
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

CIVILIAN SECRETARIAT FOR THE POLICE SERVICE**NO. R. 1138****27 OCTOBER 2017****REGULATIONS FOR THE SOUTH AFRICAN POLICE SERVICE**

The Minister of Police has, under section 24(1) of the South African Police Service Act, 1995 (Act No 68 of 1995), made the regulations in the Schedule.



F A MBALULA

Minister of Police

SCHEDULE**SOUTH AFRICAN POLICE SERVICE EMPLOYMENT REGULATIONS, 2017****TABLE OF CONTENTS****CHAPTER 1****GENERAL PROVISIONS**

1. Definitions
2. Deviations, delegations and authorisations
3. Communication with the media
4. Decision-making in case of conflict of interest
5. Record-keeping on correction of acts and omissions

CHAPTER 2

CONDUCT, FINANCIAL DISCLOSURE, ANTI-CORRUPTION AND ETHICS MANAGEMENT

Part 1

Code of Conduct

6. Adherence to Constitution and other laws
7. Relationship with public
8. Ethical conduct
9. Performance of official duties
10. Employees as candidates for elections

Part 2

Financial Disclosure

11. Definitions
12. Register of designated employees' interests
13. Disclosure of designated employees' interests
14. Details of interests to be disclosed
15. Confidentiality of submitted forms and register
16. Conflict of interest

Part 3

Anti-corruption and ethics management

17. Anti-corruption functions
18. Designation of ethics officers
19. Other remunerative work by employees

CHAPTER 3

PLANNING AND SERVICES DELIVERY

- 20. Strategic planning
- 21. Human resource planning
- 22. Human resource development
- 23. Service delivery improvement programme
- 24. Information planning and reporting
- 25. Information in annual report

CHAPTER 4

EMPLOYMENT MATTERS

Part 1

Creation of posts, job descriptions and job evaluation

- 26. Job description, job titles, CORE and OSD's
- 27. Creation and filling of posts
- 28. Purpose of job evaluation
- 29. Job evaluation system
- 30. Grading of posts and determination of salaries

Part 2

Remuneration and other service benefits

- 31. Information on remuneration
- 32. Leave
- 33. Overtime

Part 3

Working environment

- 34. Working hours
- 35. Work outside working hours
- 36. Health and safety
- 37. Employee health and wellness

Part 4

Appointments and other employment matters

- 38. General conditions for appointment
- 39. Utilisation of unpaid volunteers
- 40. Re-appointment of former employees
- 41. Prohibition on the appointment of former employees dismissed for misconduct
- 42. Acting in higher posts
- 43. Determination of requirements for employment
- 44. Advertising
- 45. Appointment and promotion
- 46. Probationary period
- 47. Resignation
- 48. Employee records

Part 5: Performance management

- 49. Systems for performance management and development
- 50. Performance agreements
- 51. Performance assessment
- 52. Outcome and communication of assessment results
- 53. Managing unsatisfactory performance
- 54. Performance incentive and award scheme
- 55. Suggestions, improvement and innovations

Part 6: Training

- 56. Institutional arrangements regarding training, education and development
- 57. Occupational specific competencies and training
- 58. Training assistance

Part 7: Labour matters

- 59. Mandating and management of negotiations
- 60. Matters with fiscal implications

CHAPTER 5

SENIOR MANAGEMENT SERVICE (SMS)

- 61. Establishment of SMS
- 62. Composition of SMS and grading of posts
- 63. Flexible employment practices within a framework of uniform norms and standards
- 64. Handbook for SMS
- 65. Advertising of posts and employment equity
- 66. Competency based-selection
- 67. Nurturing of talent to sustain SMS
- 68. Employment contracts
- 69. Performance Management and Development
- 70. Determination of conditions of service
- 71. Panel for review of conditions of service of members of SMS
- 72. Deployment of members of SMS
- 73. Training and development principles
- 74. Standard training programmes
- 75. Ethics and Conduct

- 76. Employer-Employee Relations
- 77. Misconduct and Incapacity
- 78. Exit Management
- 79. Repeal of Regulations and Saving
- 80. Transitional arrangements
- 81. Short title and commencement

CHAPTER 1

GENERAL PROVISIONS

1. DEFINITIONS

In these Regulations any word or expression bears the meaning which was assigned to it in the Act or the Public Service Act and unless the context indicates otherwise, -

- (a) "competence" means the blend of knowledge, skills, behaviour and aptitude that a person can apply in the work environment, which indicates the ability of a person to meet the requirements of a specific post;
- (b) "CORE" means Code of Remuneration referred to in regulation 26(4);
- (c) "designated groups" means designated groups as defined in section 1 of the Employment Equity Act, 1998 (Act No 55 of 1998);
- (d) "employee" means a member of the Service as defined in section 1 of the Act;
- (e) "financial year" means a financial year as defined in section 1 of the Public Finance Management Act;
- (f) "grade" means the relative value of a particular job as reflected by the job weight, which is linked to a salary level in a salary scale used in the Service;
- (g) "inherent requirements of a job" means the competence and any other requirement that an employee needs in order to carry out a job;
- (h) "job" means those basic duties, tasks, functions and responsibilities according to which one or more posts of the same grade are established;
- (i) "job weight" means a numerical value assigned to reflect selected characteristics of a job as measured by a job evaluation instrument;

- (j) "Labour Relations Act" means the Labour Relations Act, 1995 (Act No 66 of 1995);
- (k) "Minister" means the Minister of Police;
- (l) "OSD" means occupation specific dispensation which is a dispensation for specific occupational categories and which includes a unique salary structure, a determined grading structure and job profiles, career pathing opportunities based on competencies, experience, performance and any other employment practice determined by the National Commissioner after consultation with the Minister,
- (m) "Public Finance Management Act" means the Public Finance Management Act, 1999 (Act No 1 of 1999);
- (n) "Public Service Act" means the Public Service Act, 1994 (promulgated under Proclamation No 103 of 1994);
- (o) "SMS" means employees appointed to a post level graded on 13 or above;
- (p) "the Act" means the South African Police Service Act, 1995 (Act No 68 of 1995);
- (q) "these Regulations" means the South African Police Service Employment Regulations, 2017; and
- (r) "the Treasury Regulations" means the Treasury Regulations published in Government Notice No, R. 225 of 15 March 2005, as may be amended from time to time, and made under section 76 of the Public Finance Management Act.

2. DEVIATIONS, DELEGATIONS AND AUTHORISATIONS

(1) The Minister may, if circumstances justify it, approve a deviation from any provision of these Regulations, and may authorise such deviation with retrospective effect for purposes of equality.

(2) The Minister or National Commissioner respectively may delegate in writing any power conferred upon him or her in terms of these Regulations to an employee or authorise an employee in writing to perform a duty imposed upon him or her in terms of these Regulations, and may set conditions for the exercise of the power or performance of the duty.

3. COMMUNICATION WITH THE MEDIA

(1) The National Commissioner must issue official directives on how employees must communicate in the printed or other public media.

(2) An employee must direct any enquiry on a matter that falls within the powers and duties of the Minister, to the National Commissioner.

(3) Without derogating from the provisions of the Protected Disclosures Act, 2000 (Act No 26 of 2000) an employee, in his or her official capacity, may not criticize Government policy at a public gathering, in a publication or in the printed or other public media.

4. DECISION-MAKING IN CASE OF CONFLICT OF INTEREST

(1) If a possible conflict of interest arises in the performance of any act by any employee in terms of these Regulations, that employee may perform the act only after considering a recommendation of an independent panel consisting of at least two persons, appointed by the National Commissioner, or, if the employee is the National Commissioner, the Minister.

(2) If that employee deviates from the recommendations of the panel, he or she must record the reasons for the deviation in writing.

(3) An employee may not accept or seek compensation of any kind from an employee or a prospective employee in return for performing an act in terms of these Regulations.

5. RECORD-KEEPING ON CORRECTION OF ACTS AND OMISSIONS

(1) The National Commissioner must keep copies of all documents relating to a power exercised in terms of section 5(7)(a) of the Public Service Act in the personnel file of the affected employee or employees.

(2) The Minister must submit a report in February of each year to the Minister of Public Service and Administration, regarding instances in the preceding 12 months in which he or she exercised his or her power in terms of section 5(7)(a) of the Public Service Act. The report must at least contain the:

- (a) personal details of the affected employee or employees;
- (b) details of the act or omission that was corrected; and
- (c) the decision of the Minister.

CHAPTER 2

CONDUCT, FINANCIAL DISCLOSURE, ANTI-CORRUPTION AND ETHICS MANAGEMENT

PART 1

CODE OF CONDUCT

6. ADHERENCE TO CONSTITUTION AND OTHER LAWS

An employee shall-

- (a) be faithful to the Republic and honour and abide by the Constitution and all other law in the execution of his or her official duties;
- (b) put the public interest first in the execution of his or her official duties;
- (c) loyally execute the lawful policies of the Government of the day in the performance of his or her official duties;
- (d) abide by and strive to be familiar with all legislation and other lawful instructions applicable to his or her conduct and official duties; and
- (e) co-operate with public institutions established under the Constitution and legislation in promoting the interest of the public.

7. RELATIONSHIP WITH PUBLIC

An employee shall-

- (a) promote the unity and well-being of the South African nation in performing his or her official duties;
- (b) serve the public in an unbiased and impartial manner in order to create confidence in the public service;
- (c) be polite, helpful and reasonably accessible in his or her dealings with the public;
- (d) have regard for the circumstances and concerns of the public in performing his or her official duties and in the making of decisions affecting them;
- (e) be committed through timely service to the development and upliftment of all South Africans;
- (f) not abuse his or her position in the public service to promote or prejudice the interest of any political party or interest group;
- (g) respect and protect the dignity of every person and his or her rights as contained in the Constitution; and

(h) recognise the public's right of access to information, excluding information that is specifically protected by law.

8. ETHICAL CONDUCT

An employee shall-

(a) not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), from any employee or any person in return for performing or not performing his or her official duties;

(b) not engage in any transaction or action that is in conflict with or infringes on the execution of his or her official duties;

(c) not conduct business with any organ of state or be a director of a public or private company conducting business with an organ of state, unless such employee is in an official capacity a director of a company listed in schedule 2 and 3 of the Public Finance Management Act;

(d) recuse herself or himself from any official action or decision-making process which may result in improper personal gain, and this shall immediately be properly declared by the employee;

(e) immediately report to the relevant authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes a contravention of any law (including, but not limited to, a criminal offence) or which is prejudicial to the interest of the public, which comes to his or her attention during the course of his or her employment in the public service;

(f) refrain from favouring relatives and friends in work-related activities and not abuse his or her authority or influence another employee, nor be influenced to abuse his or her authority;

(g) not use or disclose any official information for personal gain or the gain of others;

(h) not receive or accept any gift from any person in the course and scope of his or her employment, other than from a family member, to the cumulative value of R350 per year, unless prior approval is obtained from the Minister;

(i) if he or she has permission in terms of section 30 of the Public Service Act to perform outside remunerative work, not-

(i) perform such work during official work hours; and

(ii) use official equipment or state resources for such work.

(j) deal fairly, professionally and equitably with all other employees or members of the public, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language; and

(k) refrain from party political activities in the workplace.

9. PERFORMANCE OF OFFICIAL DUTIES

An employee shall-

- (a) strive to achieve the objectives of his or her institution cost-effectively and in the interest of the public;
- (b) be creative in thought and in the execution of his or her official duties, seek innovative ways to solve problems and enhance effectiveness and efficiency within the context of the law;
- (c) be punctual in the execution of his or her official duties;
- (d) execute his or her official duties in a professional and competent manner;
- (e) co-operate fully with other employees to advance the interest of the public;
- (f) be honest and accountable in dealing with public funds and use the State's property and other resources effectively, efficiently, and only for authorised official purposes;
- (g) use the appropriate mechanisms to deal with his or her grievances or to direct representations;
- (h) be committed to the optimal development, motivation and utilisation of employees reporting to him or her and the promotion of sound labour and interpersonal relations;
- (i) avail himself or herself for training and development;
- (j) promote sound, efficient, effective, transparent and accountable administration;
- (k) give honest and impartial advice, based on all available relevant information, in the execution of his or her official duties;
- (l) honour the confidentiality of official matters, documents and discussions;
- (m) not release official information to the public unless he or she has the necessary approval;
- (n) when on official duty, dress and behave in a manner that is befitting of a public service employee;
- (o) not consume alcoholic beverages or any other non-medicinal substance with an intoxicating effect while on duty or shall not report for duty under such influence;
- (p) not misrepresent himself or herself or use the name or position of any other employee or person to unduly or improperly influence any decision making process or obtain any undue benefit; and
- (q) shall immediately report any non-compliance of the Act to the National Commissioner.

