, in the event of a termination under Clause 48 (Force Majeure) or Clause 5.13 (a) and (b) (Insurance).	CDC: Operational Support	
49.5	Granting consent to an agreement, acceptance or settlement of any claim or issue or dispute relating to	None	Delegation remains with the Commissioner

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
	any liability for Taxation.		
50	Change in the beneficial ownership of the Contractor. Approval of such change of control or exercising the right to terminate the Contract at its election, if such approval is not obtained.	None	Delegation remains with the Commissioner
57.2	Approval of communication with representatives of the press, television, radio or other communication media on any matter concerning the Contract by the Contractor.	Dir: Communications with prior consent by Dir: APOPS	
57.3	Approval for photographing or taking film of the prison.	DC: Communication Services	
62	Any appointment / replacement of the named Representative of the Department	None	Delegation remains with the Commissioner
62.2.2	Approval of any amendment to the contract which is to the financial detriment of the State. (This will also require Treasury approval under Section 76(1)g of the Public Finance Management Act (Act 1 of 1999) read with Treasury Regulation 8.7.1 and 16.10	None	Delegation remains with the Commissioner
64.3	Review whether the Contractor has complied with the provisions of Schedule N, and, where appropriate impose penalties on the Contractor as set out in Part II and Part III of Schedule M.	Chairperson of the Supervisory Committee	
Schedule B Part 2	Approval of the Data Collection and Reporting Plan.	CDC: Operational Support	

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
Schedule C Paragraph C.1	Approval of a Maintenance Programme.	Dir: Maintenance	
Schedule D Goal 1	Approval of the security manual and contingency planning manual.	DC: Offender Control	
Goal 1.3	Approval of a system of monthly review of prisoners, to include categorization and further allocation.	DC: Offender Control	
Goal 1.4.1	Approval of Emergency Services.	Dir: Security	
Goal 1.8.5	Approval of a full movement control policy to be included in the general operational instructions.	CDC: Functional Services	
Goal 1.14.1	Approval of a detailed policy on arrangement for patrols.	CDC: Functional Services	
Goal 1.15	Approval of proceedings for emergency situations as part of contingency planning.	Dir : Security	
Goal 2.1	Approval of a system of incentives and earned privileges based on the minimum standards of the DCS programme.	Dir: Prison Services	
Goal 2.5.2	Approval of a procedure, which specifies when and what action is to be taken as a result of any loss or damage.	Dir: Prison Services Dir: Security Dir: Maintenance	
Goal 2.8.2	Approval of a policy which covers the following aspects: <ul style="list-style-type: none"> ▪ Staff training in conflict resolution techniques ▪ The role of Correctional services Controller ("CSC") concerning disciplinary action policies, and procedures as they relate to prisoners 	Dir: Academy DC: Offender Control	

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
	<ul style="list-style-type: none"> Under what circumstances a prisoner can be housed in the segregation unit. 	Dir: Prison Services	
Goal 2.9.1	Approval of anti-bullying policy and procedure.	Dir: Prison Service Dir: Security	
Goal 2.10.1	Approval of the control and restraint techniques.	Dir: Security	
Goal 3.1.4	Approval of a system of screening those at risk of self-harm or suicide.	Dir: Health and Physical Care Dir: Psychological Services Dir: Social Work Services Dir: Prison Services Dir: Education and Training	
Goal 3.1.7	Approval of a means of communication for prisoners to contact a relative or friend on admission.	Dir: Prison Services	
Goal 3.16.2	Approval of the induction programme.	Dir: Health and Physical Care Dir: Psychological Services Dir: Social Work Services Dir: Prison Service Dir: Education and Training	
Goal 3.16.7.3	Approval of provision (for maintaining ties with family, etc) for those prisoners who cannot read or write.	Dir: Health and Physical Care Dir: Psychological Services Dir: Social Work Services Dir: Prison Services Dir: Education and Training	
Goal 3.18.7	Approval of comprehensive programmes for pest control	Dir: Health and Physical Care Dir: Maintenance	

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
Goal 3.30.11	Approval of a comprehensive programme for management of acute mental disorders	Dir: Health and Physical Care Dir: Psychological Services Dir: Social Work Services	
Goal 3.30.29	Approval of the deaths (natural and unnatural) policies and procedures.	Dir: Health and Physical Care Dir: Prison Services	
Goal 4.1	Approval of system for security risk assessment and needs assessment.	Director of function	
Goal 4.8	Approval of the policy for Religious Care Services.	DC: Development Programmes	
Goal 4.15	Approval of a full schedule of fostered attendance at the library as part of the development programme.	Dir: Education and Training	
Goal 6.4.3	Approval of the Equal Opportunities policy and Affirmative Action policy.	Dir: Equity	
Goal 6.5.2	Approval of the Contractors policy statement on drug and alcohol free work place.	Dir: Human Resource Maintenance	In consultation with CDC: Resource Management
Goal 6.7.1	Approval of the policy on uniform and dress code for custodial and non-custodial staff.	Dir: Human Resources Maintenance	In consultation with CDC: Resource Management
Goal 6.7.2	Approval of samples of all uniforms to be worn by the staff of the prison.	Dir: Human Resource Maintenance	In consultation with CDC: Resource Management
Goal 6.8.12	Approval of media statements relating to personnel issues.	Dir: Communication in consultation with Dir: Apops	
Goal 6.9	Approval of all training curricula.	Dir: Academy	
Goal 6.9	Approval of all Control and Restraint trainers.	Dir: Academy	
Goal 7.3	Approval of all community involvement activities.	Dir: Community Corrections	
Schedule M	Ruling on whether, and to	Chairperson of the	

PROVISION OF THE CONTRACT	COMPETENCY WHICH IS DELEGATED	DELEGATION LEVEL	NOTES
1.1	what extent, penalties should be imposed for breaches of the Contract by the Contractor.	Supervisory Committee	
2.8	Waiving of fixed penalties	Chairperson of the Supervisory Committee	
2.8	Decision to sue the Contractor for breach of Contract	None	Delegation remains with the Commissioner

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
Kaapstad-tak: Tel: (021) 465-7531