10. EMPLOYEES AS CANDIDATES FOR ELECTIONS

- (1) An employee who is issued with a certificate in terms of section 31(3) of the Electoral Act, 1998 (Act No. 73 of 1998), stating that he or she is a candidate in an election, shall, not later than the next

working day, inform his or her National Commissioner in writing thereof and submit a copy of the certificate.

(2) The employee shall be deemed to be on annual leave from the date following the date the certificate is so issued until, if he or she is-

(a) elected and accepts election, the date immediately before the date he or she assumes office;

(b) elected, but declines election, the date that he or she declines election; or

(c) not elected, the date of the designation of representatives in terms of item 16 to Schedule 1A to the Electoral Act, 1998.

(3) If the employee has insufficient annual leave, he or she shall be deemed to be on unpaid leave for the period in question.

PART 2 FINANCIAL DISCLOSURE

11. DEFINITIONS

In this Part, unless the context indicates otherwise-

"designated employee" means-

"designated employee" means –

(a) the National Commissioner or any other employee occupying a post on grade 13 or higher in the Service;

(b) any other person in terms of section 36(3) of the Public Finance Management Act approved or instructed by the relevant treasury to be the accounting officer of a department;

(c) any other employee or category of employees in the Service determined by the Minister;

"form" means a printed or electronic form contemplated in regulation 13;

"interests" means the financial interests listed in regulation 14;

"register" means the register of financial interests kept in terms of regulation 12; and

"remuneration" means any payment or benefit in cash or in kind.

12. REGISTER OF DESIGNATED EMPLOYEES' INTERESTS

(1) The Director-General: Office of the Commission shall keep a register of designated employees' interests, who are members of the SMS.

(2) The National Commissioner shall keep a register of any other designated employees' interests not contemplated in subregulation (1).

13. DISCLOSURE OF DESIGNATED EMPLOYEES' INTERESTS

(1) Every designated employee, except for the National Commissioner shall, not later than 30 April of each year, disclose to the Minister, in a form prescribed for this purpose by the Public Service Commission, particulars of all his or her registrable interests in respect of the period 1 April of the previous year to 31 March of the year in question.

(2) The National Commissioner shall, not later than 30 April of each year, disclose to the Minister, in the form prescribed for this purpose by the Public Service Commission, particulars of all his or her interests in respect of the period 1 April of the previous year to 31 March of the year in question.

(3) Any person who assumes duty as a designated employee on or after 1 April in a year shall make such disclosure within 30 days after assumption of duty in respect of the period from 1 April to date of disclosure.

(4) The National Commissioner or the Minister, as the case may be, shall ensure that the disclosure of interests by designated employees is submitted electronically to the Public Service Commission, unless otherwise determined by the Minister.

(5) The Minister shall submit to the Public Service Commission a copy of the form submitted to the executive authority in terms of-

(a) subregulation (2) not later than 31 May of the year in question; or

(b) subregulation (4), in so far as it relates to a National Commissioner, not later than 30 days after it has been so submitted.

(6) The National Commissioner shall submit to the Public Service Commission a copy of the form submitted by a designated employee in terms of-

(a) subregulation (1) not later than 31 May of the year in question; or

(b) subregulation (4), in so far as it relates to a member of the SMS, excluding a National Commissioner, not later than 30 days after it has been so submitted.

14. DETAILS OF INTERESTS TO BE DISCLOSED

The following details of interests shall be disclosed:

(a) Shares, loan accounts or any other form of equity in a registered private or public companies and other corporate entities recognised by law:

- (i) The number, nature and nominal value of shares of any type in any public or private company and its name; and
- (ii) other forms of equity, loan accounts, and any other financial interests owned by an individual or held in any other corporate entity and its name.

(b) Income-generating assets:

- (i) A description of the income-generating asset;
- (ii) the nature of the income; and
- (iii) the amount or value of income received.

(c) Trusts:

- (i) The name of the trust, trust reference or registration number as provided by the Master of the High Court, and the region where the trust is registered;
- (ii) the purpose of the trust, and your interest or role in the trust; and
- (iii) the benefits or remuneration received (these include fees charged for services rendered).

(d) Directorships and partnerships:

- (i) The name, type and nature of business activity of the corporate entity or partnership; and
- (ii) if applicable, the amount of any remuneration received for such directorship or partnership.

(e) Remunerated work outside the employee's employment in her or his department:

- (i) The type of work;
- (ii) the name, type and nature of business activity of the employer;
- (iii) the amount of the remuneration received for such work; and
- (iv) proof of compliance with section 30 of the Act must be attached.

(f) Consultancies and retainerships:

- (i) The nature of the consultancy or retainerhip of any kind;
- (ii) the name, type and nature of business activity of the client concerned; and

(iii) the value of any benefits received for such consultancy or retainership.

(g) Sponsorships:

- (i) The source and description of direct financial sponsorship or assistance;
- (ii) the relationship between the sponsor and the employee;
- (iii) the relationship between the sponsor and the department; and
- (iv) the value of the sponsorship or assistance.

(h) Gifts and hospitality from a source, other than a family member:

- (i) A description, value and source of a gift;
- (ii) the relationship between the giver and the employee;
- (iii) the relationship between the giver and the department; and
- (iv) a description and the value of any hospitality intended as a gift in kind.

(i) Ownership and other interests in immovable property:

- (i) A description and extent of the land or property;
- (ii) the area in which it is situated;
- (iii) the purchase price, date of purchase and the outstanding bond on the property; and
- (iv) the estimated market value of the property.

(j) Vehicles:

- (i) A description (make and model) of the vehicle;
- (ii) the registration number of the vehicle; and
- (iii) the purchase price, date of purchase and the outstanding amount owing on the vehicle.

15. CONFIDENTIALITY OF SUBMITTED FORMS AND REGISTER

(1) Subject to subregulation (3), only the following persons have access to a submitted form or the register:

- (a) The Minister;
- (b) National Commissioner;
- (c) the commander to whom the form is submitted;
- (d) Commissioners of the Commission;
- (e) The Director-General: Office of the Public Service Commission;

- (f) The Director-General: Public Service and Administration;
- (g) The relevant designated ethics officer as contemplated in regulation 18; and
- (h) such other persons designated by the Minister, National Commissioner or the chairperson of the Commission for purposes of record keeping and the effective implementation of this Part.

(2) No person who has access to a submitted form or the register may, except when a court so orders, disclose any information in that form or register to anyone other than-

- (a) a designated employee in respect of his or her submitted form or an entry in the register in respect of that employee; or
- (b) another person who is permitted access in terms of subregulation (1) or to whom access is granted in accordance with subregulation (3).

(3) Any person, other than a person contemplated in subregulation (1), may only be given access to a submitted form or the register in terms of section 11 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

16. CONFLICT OF INTEREST

(1) In so far as conflict of interest relates to members of the SMS:

- (a) The Public Service Commission shall verify the interests disclosed.
- (b) If the Public Service Commission is of the opinion that an interest of a designated employee disclosed in terms of regulation 13 conflicts or is likely to conflict with the execution of any official duty of that employee, it shall verify the information regarding that interest and refer the matter back to the Minister.
- (c) Upon the referral, the Minister shall consult with the employee concerned on appropriate steps to remove the conflict of interest.
- (d) If the employee, after the consultation referred to in subregulation (1) (c), fails to take the appropriate steps to remove the conflict of interest, the Minister shall instruct the National Commissioner to take disciplinary action against the employee.
- (e) The Minister shall, within 30 days after such referral, report to the Commission by-
 - (i) stating whether any steps were taken; and
 - (ii) if steps were taken, giving a description of those steps or providing reasons if no steps were taken.

(2) In so far as conflict of interest relates to designated employees who are not members of the SMS:

(a) The National Commissioner shall verify the interests disclosed.

(b) If the National Commissioner is of the opinion that an interest of such designated employee disclosed in terms of regulation 13 conflicts or is likely to conflict with the execution of any official duty of that employee, he or she shall consult the employee concerned and, where possible, take appropriate steps to remove the conflict of interest.

(c) If the employee, after the consultation referred to in subregulation (2)(b), fails to take the appropriate steps to remove the conflict of interest, the National Commissioner shall take disciplinary action against the employee.

(d) The National Commissioner shall no later than 31 August of each year report to the Minister on-

- (i) the number of cases identified in terms of subregulation (2) (b);
- (ii) whether any steps were taken;
- (iii) whether steps were taken, a description of those steps; and
- (iv) reasons where no steps have been taken.

PART 3

17. ANTI-CORRUPTION AND ETHICS MANAGEMENT

Anti-corruption and ethics functions

The National Commissioner shall-

- (a) analyse ethics and corruption risks as part of the department's system of risk management;
- (b) develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption;
- (c) establish a system that encourages and allows employees and citizens to report allegations of corruption and other unethical conduct, and such system shall provide for-
 - (i) confidentiality of reporting; and
 - (ii) the recording of all allegations of corruption and unethical conduct received through the system or systems;
- (d) establish an information system that-
 - (i) records all allegations of corruption and unethical conduct;

- (ii) monitors the management of the allegations of corruption and unethical conduct;
 - (iii) identifies any systemic weaknesses and recurring risks; and
 - (iv) maintains records of the outcomes of the allegations of corruption and unethical conduct; and
- (e) refer allegations of corruption to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such disciplinary action.

18. DESIGNATION OF ETHICS OFFICERS

(1) The National Commissioner shall designate such number of ethics officers as may be appropriate, for the Service to-

- (a) promote integrity and ethical behaviour in the Service;
- (b) advise employees on ethical matters;
- (c) identify and report unethical behaviour and corrupt activities to the National Commissioner;
- (d) manage the financial disclosure system; and
- (e) manage the processes and systems relating to remunerative work performed by employees outside their employment in the Service.

(2) The National Commissioner shall establish an ethics committee or designate an existing committee, chaired by a Lieutenant-General, to provide oversight on ethics management in the Service.

19. OTHER REMUNERATIVE WORK BY EMPLOYEES

An application by an employee to perform remunerative work outside the Service shall be in accordance with the process determined by the National Commissioner and in the form issued by the Minister.

CHAPTER 3 PLANNING AND SERVICE DELIVERY

20. STRATEGIC PLANNING

(1) The Minister must prepare a strategic plan for the Service -

(a) stating the core objectives of the Service, based on Constitutional and other legislative mandates, functional mandates and the service delivery improvement programme mentioned in regulation 23;

(b) describing the core and support activities necessary to achieve the core objectives, avoiding duplication of functions;

(c) describing the targets to be attained in the medium term;

(d) setting out a programme for attaining those targets;

(e) specifying information systems that -

(i) enable him or her to monitor the progress made towards achieving those goals, targets and core objectives;

(ii) support compliance with the reporting requirements in regulation 25 and the National Minimum Information Requirements, referred to in regulation 49;

(f) including a summary of the outcome of the processes referred to in subregulation (2) in the strategic plan of the Service; and

(g) complying with the requirements in paragraphs 5.1 and 5.2 of the Treasury Regulations.

(2) Based on the strategic plan of the Service, the National Commissioner must with the concurrence of the Minister-

(a) determine the organisational structure of the Service in terms of its core and support functions;

(b) define the posts necessary to perform the relevant functions while remaining within the current budget and medium-term expenditure framework of the Service, and the posts so defined, constitute the fixed establishment of the Service;

(c) grade proposed new jobs or newly defined jobs according to the job evaluation system referred to in regulation 29 except where the grade of a job has been determined in terms of an OSD; and

(d) engage in human resource planning in accordance with regulation 21 with a view to meeting the resulting human resource needs.

(3) In implementing the strategic plan, the National Commissioner must -

(a) promote the efficient, economic and effective use of resources so as to improve the functioning of the Service; and

(b) to that end, apply working methods such as the re-allocation, simplification, purification and co-ordination of work, and eliminate unnecessary functions.

21. HUMAN RESOURCE PLANNING

(1) In preparing a human resources plan for the Service, the National Commissioner with the Minister's concurrence must -

(a) assess the human resources necessary to perform the functions of the Service, with particular reference to -

(i) the number of employees required;

(ii) the competencies and proficiency levels that those employees must possess;

(iii) the capacities (whether permanent or temporary) in which those employees must be appointed;

(iv) the staffing patterns; and

(v) the training and development interventions required;

(b) assess existing human resources by race, gender, disability, age and any other relevant criteria as well as by occupational category, organisational component and grade with reference to their -

(i) competencies and proficiencies;

(ii) training and development needs; and

(iii) employment capacities;

(c) identify gaps between what is required under subregulation (1)(a) and (b), and prioritise interventions to address the identified gaps; and

(d) plan within the available budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework, for the recruitment, retention, deployment and development of human resources according to the requirements of the Service determined in terms of subregulation (1)(a), which plan must, as a minimum, include -

(i) realistic goals and measurable targets for achieving representativeness, taking into account subregulation (3); and

(ii) targets for the training and development of employees per occupational category and of specific employees, as well as specific plans to meet the training needs and development of designated groups.

(2) The National Commissioner must –

- (i) monitor and evaluate compliance with subregulation (1);
- (ii) report to the Minister thereon; and
- (iii) submit a copy of the report to the Secretary for Police Service to conduct statutory civilian oversight over the Service.

(3) The Minister must report to the Minister of Public Service and Administration on an annual basis regarding compliance with subregulation (1).

(4) The National Commissioner must develop and implement an affirmative action programme, which must contain, as a minimum, the following:

- (a) a policy statement that sets out the commitment of the Service to affirmative action and how that policy will be implemented;
- (b) numeric and time-bound targets for achieving representativeness;
- (c) annual statistics on the appointment and training within each grade of each occupational category of designated groups; and
- (d) a plan for redressing numeric under-representativeness and supporting the advancement of designated groups.

(5) The National Commissioner must make the outcome of planning referred to in subregulation (1) and the affirmative action programme referred to in subregulation (4) known within the Service.

22. HUMAN RESOURCE DEVELOPMENT

(1) The National Commissioner must on an annual basis, submit for approval a human resource development implementation plan for the Service to the Minister.

(2) The National Commissioner must submit a copy of the human resources development implementation plan to the Secretary for Police Service to conduct statutory civilian oversight over the Service.

(3) The Minister must on an annual basis, submit a human resource development implementation plan for the Service to the Minister of Public Service and Administration.

23. SERVICE DELIVERY IMPROVEMENT PROGRAMME

(1) The National Commissioner must establish and maintain a service delivery improvement programme for the Service -

(a) specifying the main services to be provided to the different types of actual and potential service recipients, as identified by the Service;

(b) containing consultation arrangements with the actual and potential service recipients of the Service;

(c) with due regard to the means of access of the service user to the services and the barriers to increased access thereof, specifying the mechanisms or strategies to be utilised progressively to remove the barriers to increased access to services;

(d) indicating standards for the main services to be provided;

(e) containing arrangements as to how information about the services of the Service are to be provided; and

(f) stipulating a system or mechanisms for complaints.

(2) The National Commissioner must submit a service delivery improvement plan to the Minister and submit a copy of the plan to Secretary for Police Service to conduct civilian oversight over the Service.

(3) The National Commissioner must publish an annual statement which sets out the service standards of the Service that members of the public can expect and which will serve to explain how the Service will meet each of the standards.

24. INFORMATION PLANNING AND REPORTING

The National Commissioner must establish -

(a) an information plan for the Service that supports -

- (i) the planning process and objectives contemplated in regulation 20; and
- (ii) compliance with Chapter 6 of the Public Service Regulations, 2016;
- (b) an information infrastructure plan that supports the information plan; and
- (c) an operational plan that enables the implementation of the information infrastructure plan and information management.

25. INFORMATION IN ANNUAL REPORT

(1) The National Commissioner must include in the annual report of the Service, referred to in section 40(1)(d) of the Public Finance Management Act, such information pertaining to any matter referred to in section 3(1) of the Public Service Act, including, but not limited to, the utilisation of consultants, as the Minister may direct, and in the format that the Minister may direct,

(2) The Minister must immediately after he or she has tabled the annual report in Parliament in terms of section 65(1) of the Public Finance Management Act, submit it to the National Treasury, make it available on the website of the Service and, on request, make it available free of charge to any member of the media or the public.

(3) In this regulation "consultant" means a natural or juristic person or a partnership that provides, in terms of a specific contract, on an ad hoc basis, any of the following professional services to the Service against remuneration received from any source:

- (a) the rendering of expert advice;
- (b) the drafting of proposals for the execution of specific tasks; and
- (c) the executing of a specific task which is of a technical or intellectual nature, but excludes an employee of the Public Service.

CHAPTER 4 EMPLOYMENT MATTERS

PART 1: CREATION OF POSTS, JOB DESCRIPTIONS AND JOB EVALUATION

26. JOB DESCRIPTIONS, JOB TITLES, CORE'S AND OSD'S

(1) The National Commissioner must establish a job description and job title for each post or group of posts, that indicate, with appropriate emphasis on service delivery, -

- (a) the main objectives of the post or posts in question; and

(b) the inherent requirements of the job.

(2) At least once every five years, the National Commissioner must review job descriptions and titles and, where necessary, redefine them to ensure that they remain appropriate and accurate.

(3) The National Commissioner may, from time to time, after consultation with the Minister, establish an OSD for an occupation.

(4) The National Commissioner must, in designing job and career paths linked to the salary scales, from time to time, after consultation with the Minister, determine -

(a) occupational categories (COREs) for which an OSD has not been determined; and

(b) an occupational classification system.

(5) The National Commissioner may determine norms and standards on the objectives, contents and requirements of categories of jobs.

(6) The National Commissioner must link all posts in the Service to a relevant CORE and an occupation listed in the occupational classification system, except in the case of posts determined in terms of an OSD, in which case the classification indicated in the OSD, must be utilised.

27. CREATION AND FILLING OF POSTS

Before creating a post for any newly defined job, or filling any vacancy, after consultation with the Minister, the National Commissioner must -

(a) confirm that he or she requires the post to meet the objectives of the Service;

(b) in the case of a new or newly defined job, evaluate the job in terms of the job evaluation system except in the case of jobs determined in terms of an OSD, in which case the classification indicated in the OSD must be utilised;

(c) in the case of a vacant post, not determined in terms of an OSD, evaluate the job unless the specific job has been evaluated in the last 5 years;

(d) ensure that sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post; and

(e) Submit a report to the Minister on matters referred to in sub-paragraphs (a) to (d) for the Minister's information and any directions that the Minister may issue.

28. PURPOSE OF JOB EVALUATION

To ensure that work of equal value is remunerated equally, the Service must increasingly use job evaluation -

- (a) to assist in achieving cost-effective work organisation; and
- (b) to determine appropriate remuneration.

29. JOB EVALUATION SYSTEM

(1) The Minister must determine -

- (a) a job evaluation system or systems that must be utilised in the Service;
- (b) a range of job weights derived from the system or systems for each salary level in a salary scale;
- (c) a job or category of jobs that the National Commissioner must evaluate.

(2) The Minister may -

- (a) review the application of job evaluation in the Service;
- (b) issue directives on the application of job evaluation system or systems;
- (c) evaluate and grade any job; or
- (d) direct the National Commissioner to take measures to enhance the quality of the system, including the re-evaluation of jobs, the restructuring of the component responsible for job evaluation or further training of employees responsible for job evaluation in the Service.

(3) The National Commissioner may evaluate or re-evaluate any job in the Service; Provided that the evaluation or re-evaluation of any job in the SMS is conducted with the Minister's concurrence.

30. GRADING OF POSTS AND DETERMINATION OF SALARIES

(1) This regulation does not apply to a post determined in terms of an OSD, unless the OSD determines otherwise.

(2) The National Commissioner must determine the grade of a post to correspond with its job weight except in the case of a post in respect of which the National Commissioner, after consultation with the Minister, determined the grade in terms of regulation 29(2)(c), and set the commencing salary of an employee on the minimum notch of the salary level attached to the relevant grade, unless the salary proves inadequate under the criteria in subregulation (4).

(3) If the National Commissioner plans to evaluate posts or implement job evaluation results that will affect the grading of an occupation or salary level within an occupation that is utilised by more than one department, he or she must do so in consultation with the Minister who must consult the Minister of Public Service and Administration.

(4) If a job has a weight that applies to more than one salary level, the National Commissioner must determine which of the relevant salary levels to use.

(5) The National Commissioner may set the salary for a post or an employee above the salary level indicated by the job weight, if he or she-

(a) has evaluated the job, but cannot recruit or retain an employee with the necessary competencies at the salary indicated by the job weight; and

(b) recorded the reason why the salary indicated by the job weight, was insufficient.

(6) If the job weight demonstrates that a filled post is overgraded or undergraded, the National Commissioner must either effect changes to the work organisation or regrade the post according to the job weight and the relevant collective agreements.

(7) The National Commissioner may, with the concurrence of the Minister, increase the salary of a post to a higher salary level in order to accord with the job weight, if -

(a) the job weight as measured by the job evaluation system indicates that the post was graded incorrectly; and

(b) the budget of the Service and the medium-term expenditure framework provide sufficient funds.

(8) If the National Commissioner increases the salary of a post as provided under subregulation (7), he or she must transfer the incumbent employee to another post that accords with the salary level of the employee and advertise the vacant post at the higher salary level:

Provided that the National Commissioner may, with the concurrence of the Minister, continue to employ the incumbent employee in the higher-graded post without advertising the post

if -

- (a) the incumbent already performs the duties of the post;
- (b) the incumbent has received a satisfactory rating in his or her most recent performance assessment; and
- (c) it will be in the interest of the Service.

(9) If the National Commissioner decides to continue to employ the incumbent employee in the higher-graded post without advertising the post, -

- (a) the absorption of the incumbent employee in the higher-graded post as provided under subregulation (8), must take effect on the first day of the month following the month during which the National Commissioner approved that absorption; and
- (b) the salary of the employee must be adjusted to the minimum notch of the higher salary level with effect from the date referred to in subparagraph (a).

(10) As far as possible, the National Commissioner must set the salary of a permanent or a temporary employee employed in a part-time capacity proportional to the salary of an equally graded full-time employee.

PART 2: REMUNERATION AND OTHER SERVICE BENEFITS

31. INFORMATION ON REMUNERATION

(1) The Minister must, at least on an annual basis, issue and publish the salary scale or scales used in the Service.

(2) The National Commissioner must respect the right to privacy of an employee in dealing with personnel matters and the remuneration of an individual employee.

(3) The National Commissioner must provide an employee, in the week before his or her salary pay day, in writing with information mentioning-

- (a) the fact that the employee is employed by the Service;
- (b) the name of the employee;
- (c) the job title of the employee and the occupational category in terms of the CORE;
- (d) the salary notch of the employee;
- (e) any other form of compensation that the Service pays directly to the employee on a monthly basis;
- (f) the period for which payment is made;
- (g) the amount and purpose of any deductions; and
- (h) the actual amount paid to the employee.

32. LEAVE

The National Commissioner must -

- (1) (a) encourage an employee to fully utilise his or her annual leave in the leave cycle earned;
 - (b) record all leave taken by an employee accurately and in full; and
 - (c) ensure that an employee does not abuse sick leave, including sports-leave.
- (2) The National Commissioner must submit to the Minister, for information purposes, a quarterly report on the annual leave plan for the leave cycle of every member of the Service from the level brigadier up to the level of Lieutenant – General.
- (3) The report contemplated in sub-regulation (2) must be submitted to the Minister at least 30 days before a member's leave is approved by the relevant manager of the member.
- (4) The National Commissioner must ensure that, in considering any application for leave, the operations of the Service will not be negatively affected by the granting of leave to such member.
- (5) The National Commissioner must, before approving application for annual leave by Lieutenant-General consult with the Minister.

(6) The Minister may request the National Commissioner to provide such information as may be necessary on the management of leave of the members referred to sub-regulation (2) to ensure that the operations of the Service are not negatively affected.

33. OVERTIME

(1) The National Commissioner may compensate an employee for overtime work if -

- (a) the Service has a written policy on overtime;
- (b) he or she has provided written authorisation in advance for the work; and
- (c) the monthly compensation for overtime constitutes less than 30 percent, or the percentage determined by the National Commissioner, of the monthly salary of the employee, unless exceptional circumstances justifies a higher percentage.

(2) The National Commissioner must establish an overtime policy in accordance with collective agreements, which must determine -

- (a) categories of employees that may not receive compensation for overtime due to the nature of their work and responsibilities;
- (b) the circumstances under which a commander may authorise overtime work for an individual employee;
- (c) if an employee must receive payment or time off as compensation for authorised overtime;
- (d) how much overtime an employee may work in a given period;
- (e) how a commander must record authorisation for overtime; and
- (f) other control measures, if necessary.

PART 3: WORKING ENVIRONMENT

34. WORKING HOURS

The National Commissioner must determine -

- (a) the work week and daily hours of work for employees; and
- (b) the opening and closing times of places of work under his or her control, taking into account -
 - (i) the needs of the public in the context of the service delivery improvement programme of the Service; and

- (ii) the needs and circumstances of employees, including family obligations and transport arrangements.

35. WORK OUTSIDE WORKING HOURS

The National Commissioner may, if he or she deems it in the interest of the Service, instruct an employee to perform the functions of the Service outside normal working hours, in order to -

- (a) prevent, combat and investigate crime;
- (b) maintain public order;
- (c) protect and secure the inhabitants of the Republic and their property; and
- (d) uphold and enforce the law.

36. HEALTH AND SAFETY

The National Commissioner must establish and maintain a safe and healthy work environment for employees of the Service.

37. EMPLOYEE HEALTH AND WELLNESS

The National Commissioner must develop a policy or policies that promote the health and well-being of employees.

PART 4: APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

38. GENERAL CONDITIONS FOR APPOINTMENT

(1) The National Commissioner -

- (a) may not appoint any person under the age of 16 years;
- (b) must determine the health requirements for incumbency of a post, in any case where it is a requirement of the post;
- (c) must require an employee or a candidate for employment to be subjected to pre-employment checks for suitability or security clearance, as the case may be;
- (d) must ensure that each person, upon appointment, is provided with a letter of appointment, including the terms and conditions of his or her service; and

(e) may not appoint a temporary employee into a permanent post in the Service without complying with regulations 44 and 45.

(2) The National Commissioner may, within the available budget and subject to the job being evaluated in terms of the job evaluation system, employ persons additional to the fixed establishment, where -

(a) the incumbent of a post is expected to be absent for such a period that his or her duties cannot be performed by other personnel;

(b) a temporary increase in work occurs; or

(c) it is necessary for any other reason to temporarily increase the staff of the Service.

(3) The National Commissioner may appoint a person to a vacant post in the fixed establishment of the Service if -

(a) sufficient budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework are available for filling the vacancy; and

(b) the vacancy has been advertised and the candidate selected in accordance with regulations 44 and 45.

(4) An appointment may only take effect after approval by the National Commissioner, except where the post is on the level 13 to 15 the concurrence of the Minister must be obtained.

39. UTILISATION OF UNPAID VOLUNTEERS

(1) The National Commissioner must determine the rules in accordance with which unpaid volunteers may be utilized by the Service.

(2) The rules determined by the National Commissioner must as a minimum determine -

(a) the categories of volunteers that may be utilized by the Service and the purposes for which they may be utilized;

(b) the expenses incurred by a volunteer which will be reimbursed by the Service and the conditions for such reimbursement; and

(c) that a volunteer must, at all times, perform work or duties in the Service under the supervision of an employee.

40. RE-APPOINTMENT OF FORMER EMPLOYEES

(1) The National Commissioner may not re-appoint a former employee if-

(a) the former employee left the public service earlier on the condition that he or she would not accept or seek re-appointment; or

(b) the former employee left the public service due to ill health and cannot provide recent and conclusive evidence of recovery.

(2) Notwithstanding subregulation (1), the National Commissioner may, after concurrence of the Minister, appoint a former employee referred to in that regulation if -

(a) the appointment is in the public interest;

(b) the appointment is made in accordance with the recruitment and selection procedures in these Regulations and no other suitable candidate could be recruited;

(c) the appointment is made for a fixed term not exceeding three years, and that term may be extended only once for a further term not exceeding three years; and

(d) the employee has not previously been appointed in terms of this regulation.

41. PROHIBITION ON THE APPOINTMENT OF FORMER EMPLOYEES DISMISSED FOR MISCONDUCT

A former employee of the public service or the Service, dismissed, from the public service or the Service for any form of misconduct, may only be appointed in the Service if the National Commissioner, after having considered the facts surrounding the dismissal and obtained the concurrence of the Minister, approves the appointment of such person.

42. ACTING IN HIGHER POSTS

(1) The National Commissioner may appoint an employee to act in a higher vacant post: Provided that where the vacant post is that of a Lieutenant General, with the exception of the post of the National Commissioner or a Provincial Commissioner, the acting appointment must be done with the concurrence of the Minister and subject to terms and conditions determined by the Minister.

(2) The National Commissioner may, with the concurrence of the Minister, compensate an employee for acting in a higher vacant post in accordance with an agreement reached in the collective bargaining process.

(3) An employee may not act in a higher vacant post for an uninterrupted period exceeding twelve months.

43. DETERMINATION OF REQUIREMENTS FOR EMPLOYMENT

(1) The National Commissioner must determine composite requirements for employment in any post on the basis of the main objectives and inherent requirements of the job.

(2) The National Commissioner must -

- (a) record the inherent requirements of a job;
- (b) ensure that the requirements for employment do not unfairly discriminate against any person; and
- (c) comply with any statutory requirement for the appointment of employees.

(3) The National Commissioner may not, without the concurrence of the Minister, appoint a foreign national, unless he or she has permanent residence in the Republic of South Africa.

44. ADVERTISING

(1) The National Commissioner must ensure that vacant posts in the Service are advertised so as to reach, as efficiently and effectively as possible, the entire pool of potential applicants, especially designated groups.

(2) An advertisement for a post must specify the inherent requirements of the job, the job title and core functions.

(3) Any vacant post in the SMS must be advertised nationally, simultaneously inside and outside the Service.

(4) The National Commissioner must advertise any other vacant post as a minimum within the Province or Division concerned, but may also advertise such post -

- (a) in the Service as a whole;
- (b) elsewhere in the public service; or
- (c) outside the public service either nationally or locally.

(5) A funded vacant post must be advertised within six months after becoming vacant and be filled within 12 months after becoming vacant.

(6) If the Service does not comply with subregulation (5), the reasons for the noncompliance must be recorded in writing.

(7) The National Commissioner may fill a vacant post without complying with subregulations (3) and (4), if -

- (a) the Service can fill the post from the ranks of supernumerary staff of equal grading;
- (b) the Service can absorb into the post an employee who was appointed under an affirmative action programme referred to in regulation 21(4), if the employee meets the requirements of the post;
- (c) the Service plans to fill the post as part of a programme of laterally rotating or transferring employees to enhance organisational effectiveness and skills; or
- (d) the post is to be filled through a transfer in terms of section 12(3) or 14 of the Public Service Act

(8) The National Commissioner may utilise an appropriate employment or recruitment agency to identify candidates for posts, as long as the advertising and selection procedures comply with this regulation and regulation 46.

45. APPOINTMENT AND PROMOTION

For the purposes of this Regulation, the following definition is inserted—

“*selected posts of the S M S*” means posts in the Service from the level of Brigadier up to the level of Lieutenant- General (Deputy National Commissioner) and includes the posts of a –

- (a) Lieutenant-General (Divisional Commissioner, excluding a Provincial Commissioner); and
- (b) Lieutenant-General (Deputy National Commissioner).

(1)(a) The National Commissioner must, with the concurrence of the Minister, appoint a selection committee to make recommendations on appointments or promotions to selected posts of the senior management service as contemplated in subregulation (11). A selection committee must consist of persons of a grading equal to or higher than the grading of the post to be filled.

(b) The selection panel for the post of Lieutenant-General (Divisional Commissioner, but excluding a Provincial Commissioner), as well as Lieutenant-General (Deputy-National Commissioner) must consist of at least three members who are Directors- General of public service departments, as well

as the delegate of the National Commissioner who must of a grading equal to or higher than the grading of the post to be filled.

(c) The selection panel for the post of a Brigadier must consist of at least three members of public service departments on the level of Chief Director, as well as the delegate of the National Commissioner who must of a grading equal to or higher than the grading of the post to be filled.

(d) The chairperson of the selection committee must be appointed by the National Commissioner with the concurrence of the Minister.

(e) in the event that the head of the component within which the vacant post is located, is graded lower than the vacant post, such a head may be delegated to be a member of the selection committee.

(f) A selection committee must, where reasonably possible, include adequate representation from designated groups.

(g) Employees of a grading which is lower than the grading of the post to be filled may provide secretarial or advisory services during the selection process, but may not form part of the selection committee, except where the selection is done in terms of subregulation (e).

(h) The selection committee must make a recommendation on the suitability of a candidate after considering only -

(i) information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;

(ii) the training, skills, competence and knowledge necessary to meet the inherent requirements of the job;

(iii) the needs of the Service for developing human resources;

(iv) the representativeness of the component where the post is located; and

(v) the affirmative action programme of the Service.

(i) A selection committee must record the reasons for its recommendation with reference to the criteria mentioned in subregulation (h).

(j) The selection committee must submit its report and recommendations to the National Commissioner, and simultaneously submit a copy thereof to the Minister.

(k) Before making a decision on an appointment or promotion, the National Commissioner must do so with the concurrence of the Minister and after –

(i) satisfying himself or herself that the candidate qualifies in all respects for the post and that his or her claims in his or her application for the post have been verified;

(ii) ensuring that the candidate has successfully undergone and passed security vetting; and

(iii) recording all verifications in writing.

(l) When the National Commissioner does not approve a recommendation of a selection committee, he or she must record the reasons for his or her decision in writing.

(m) Subject to the concurrence of the Minister, the National Commissioner may promote an employee to a vacant post in the fixed establishment of the Service if -

(i) such a vacancy is sufficiently funded; and

(ii) the vacancy has been advertised and the candidate selected in accordance with regulations 43, 44 and these subregulations.

(n) Notwithstanding the provisions of subregulation (m)(ii), the National Commissioner may, upon written motivation and with the concurrence of the Minister, promote an employee into a post without advertising the post, and without following the selection process, if -

(i) the National Commissioner is satisfied that -

(aa) the employee qualifies in all respects for the post;

(bb) there are exceptional circumstances that warrant the deviation from the said subregulation;

(cc) such deviation is in the interest of Service; and

(ii) such promotion has been recommended by the Minister for outstanding performance.

(iii) the National Commissioner has recorded the reasons for the deviation in writing.

(o) A promotion may not come into effect before the first day of the month following the date on which the National Commissioner approved it.

(p) No employee has any right to a promotion until the promotion has been approved in writing by the National Commissioner, after having first obtained the concurrence of the Minister.

(2)(a) The National Commissioner must appoint selection committees for posts other than selected members of the senior management service, to make recommendations on appointments or promotions to posts. A selection committee must consist of at least three members who are employees of a grading equal to or higher than the grading of the post to be filled or suitable persons from outside the Service: Provided that -

(i) the chairperson of the selection committee, who must be an employee, must be of a grading higher than the post to be filled; and

- (ii) in the event that the head of the component within which the vacant post is located, is graded lower than the vacant post, such a head may be a member of the selection committee.
- (b) A selection committee must, where reasonably possible, include adequate representation from designated groups.
- (c) Employees of a grading which is lower than the grading of the post to be filled may provide secretarial or advisory services during the selection process, but may not form part of the selection committee, except where the selection is done in terms of subregulation (a)(ii).
- (d) The selection committee must make a recommendation on the suitability of a candidate after considering only -
- (i) information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;
 - (ii) the training, skills, competence and knowledge necessary to meet the inherent requirements of the job;
 - (iii) the needs of the Service for developing human resources;
 - (iv) the representativeness of the component where the post is located; and
 - (v) the affirmative action programme of the Service.
- (e) A selection committee must record the reasons for its recommendation with reference to the criteria mentioned in subregulation (d).
- (f) When the National Commissioner does not approve a recommendation of a selection committee, he or she must record the reasons for his or her decision in writing.
- (g) Before making a decision on an appointment or promotion, the National Commissioner must -
- (i) satisfy himself that the candidate qualifies in all respects for the post and that his or her claims in his or her application for the post have been verified; and
 - (ii) record that verification in writing.
- (h) The National Commissioner may promote an employee to a vacant post in the fixed establishment of the Service if -
- (i) such a vacancy is sufficiently funded; and
 - (ii) the vacancy has been advertised and the candidate selected in accordance with regulations 43, 44 and subregulations (a) to (g).

(i) A promotion may not come into effect before the first day of the month following the date on which the National Commissioner approved it.

(j) No employee has any right to a promotion until the promotion has been approved in writing by the National Commissioner.

46. PROBATIONARY PERIOD

(1) No probationary period may apply to an appointment in a post in or additional to the fixed establishment of the Service for a period less than one year.

(2) The National Commissioner may require an employee appointed to a new position in or additional to the fixed establishment of the Service for a period exceeding one year, to serve a probationary period of up to 24 months.

(3) An employee who is seconded for a stated period to a department, any other organ of state, another government or any other body must, if on probation at the time of the secondment, serve the remainder of his or her probation at that department, other organ of state, another government or other body.

(4) An employee who is transferred to another department, any other organ of state, another government or any other body must, if on probation at the time of the transfer, serve the remainder of his or her probation at that department, other organ of state, another government or other body.

(5) A commander of a probationer must ensure that -

(a) the probationer, at the commencement of the probationary period, knows the performance and other requirements for obtaining confirmation of probation;

(b) the probationer, on a quarterly basis, receives written feedback on his or her performance and compliance with other requirements;

(c) if necessary, the probationer receives training, counselling or other assistance to meet the requirements for confirmation;

(d) the probationer receives written confirmation of appointment at the end of the probationary period, if he or she has been found suitable for the relevant post; and

(e) when dismissal as a result of poor performance is considered, the probationer is afforded the opportunity to state his or her case, during which process the probationer may be assisted by a personal representative, including a colleague or a trade union representative.

47. RESIGNATION

(1) The National Commissioner must determine the manner in which an employee must submit his or her resignation.

(2) The National Commissioner must conduct an exit interview with an employee who has resigned and record the reasons given by the employee for his or her resignation.

(3) An employee who has submitted his or her resignation to the National Commissioner, may not withdraw his or her resignation, unless the National Commissioner consents thereto in writing.

(4) The National Commissioner may determine the period of written notice that must be given by an employee who resigns from the Service.

48. EMPLOYEE RECORDS

The National Commissioner must keep a record of each employee and of each post in the fixed establishment of the Service in accordance with the National Minimum Information Requirements issued by the Minister of Public Service and Administration.

PART 5: PERFORMANCE MANAGEMENT

49. SYSTEMS FOR PERFORMANCE MANAGEMENT AND DEVELOPMENT

(1) The National Commissioner must determine and implement a system for the performance management and development of employees in the Service.

(2) The determination and implementation of a system for the performance of members of the SMS must be done with the concurrence of the Minister.

(3) Before utilising a performance management and development system referred to in subregulation (1), the National Commissioner must -

(a) pilot the system on groups of employees in all occupational categories sufficient to enable reasonable validity; and

(b) consult with trade unions represented in the Safety and Security Sectoral Bargaining Council.

(4) The period in respect of which performance is to be assessed (the "performance cycle") may not exceed one year and, for the purposes of planning, pay progression, performance incentives and non-financial awards, must be linked to the period of a financial year.

(5) For each employee other than an employee in the SMS, the National Commissioner must determine -

(a) an annual date for written assessment of performance; and

(b) a commander responsible for monitoring, supervising and assessing the performance of the employee.

(6) The commander must -

(a) as far as possible, meet on a regular basis with the employee to discuss the basic objectives of his or her component and the role of the employee in the success or failure in achieving those objectives;

(b) before the performance cycle commences, or within four months after appointment to a post, explain the performance assessment procedure to the employee; and

(c) inform the employee of the criteria used for his or her performance assessment.

(7) The commander must monitor the performance of the employee on a continuous basis and give the employee feedback on his or her performance-

(a) (i) verbally, if the performance of the employee is satisfactory; and

(ii) in writing if the performance of the employee is unsatisfactory;

(b) at least twice in the six months preceding the annual formal assessment date of the employee; and

(c) in writing, on the annual performance assessment date, using the instrument referred to in regulation 51(1)(b).

50. PERFORMANCE AGREEMENTS

(1) An employee must enter into a performance agreement or an agreement of similar nature within two months of his or her date of appointment and thereafter within four months of the beginning of each financial year.

(2) If, during the performance cycle, an employee is appointed to a new position at the same salary level, a new performance agreement or agreement of a similar nature must be entered into for the new position and the performance assessment must take both periods of work in the cycle into consideration.

(3) A performance agreement or an agreement of similar nature must include the following -

(a) a personal number, job title and post grade as well as a clear description of the employee's job, with emphasis on the main objectives, job purpose and the relevant outputs or key performance areas (generic assessment factors);

(b) a workplan containing the outputs, activities and resource requirements; and

(c) a personal development plan (PDP) that identifies the developmental needs of the employee in terms of the job requirements and how the needs will be addressed.

(4) If both the employee and his or her commander cannot sign the performance agreement or an agreement of similar nature due to a dispute relating to the content of the agreement, the National Commissioner must appoint an employee within one month after the expiry of the period stipulated in subregulation (1), to consider the dispute.

(5) The employee appointed in terms of subregulation (4) must within one month of his or her appointment consider the dispute and recommend to the National Commissioner a performance agreement or an agreement of similar nature to be signed.

(6) The employee and his or her commander must sign the recommended performance agreement or an agreement of similar nature within two weeks of receipt thereof.

(7) An employee will not be eligible for performance assessment or qualify for performance incentives and awards if he or she has not signed a performance agreement or an agreement of similar nature.

(8) The performance agreement of the National Commissioner must be entered into with the Minister.

51. PERFORMANCE ASSESSMENT

(1) The National Commissioner -

(a) may establish separate performance assessment measures for different occupational categories or levels of work; but

(b) must designate a single assessment instrument to assist in deciding on performance incentives, non-financial awards, pay progression and the performance development of an employee.

(2) While conducting formal performance assessments, a rating scale must be utilized that has a mid-point, indicating that the performance of the employee meets the requirements of the job and the standards agreed upon.

(3) The National Commissioner must institute performance moderation measures to ensure reasonability and consistency in the application of the performance management system.

(4) Assessment must be based only on the information contained in the designated performance assessment instrument, but where an appeal is lodged against an assessment, the information furnished in connection with the appeal, must also be considered.

(5) The National Commissioner must ensure that performance assessments are finalised within six months after the end of a performance cycle.

(6) The National Commissioner must ensure that accurate records of all performance assessments and the outcomes thereof are kept.

(7) An employee acting in a higher position must be assessed at the level of his or her permanent position.

(8) The incentive of an employee acting in a higher position must be calculated at the level of his or her permanent position, regardless of whether or not an acting allowance was paid.

(9) The performance assessment of the National Commissioner must be done by the Minister.

52. OUTCOME AND COMMUNICATION OF ASSESSMENT RESULTS

(1) The commander of the employee must in writing inform the employee of the outcome of the assessment and, if the assessment is unsatisfactory, of the reasons for that assessment.

(2) An employee who is not satisfied with the outcome of his or her assessment, may refuse to sign it.

(3) The commander of the employee must inform the employee of the appeal procedure to follow if the employee is not satisfied with the outcome of his or her assessment.

(4) At any appeal against the outcome of his or her assessment, the employee may be assisted by a fellow employee or a representative of a trade union forming part of the Safety and Security Sectoral Bargaining Council.

(5) The National Commissioner may communicate the performance assessment results of an employee to a person not employed in the Service only if the employee gives his or her written consent.

53. MANAGING UNSATISFACTORY PERFORMANCE

In the case of unsatisfactory performance, the commander must -

(a) provide systematic remedial or developmental support to assist the employee to improve his or her performance; or

(b) if the performance is so unsatisfactory as to be poor and the desired improvement cannot be effected, consider to initiate the process to have the employee discharged on account of his or her unfitness or incapacity to carry out his or her duties.

54. PERFORMANCE INCENTIVE AND AWARD SCHEME

(1) The National Commissioner must establish a performance incentive and award scheme for employees or any category of employees of the Service and from time to time determine a percentage of the remuneration budget of the Service that may not be exceeded for the purpose of granting performance incentives.

(2) To establish a performance incentive and award scheme for employees, the National Commissioner must -

- (a) in writing determine the nature, rules and control measures of the scheme;
- (b) communicate the nature and rules of the scheme to all employees;
- (c) ensure that employees who implement the quality and quantity control measures of the scheme, are not entrusted with the
implementation of that scheme in relation to themselves; and
- (d) include provisions for the introduction of non-financial incentives if deemed appropriate.

55. SUGGESTIONS, IMPROVEMENTS AND INNOVATIONS

(1) If an employee makes a suggestion, improvement or innovation of exceptional value to the Service or the public service as a whole, the State shall have the right to make use of any such suggestion, improvement or innovation without the employee being entitled to any compensation for such suggestion, improvement or innovation.

(2) If an employee makes a suggestion, improvement or innovation of exceptional value to the Service or the public service as a whole or has exceptional ability, a special qualification or has rendered meritorious service to the Service or the public service as a whole the National Commissioner may, reward the employee through -

- (a) a non-monetary reward;
- (b) a non-pensionable cash award to be determined by the National Commissioner; or
- (c) such a non-monetary reward and a cash award.

PART 6: TRAINING

58. INSTITUTIONAL ARRANGEMENTS REGARDING TRAINING, EDUCATION AND DEVELOPMENT

(1) The National Commissioner must oversee and ensure the participation of the Service in any institution aimed at promoting training in the public service.

(2) The National Commissioner must, where appropriate, ensure that any institution responsible for training in the Service gains accreditation from the South African Qualifications Authority in accordance with the South African Qualifications Authority Act, 1995 (Act No 58 of 1995).

(3) The National Commissioner must ensure that funds are available for the training and development of employees.

(4) A commander must provide training and development opportunities for employees under his or her command in accordance with the training plan of the Service.

(5) A member of the SMS must avail himself or herself to train employees in the Service or to present training.

(6) A training institution offering any training directed by the National Commissioner must issue certificates upon the successful completion thereof.

57. OCCUPATIONAL SPECIFIC COMPETENCIES AND TRAINING

The National Commissioner must determine the required competencies and training for various occupational categories or specific employees in the Service.

58. TRAINING ASSISTANCE

(1) If it will contribute to the performance of the work of the Service, the National Commissioner may grant any financial or other assistance for any study, training or research where -

(a) he or she has requested an employee to undertake such study, training or research; or

(b) the employee has requested such assistance.

(2) The National Commissioner may grant any financial or other assistance for part-time or full-time activities at either local or international institutions. He or she may also grant assistance for studies and training through training interventions, such as short courses, congresses, symposia, seminars, conferences, workshops, lectures and study tours.

(3) The National Commissioner may -

(a) grant bursaries for higher education and training to both serving and prospective employees, but may allocate bursaries for general education and further education and training only to serving employees; and

(b) not require contractual service in recompense for assistance received where an employee receives assistance for general education or further education and training.

(4) The National Commissioner may defray any expenses associated with study, research or training, but need not cover the full expenses.

(5) A serving employee must retain his or her salary, which shall count as part of the financial assistance from the Service, during any study, research or training.

(6) Subject to the Treasury Regulations, the National Commissioner may waive the whole or any part of study debts.

(7) Where the National Commissioner provides a bursary for higher education to an employee or prospective employee -

(a) the bursary holder must enter into a contract with the Service in terms of which he or she -

(i) in the case of a bursary holder who undertakes full-time study, will redeem the bursary by serving the Service on the basis of one year for each year of study, or any part thereof; or

(ii) in the case of a bursary holder who undertakes part-time study will redeem the bursary by serving the Service for at least one year after attaining the relevant qualification; and

(b) a bursary holder who undertakes full-time study, must commence serving the Service after he or she has met all the requirements for the attainment of the relevant qualification.

(8) An employee who fails to complete the relevant qualification must redeem any obligation in terms of the contract either through service or repayment of the bursary amount plus interest at a rate determined by the Minister of Finance in terms of section 80(1)(b) of the Public Finance Management Act

(9) In the case of an employee who studies or undergoes training for short periods, the National Commissioner may, as a precondition for providing assistance, require the employee to enter into a contract with the Service in terms of which he or she will serve the Service for a commensurable period.

(10) For the purpose of this regulation -"further education and training" means further education and training as defined in section 1 of the Further Education and Training Act, 2006 (Act No 16 of 2006); "general education" means the compulsory school attendance phase as referred to in section 3 of the South African Schools Act, 1996 (Act No 84 of 1996); and "higher education" means higher education as defined in section 1 of the Higher Education Act, 1997 (Act No 101 of 1997).

PART 7: LABOUR MATTERS

59. MANDATING AND MANAGEMENT OF NEGOTIATIONS

(1) The Minister may enter into an agreement on a matter of mutual interest only if he or she -

- (a) is responsible for managing collective bargaining on behalf of the State as employer in that forum;
- (b) has authority to deal with the matter concerned; and
- (c) meets the fiscal requirements contained in regulation 60.

(2) Collective bargaining shall be regulated by the Labour Relations Act.

(3) On matters specific to the Service, the Minister must manage bargaining in the Safety and Security Sectoral Bargaining Council.

(4) The Minister must provide the Minister of Public Service and Administration with a copy of any collective agreement concluded in the Safety and Security Sectoral Bargaining Council.

60. MATTERS WITH FISCAL IMPLICATIONS

Subject to regulation 59, the Minister may enter into a collective agreement in the Safety and Security Sectoral Bargaining Council on any matter that has financial implications only if -

- (a) he or she has a realistic calculation of the costs involved in both the current and the subsequent fiscal year;
- (b) the agreement does not conflict with the National Treasury Regulations; and
- (c) he or she can cover the cost -
 - (i) from his or her departmental budget;
 - (ii) on the basis of a written commitment from the Treasury to provide additional funds; or

- (iii) from the budgets of other departments or agencies with their written agreement and Treasury approval.

CHAPTER 5 SENIOR MANAGEMENT SERVICE (SMS)

61. ESTABLISHMENT OF SMS

- (1) The National Commissioner must, with the concurrence of the Minister, create an appropriate number of posts at senior management level.

- (2) The persons occupying SMS posts must be managed as a public service-wide pool of scarce resources to be utilised in the best interest of the Service.

- (3) The conditions of service of the persons occupying SMS posts must accord with their positions as high-level managers or specialists, while employment practices must be fair and take into account the need to redress the imbalances of the past.

62. COMPOSITION OF SMS AND GRADING OF POSTS

- (1) The number of members of the SMS and their functions must be determined by the National Commissioner through the processes of planning and work organisation.

- (2) The grading of SMS posts must be determined through the job evaluation system determined by the National Commissioner.

63. FLEXIBLE EMPLOYMENT PRACTICES WITHIN A FRAMEWORK OF UNIFORM NORMS AND STANDARDS

- (1) Subject to regulation 45, the National Commissioner must appoint members of the SMS.

- (2) The National Commissioner must utilize members of the SMS within a framework of uniform norms and standards.

(3) The Act, these Regulations and the directives issued and determinations made by the Minister, constitute the framework of uniform norms and standards applicable to members of the SMS.

(4) These Regulations apply to members of the SMS, unless otherwise indicated. If any conflict arises between a provision of this Chapter and a provision of any other Chapter of these Regulations, the provisions of this Chapter shall prevail.

64. HANDBOOK FOR SMS

The Minister may include any or all of the determinations, directives, guidelines and provisions applicable to the SMS in a Handbook for the SMS.

65. ADVERTISING OF POSTS AND EMPLOYMENT EQUITY

The National Commissioner may issue directives on how SMS posts are to be advertised and the application forms to be utilised and targets to be achieved in promoting a SMS that is broadly representative of the South African people, including representation according to race, gender and disability.

66. COMPETENCY-BASED SELECTION

The National Commissioner may issue directives on the desired managerial and leadership competencies of members of the SMS and the selection processes for the filling of SMS posts.

67. NURTURING OF TALENT TO SUSTAIN SMS

The National Commissioner may introduce programmes to identify and nurture talented individuals for possible appointment to SMS posts.

68. EMPLOYMENT CONTRACTS

(1) A person newly appointed to the SMS, other than the National Commissioner, must, within two months of his or her date of appointment conclude a contract of employment, which must be based on the provisions of the contracts set out in Annexure 2 or 3.

(2) The National Commissioner, must, within two months after his or her date of appointment, conclude a contract of employment, which must be based on the provisions of the contract set out in Annexure 1.

69. PERFORMANCE MANAGEMENT AND DEVELOPMENT

(1) Any person appointed to a post in the SMS must enter into a performance agreement within two months of his or her date of appointment and thereafter by the 31 May of each financial year.

(2) The National Commissioner must, within two months after his or her date of appointment and the beginning of each financial year, enter into a performance agreement with the Minister.

(3) Such performance agreement must -

- (a) assist the member of the SMS to define his or her key responsibilities and priorities;
- (b) encourage improved communication between that member and the person he or she reports to; and
- (c) enable the person that member reports to, to assess his or her work and provide appropriate support.

70. DETERMINATION OF CONDITIONS OF SERVICE

(1) The Minister must annually make determinations regarding the conditions of service of members of the SMS.

(2) Any determination made by the Minister in regard to the conditions of service of members of the SMS, must take into account the advice of the panel established in terms of regulation 71.

71. PANEL FOR REVIEW OF CONDITIONS OF SERVICE OF MEMBERS OF SMS

(1) Establishment of Panel

- (a) The Minister must once every three years appoint a panel to inquire into conditions of service of members of the SMS and to advise him or her accordingly.
- (b) The Minister must announce the names of the members of the panel, their terms of reference and terms of office by a notice in the Gazette.

(2) Constitution of Panel

- (a) The panel must consist of such number of persons as determined by the Minister.
- (b) Persons must be appointed to the panel on the basis of their knowledge of, or a vested interest in, matters relating to the functions of the panel.
- (c) A member of the panel must serve in a part-time capacity.
- (d) The Minister must designate one member as chairperson and another as deputy chairperson of the panel.
- (e) If the chairperson is absent or for any reason is unable to act as chairperson, the deputy chairperson must act as the chairperson of the panel.

(3) Remuneration of members

Members of the panel who are appointed on the basis of their knowledge of matters relating to the functions of the panel must be remunerated on the basis of and according to the scales approved by the National Treasury.

(4) Meetings of Panel

- (a) The panel must meet at a time and place determined by the chairperson of the panel.
- (b) The decision of a majority of members of the panel present at a meeting of the panel, constitutes a decision of the panel, and, in the event of an equality of votes on any matter, the person presiding at the meeting concerned has a casting vote in addition to that person's deliberative vote.

(5) Administration of Panel

The National Commissioner must designate such employees of the Service as may be necessary to perform the work incidental to the functions of the panel.

72. DEPLOYMENT OF MEMBERS OF SMS

- (1) The Minister may, on his or her own initiative, facilitate -
 - (a) the transfer of a member of the SMS from one post or position to another post or position;
 - (b) the transfer of a member of the SMS from one department to another department in accordance with section 14 of the Public Service Act; or
 - (c) the secondment of a member of the SMS in accordance with section 39 of the Act.

(2) A vacant post in the SMS that is to be filled through a transfer as contemplated in subparagraphs (1)(a) or (b), need not be advertised in terms of regulation 65.

(3) The personal circumstances of a member of the SMS must be taken into account before she or he is transferred or seconded in terms of paragraph (1).

73. TRAINING AND DEVELOPMENT PRINCIPLES

The National Commissioner must oversee the development of programmes to equip members of the SMS for their responsibilities. The programmes to be developed must be based on the competencies required of members of the SMS in terms of both their current and future responsibilities.

74. STANDARD TRAINING PROGRAMMES

The National Commissioner must -

- (a) identify the generic managerial and leadership training needs of members of the SMS;
- (b) arrange that standard courses and programmes be developed on the basis of those training needs; and
- (c) continuously evaluate those courses and programmes with due regard to their relevance and value for money.

75. ETHICS AND CONDUCT

(1) Members of the SMS must -

- (a) display the highest possible standards of ethical conduct;
- (b) set an example to their subordinates and maintain high levels of professionalism and integrity in their interaction with political office-bearers and the public;
- (c) ensure that they minimise conflicts of interest and that they put the public interest first in the performance of their functions; and
- (d) avoid any conflict of interest that may arise in representing the interests of the Service and being a member of a trade union, as defined in section 213 of the Labour Relations Act.

(2) The Minister may, after consultation with the Public Service Commission, make determinations to promote ethical conduct amongst members of the SMS and to supplement the South African Police Service Code of Conduct Regulations and the Financial Disclosure Framework contained in Chapter 2.

(3) The Minister may provide such guidance and assistance to members of the SMS as he or she may deem necessary to minimize conflicts of interest and to promote professional conduct.

76. EMPLOYER-EMPLOYEE RELATIONS

Employer-employee relations for the SMS must aim to protect the rights and interests of its members in a manner appropriate to their positions as high-level employees.

77. MISCONDUCT AND INCAPACITY

The Minister may, subject to the Labour Relations Act, issue directives to establish misconduct and incapacity procedures for members of the SMS.

78. EXIT MANAGEMENT

(1) The termination of service of members of the SMS must be done in a manner that is fair to the individuals concerned and takes into account the public interests.

(2) The Minister may issue directives and provide guidelines on the procedures to be followed and benefits to be paid when terminating the services of members of the SMS.

CHAPTER 6

REPEAL, SAVING AND TRANSITIONAL ARRANGEMENTS

79. REPEAL OF REGULATIONS AND SAVING

(1) The South African Police Service Employment Regulations, 2008 (published in Government Notice No R973 on 12 September 2008), are hereby repealed.

(2) Anything done under the South African Police Service Employment Regulations, 2008, which could be done under a provision of these Regulations, shall be deemed to have been done under that provision.

(3) Any process, provided for in the South African Police Service Employment Regulations, 2008 (published by Government Notice No R973 on 12 September 2008), that was initiated prior to the coming into operation of these Regulations but was not yet completed at the time of the coming into operation of these Regulations, may be proceeded with and be finalized in terms of the South African Police Service Employment Regulations, 1999 as if these Regulations had not come into operation.

80. TRANSITIONAL ARRANGEMENTS

All vacancies advertised before the coming into operation of these Regulations in respect of posts to be filled on or after that date, shall be filled in accordance with the provisions, prescripts and requirements applicable and in force immediately before that date.

81. SHORT TITLE AND COMMENCEMENT

These Regulations shall be called the South African Police Service Employment Regulations, 2017, and shall come into operation on the date of publication thereof in the Gazette.

ANNEXURE 1**EMPLOYMENT CONTRACT FOR THE NATIONAL COMMISSIONER****EMPLOYMENT CONTRACT
FOR THE****NATIONAL COMMISSIONER
OF THE****SOUTH AFRICAN POLICE SERVICE**

ENTERED INTO
by and between the

GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

herein represented by

_____(full name)

in his or her capacity as

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

(hereinafter referred to as the Employer)

AND

_____(full name)

(hereinafter referred to as the Employee)

WHEREAS the parties have agreed to enter into a Contract which will govern the terms and conditions of employment of the Employee by the Employer,

NOW THEREFORE the parties agree as follows:

1. APPOINTMENT

1.1 In terms of section 207 of the Constitution, the Employer hereby appoints the Employee as National Commissioner of the South African Police Service and the Employee hereby accepts the appointment.

1.2 This Contract shall be in force for the period commencing on the _____ day of _____ and ending on the _____ day of _____ and is entered into in terms of section 7 of the South African Police Service Act, 1995 (Act No 68 of 1995), hereinafter referred to as "the Act".

1.3 During the period of this Contract, the Employee shall -

1.3.1 serve the Employer as National Commissioner of the South African Police Service at such place as may from time to time be directed by the Employer;

1.3.2 be responsible for the efficient management and administration of the South African Police Service (hereinafter referred to as the Service) as contemplated in section 207(2) of the Constitution, the Act, section 7(3)(b) read with section 7(4) of the Public Service Act, 1994 (Proclamation No 103 of 1994) and as set out in the performance agreement referred to in clause 6.1; and

1.3.3 be responsible for exercising the powers and performing the functions specifically entrusted to the office of the National Commissioner of the South African Police Service , in particular as set out in the Constitution, the Act or any other law.

1.4 The employment of the Employee is subject to -

(a) the submission by the Employee of certificates of his or her academic and professional qualifications and service certificates; and

(b) a security clearance of top secret being obtained.

2. REMUNERATION

2.1 The remuneration that the Employee shall receive as from the date of assuming duty as stated in clause 1, shall be as agreed from time to time in writing between the parties.

2.2 The salary and benefits will be payable in twelve (12) equal monthly instalments.

- 2.3 The general conditions of service and benefits of the Employee shall be as stipulated and provided for by the Act and these Regulations. The parties to this Contract accept that the general conditions of service and benefits may be changed from time to time by means of collective agreements or by determinations and directives by the Minister of Police.
- 2.4 Subject to section 7(4)(b) of the Public Service Act, 1994, the Employee will also qualify for participation in other benefits and special privileges normally bestowed upon a Head of Department as set out in this Contract or other applicable prescripts.
- 2.5 When required from the Employee to perform official duties away from his or her headquarters, the Employee shall travel at the expense of the Employer and shall be paid a subsistence and travelling allowance as may from time to time be determined.

3. TERMINATION OF EMPLOYMENT

- 3.1 The term of office of the Employee may be terminated as provided for in the Act.
- 3.2 Pension and other payable benefits are directly linked to the specific section of the Act which is utilised, as regulated by the Government Employees Pension Law, 1996 (Proclamation No 21 of 1996), the regulations promulgated thereunder as applicable to a Head of Department and these Regulations.
- 3.3 Subject to the provisions of the Act, either party may, after consultation and agreement with the other party, terminate this Contract before the expiry of its term or an extended term by giving to the other party three months' notice of termination, which notice shall be given in writing on or before the last day of a month and take effect on the first day of the succeeding month.
- 3.4 Should notice of termination be given as contemplated in clause 3.3, the Employer has the right to require the Employee to vacate the office occupied by him or her and to leave the premises of the Department on a day stipulated by the Employer before the expiry of the three months' notice period and not to present himself or herself for duty any time thereafter.
- 3.5 Should the Employer invoke the provisions of clause 3.4, the Employee will still be entitled to all such benefits as contained in the relevant prescripts.

4. RENEWAL AND EXTENSION OF TERM OF OFFICE

- 4.1 The Employer shall, in writing, inform the Employee at least two calendar months prior to the expiry of the term contemplated in clause 1 (above) whether he or she proposes to retain such an Employee in service for any extended period not exceeding 5 years (60 calendar months). If the Employee is so informed, he or she shall in writing inform the Employer, within one calendar month from the date of that communication, of his or her acceptance or not of such extended employment.

- 4.2 In the event that agreement is reached that the Employee shall enter into a further contract on termination or completion of this Contract, the continued service of the Employee will be recognised under the new contract so as to avoid any break of service and any accrued or pro rata entitlement will be carried forward into the new contract.
- 4.3 Should the Employer not renew the contract period beyond the initial period as stated in clause 1 (above), the Employee shall be entitled to the pension and other benefits directly linked to the specific section of the Act in terms of which his or her services are terminated.

5. CONDUCT

5.1 The Employee undertakes -

- 5.1.1 not to, without the applicable consent and during his or her employment or at any time thereafter, disclose any record, as defined in section 1 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), that must or may be refused upon a request for access to a record of a public body in terms of that Act;
- 5.1.2 not to, during his or her employment or at any time thereafter, use any record so defined and obtained as a result of his or her employment, to the detriment of the State, except if it is used in the exercise or protection of any right, or legitimate expectation, conferred by law;
- 5.1.3 if so requested by the Employer during his or her employment or on the termination of his or her employment, to submit to the Employer any record so defined and in the Employee's possession as a result of his or her employment and not to retain any copies of or extracts from such record, except with consent of the Employer; and
- 5.1.4 to comply with the prescribed Code of Conduct.

5.2 The Employee -

- 5.2.1 acknowledges that he or she fully understands the implications of this clause;
- 5.2.2 agrees that this clause is, after taking all relevant circumstances into account, reasonable and necessary for the proper protection of the interests of the Employer and

that if he or she should at any time dispute the reasonableness of this clause, the onus of proving such unreasonableness will be upon him or her; and

5.2.3 acknowledges that he or she enters into this Contract freely and voluntarily and that no circumstances exist for him or her to allege, either now or at any future time, that he or she was at a disadvantage in agreeing to the restraints set out in this clause or was other than in an equal bargaining position with the Employer in agreeing to such restraints.

6. ADDITIONAL TERMS AND CONDITIONS

The Employer and the Employee hereby agree to the following additional terms and conditions as contemplated in section 12(4) of the Public Service Act, 1994 (delete if not applicable):

6.1 The Employee shall enter into an annual performance agreement with the Minister, linked to a specific financial year, which shall include at least the following:

6.1.1 Salary increases will be based on the performance of the Employee. Performance will be assessed in accordance with his or her responsibilities and key performance areas contained in his or her performance agreement and the extent to which the Employee complied therewith. Salary increases for the Employee will be based on individual consultation. The Employee and the Employer must consult annually regarding his or her salary increase and cash bonus within the restrictions of the budget based on the performance of the Employee. In consulting on the salary increase and cash bonus of the Employee, the guidelines forwarded by the Minister for Public Service and Administration should always be borne in mind,

6.1.2 An annual performance agreement provided for in terms of clause 6.1 linked to a specific financial year, stating clear performance areas/criteria/deliverables of the Department and the Employee must be entered into for the duration of this Contract. As performance agreements are linked to financial years, it should be entered into and presented to the Employer at the latest on 30 April every year for the duration of this Contract. The Employee should enter into his or her first performance agreement not later than three months after assumption of duty.

6.1.3 The performance agreement shall be revised if, at any time during its term, the work or environment of the Department or the Service is so altered (whether as a result of Government or management decision or otherwise) that the contents of it are no longer appropriate.

6.1.4 This Contract is directly linked to the performance agreement referred to in clause 6.1. In the event that the Employee does not achieve the objectives/milestones of the Department as set out in the performance agreement, the Employee acknowledges that the Employer may deal with him or her, in accordance with the relevant labour legislation and any other directives issued by the Minister.

7. GENERAL

7.1 Good faith

In the implementation of this Contract, the parties undertake to observe the utmost good faith and they warrant in their dealing with each other that they will neither do nor refrain from doing anything which might prejudice or detract from the rights, assets or interests of the other of them.

7.2 Applicability of the Act and the Public Service Act

Any matters arising from this Contract, which are not specifically provided for herein, shall be dealt with in accordance with the provisions of the Act, the Public Service Act, 1994, regulations issued under these Act, and any other legal provisions applicable to the Employee.

7.3 Interpretation of this Contract

The interpretation of this Contract shall be governed by the laws and legal principles applicable in the Republic of South Africa.

7.4 Jurisdiction of courts

The Employee submits to the jurisdiction of the Courts of the Republic of South Africa in the event of any legal proceedings arising from the provisions of this Contract.

7.5 Variation

7.5.1 This Contract constitutes the whole of the agreement between the parties to this Contract relating to the subject matter of this Contract, and save as otherwise provided, no amendment, alteration, addition or variation of any term of this Contract will be of any force or effect unless reduced to writing and signed by the parties to this Contract.

7.5.2 The parties agree that there are no other conditions, warranties or representations, whether oral or in writing and whether express or implied or otherwise, save those contained in this Contract, the Act, the Public Service Act, 1994, regulations issued under these Acts, collective agreements and other relevant legislation (e.g. Government Employees Pension Law, 1996).

7.6 Waiver

No waiver of any of the terms and conditions of this Contract will be binding for any purpose unless reduced to writing and signed by the parties to this Contract, and any such waiver will be effective only in the specific instance and for the purpose given. No failure or delay on the part of either party in exercising any right, power or privilege preclude any other or further exercise thereof or the exercise of any other right, power or privilege by that party.

8. NOTICE AND DOMICILIUM

- 8.1 The parties choose as their respective domicilium citandi et executandi for the purpose of legal proceedings and for the purpose of giving or sending any notice provided for or necessary in terms of this Contract, the following addresses:

	Employer	Employee
Physical address	_____	_____
Postal address	_____	_____
Fax Number	_____	_____

Provided that a party report any change to his or her address to any other physical address or postal address by written notice to the other party to that effect. Such change of address will be effective seven days after receipt of notice of the change of address.

- 8.2 All notices to be given in terms of this Contract will -

8.2.1 be given in writing; or

8.2.2 be delivered or sent by prepaid registered post or by fax; and

8.2.3 if delivered, be presumed to have been received on the date of delivery; or

8.2.4 if sent by prepaid registered post, be presumed to have been received within three working days of posting unless the contrary is proved; or

8.2.5 if sent by fax, be presumed to have been received on the first working day following the date of sending of the fax unless the contrary is proved.

ANNEXURE 2**PERMANENT EMPLOYMENT CONTRACT FOR MEMBERS OF THE SENIOR MANAGEMENT SERVICE****PERMANENT EMPLOYMENT CONTRACT
FOR THE****SENIOR MANAGEMENT SERVICE
OF THE****SOUTH AFRICAN POLICE SERVICE**

ENTERED INTO
by and between the

GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

herein represented by

_____(full name)

in his or her capacity as
(hereinafter referred to as the Employer)

AND

_____(full name)

(hereinafter referred to as the Employee)

WHEREAS the parties have agreed to enter into a Contract which will govern the terms and conditions of employment of the Employee by the Employer,

NOW THEREFORE the parties agree as follows:

1. APPOINTMENT

1.1 The Employer hereby appoints the Employee on a permanent basis in accordance with regulation 68 of the South African Police Service Employment Regulations, 2017 (hereinafter referred to as the Regulations) as _____. The Employee agrees and accepts the appointment as a member of the SMS commencing on the _____ day of _____. The Employee's employment and conditions of service shall be governed by the South African Police Service Act, 1995 (Act No 68 of 1995) hereinafter referred to as the Act), the Regulations, any relevant collective agreements or other legal provisions applicable to the Employee.

1.2 In terms of this Contract -

1.2.1 the Employee shall serve the Employer as _____ in the South African Police Service (hereinafter referred to the Service) at _____ or at such other place as may from time to time be determined by the Employer or any/or other person duly authorised thereto in this respect;

1.2.2 the Employee will hold the rank _____ of and will be responsible for the duties and functions set out in the Performance Agreement referred to in clause 5;

1.2.3 the employment of the Employee is subject to -

- (a) the submission by the Employee of certificates of his or her academic and professional qualifications and service certificates; and
- (b) a security clearance of (state confidential, secret or top secret) being obtained.

1.2.4 the Employee may be required to perform other duties or to work at other places that may reasonably be required by the Employer; and

1.2.5 any matter arising, which are not specifically provided for herein, shall be dealt with in accordance with the provisions of the Act, the Regulations, relevant collective agreements and any other legal provisions applicable to the Employee.

2. REMUNERATION

2.1 The remuneration that the Employee shall receive as from the date of assuming duty as stated in clause 1, shall be as agreed from time to time in writing between the parties.

2.2 The salary and benefits will be payable in 12 equal monthly instalments.

2.3 The general conditions of service and benefits of the Employee shall be as stipulated and provided for by the Act and the Regulations. The parties to this Contract accept that the general conditions of service and benefits may be changed from time to time by means of relevant collective agreements determinations and directives by the Minister for Safety and Security.

2.4 When required from the Employee to perform official duties away from his or her headquarters, the Employee shall travel at the Employer's expense and shall be paid a subsistence and travelling allowance as may from time to time be determined.

3. TERMINATION OF EMPLOYMENT

3.1 This Contract may be terminated under the following circumstances; 3.1.1 on reaching the prescribed retirement age (section 45(1)(a) of the Act);

3.1.2 premature retirement upon own request by the Employee (section 45(2) of the Act);

3.1.3 discharge in terms of section 35 of the Act;

3.1.4 voluntary resignation; or

3.1.5 death.

3.2 Pension and other payable benefits are directly linked to the specific section of the Act which is utilised, as regulated by the Government Employees Pension Fund Law, 1996, the regulations promulgated thereunder, as applicable to members of the SMS, and these Regulations.

3.3 Should notice of termination be given in cases contemplated in clause 3.1.3, the Employer has the right to require the Employee to vacate the office occupied by him or her and to leave the premises of the Service before the expiry of the notice period on a day stipulated by the Employer and not to present himself or herself for duty any time thereafter.

3.4 Should the Employer invoke the provisions of clause 3.3, the Employee will still be entitled to all such benefits as contained in the relevant prescripts.

3.5 In the case of inefficiency and misconduct, the Employer may deal with the Employee in accordance with the relevant legislation.

4. CONDUCT

4.1 The Employee undertakes -

- 4.1.1 not to, without the applicable consent and during his or her employment or at any time thereafter, disclose any record, as defined in section 1 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), that must or may be refused upon a request for access to a record of a public body in terms of that Act;
- 4.1.2 not to, during his or her employment or at any time thereafter, use any record so defined and obtained as a result of his or her employment, to the detriment of the State, except if it is used in the exercise or protection of any right, or legitimate expectation, conferred by law;
- 4.1.3 if so requested by the Employer during his or her employment or on the termination of his or her employment, to submit to the Employer any record so defined and in the Employee's possession as a result of his or her employment and not to retain any copies of or extracts from such record, except with consent of the Employer; and
- 4.1.4 to comply with the prescribed Code of Conduct.
- 4.2 The Employee -
- 4.2.1 acknowledges that he or she fully understands the implications of this clause;
- 4.2.2 agrees that this clause is, after taking all relevant circumstances into account, reasonable and necessary for the proper protection of the interests of the Employer and that if he or she should at any time dispute the reasonableness of this clause, the onus of proving such unreasonableness will be upon him or her; and
- 4.2.3 acknowledges that he or she enters into this Contract freely and voluntarily and that no circumstances exist for him or her to allege, either now or at any future time, that he or she was at a disadvantage in agreeing to the restraints set out in this clause or was other than in an equal bargaining position with the Employer in agreeing to such restraints.

5. ADDITIONAL TERMS AND CONDITIONS

5.1 The Employee shall enter into an annual performance agreement with the Employer, linked to a specific financial year, which shall include at least the following:

5.1.1 Salary increases will be based on the performance of the Employee. Performance will be assessed in accordance with his or her responsibilities and key performance areas contained in his or her performance agreement and the extent to which the Employee complied therewith, as well as any directives which the Minister for Safety and Security may issue. Salary increases for the Employee will be based on individual consultation. The Employee and the Employer must consult annually regarding his or her salary increase and cash bonus within the restrictions of the budget based on the performance of the Employee. The salary increase and cash bonus of the Employee, shall be based on determinations, directives and guidelines issued by the Minister for Safety and Security,

5.1.2 An annual performance agreement provided for in terms of clause 5.1, linked to a specific financial year, stating clear performance areas/criteria/deliverables of the Service and the Employee must be entered into. As performance agreements are linked to financial years, it should be entered into at the latest on 30 April every year. The Employee should enter into his or her first performance agreement not later than two months after assumption of duty.

5.1.3 The performance agreement shall be revised if, at any time during the period of its duration, the work or environment of the Service (unit, directorate, branch, component, etc.) is so altered (whether as a result of Government or management decision or otherwise) that the contents of it are no longer appropriate.

5.1.4 This Contract is directly linked to the performance agreement referred to in clause 5.1. In the event that the Employee does not perform satisfactorily in relation to the requirements of his or her performance agreement, the Employee acknowledges that the Employer may deal with him or her, in accordance with the procedure contained in the relevant legislation and any other directives issued by the Minister.

6. GENERAL

6.1 Good faith

In the implementation of this Contract, the parties undertake to observe the utmost good faith and they warrant in their dealing with each other that they will neither do anything nor refrain from doing anything that might prejudice or detract from the rights, assets or interests of each other.

6.2 Applicability of the Act

Any matters arising from this Contract, which are not specifically provided for herein, shall be dealt with in accordance with the provisions of the Act, the Regulations, relevant collective agreements and other relevant legislation.

6.3 Interpretation of this Contract

The interpretation of this Contract shall be governed by the laws and legal principles applicable in the Republic of South Africa.

6.4 Jurisdiction of courts

The Employee submits to the jurisdiction of the Courts of the Republic of South Africa in the event of any legal proceedings arising from the provisions of this Contract.

6.5 Variation

6.5.1 The Contract constitutes the whole of the agreement between the parties to this Contract relating to the subject matter of this Contract, and save as otherwise provided, no amendment, alteration, addition or variation of any right, term or condition of this Contract will be of any force or effect unless reduced to writing and signed by the parties to this Contract.

6.5.2 The parties agree that there are no other conditions, warranties or representations, whether oral or written and whether expressed or implied or otherwise, save those contained in this Contract, the Act, these Regulations, relevant collective agreements and other relevant legislation (e.g. Government Employees Pension Fund Law, 1996).

6.6. Waiver

No waiver of any of the terms and conditions of this Contract will be binding for any purpose unless reduced to writing and signed by the party giving the same, and any such waiver will be effective only in the specific instance and for the purpose given. No failure or delay on the part of either party in exercising any right, power or privilege precludes any other or further exercise thereof or the exercise of any other right, power or privilege.

7. NOTICE AND DOMICILIUM

- 7.1 The parties choose as their respective domicilium citandi et executandi for the purpose of legal proceedings and for the purpose of giving or sending any notice provided for or necessary in terms of this Contract, the following addresses:

	Employer	Employee
Physical address	_____	_____
Postal address	_____	_____
Fax Number	_____	_____

Provided that a party reports any change of his or her domicilium to any other physical address, postal address or fax number by written notice to the other party. Such change of address will be effective seven days after receipt of notice of the change of domicilium.

- 7.2 All notices to be given in terms of this Contract will -

7.2.1 be given in writing; or

7.2.2 be delivered or sent by prepaid registered post or by fax; and

7.2.3 if delivered, be presumed to have been received on the date of delivery; or

7.2.4 if sent by prepaid registered post, be presumed to have been received within three working days of posting unless the contrary is proved; or

7.2.5 if sent by fax, be presumed to have been received on the first working day following the date of sending of the fax unless the contrary is proved.

ANNEXURE 3**EMPLOYMENT CONTRACT FOR A FIXED TERM OR A SPECIFIC PROJECT FOR MEMBERS OF
THE SENIOR MANAGEMENT SERVICE****FIXED TERM EMPLOYMENT CONTRACT**

FOR THE

SENIOR MANAGEMENT SERVICE

OF THE

SOUTH AFRICAN POLICE SERVICE

ENTERED INTO

by and between the

GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

herein represented by

_____(full name)

in his or her capacity as

(hereinafter referred to as the Employer)**AND**

_____(full name)

(hereinafter referred to as the Employee)

WHEREAS the parties have agreed to enter into a Contract which will
govern the terms and conditions of employment of the Employee by the Employer,

NOW THEREFORE the parties agree as follows:

1. Appointment

1.1 The Employer hereby appoints the Employee on a temporary basis in accordance with regulation 68 of the South African Police Service Employment Regulations, 2017. (hereinafter referred to as the Regulations) as _____. The Employee agrees and accepts the appointment as member of the SMS. The appointment is for the period commencing on the _____ day of _____ and ending on the _____ day of _____. The Employee's employment and conditions of service shall be governed by the South African Police Service Act, 1995 (Act No 68 of 1995) (hereinafter referred to as the Act), Regulations, relevant collective agreements and any other legal provisions applicable to the Employee.

1.2 In terms of this Contract -

1.2.1 the Employee shall serve the Employer as _____ in the South African Police Service, (hereinafter referred to as the Service) at _____ or at such place as may from time to time be determined by the Employer or any other person duly authorised thereto in this respect;

1.2.2 the Employee will hold the rank of _____ and will be responsible for the duties and functions set out in the Performance Agreement referred to in clause 5;

1.2.3 the employment of the Employee is subject to -

- (a) the submission by the Employee of certificates of his or her academic and professional qualifications and service certificates; and
- (b) a security clearance of (state confidential, secret or top secret) being obtained.

1.2.4 the Employee may be required to perform other duties or to work at other places that may reasonably be required by the Employer; and

1.2.5 any matter arising, which are not specifically provided for herein, shall be dealt with in accordance with the provisions of the Act, the Regulations and any other legal provisions applicable to the Employee.

2. REMUNERATION

2.1 The remuneration that the Employee shall receive as from the date of assuming duty as stated in clause 1, shall be as agreed from time to time in writing between the parties.

- 2.2 The salary and benefits will be payable in twelve (12) equal monthly instalments.
- 2.3 The general conditions of service and benefits of the Employee shall be as stipulated and provided for by the Act and the Regulations. The parties to this Contract accept that the general conditions of service and benefits may be changed from time to time by means of relevant collective agreements and determinations and directives by the Minister for Safety and Security.
- 2.4 When required from the Employee to perform official duties away from his or her headquarters, the Employee shall travel at the Employer's expense and shall be paid a subsistence and travelling allowance as may from time to time be determined.

3. TERMINATION OF EMPLOYMENT

- 3.1 The term of office of the Employee may be terminated in the following ways:
 - 3.1.1 on completing a term or extended term of office;
 - 3.1.2 discharge in terms of section 35 of the Act; or
 - 3.1.3 death.
- 3.2 Pension and other payable benefits are directly linked to the specific section of the Act which is utilised, as regulated by the Government Employees Pension Fund Law, 1996, the regulations promulgated thereunder, as applicable to member of the SMS, and these Regulations.
- 3.3 Subject to the provisions of the Act and the Labour Relations Act, 1995, either party may, after consultation and agreement, terminate the Contract before the expiry of an original term of office or an extended term of office, by giving to the other party one month's notice of termination, which notice shall -
 - 3.3.1 be given in writing; and
 - 3.3.2 be given on or before the last day of a month and take effect on the first day of the succeeding month.
- 3.4 Should notice of termination be given as contemplated in clause 3.1.2, the Employer has the right to require the Employee to vacate the office occupied by him or her and to leave the premises of the Service before the expiry of the notice period on a day stipulated by the Employer and not to present himself or herself for duty any time thereafter.
- 3.5 Should the Employer invoke the provisions of clause 3.4, the Employee will still be entitled to all such benefits as contained in the relevant prescripts.

- 3.6 In the case of inefficiency and misconduct, the Employer may deal with the Employee, in accordance with the relevant legislation.

4. CONDUCT

4.1 The Employee undertakes -

4.1.1 not to, without the applicable consent and during his or her employment or at any time thereafter, disclose any record, as defined in section 1 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), that must or may be refused upon a request for access to a record of a public body in terms of that Act;

4.1.2 not to, during his or her employment or at any time thereafter, use any record so defined and obtained as a result of his or her employment, to the detriment of the State, except if it is used in the exercise or protection of any right, or legitimate expectation, conferred by law;

4.1.3 if so requested by the Employer during his or her employment or on the termination of his or her employment, to submit to the Employer any record so defined and in the Employee's possession as a result of his or her employment and not to retain any copies of or extracts from such record, except with consent of the Employer; and

4.1.4 to comply with the prescribed Code of Conduct.

4.2 The Employee -

4.2.1 acknowledges that he or she fully understands the implications of this clause;

4.2.2 agrees that this clause is, after taking all relevant circumstances into account, reasonable and necessary for the proper protection of the interests of the Employer and that if he or she should at any time dispute the reasonableness of this clause, the onus of proving such unreasonableness will be upon him or her; and

4.2.3 acknowledges that he or she enters into this Contract freely and voluntarily and that no circumstances exist for him or her to allege, either now or at any future time, that he or

she was at a disadvantage in agreeing to the restraints set out in this clause or was other than in an equal bargaining position with the Employer in agreeing to such restraints.

5. ADDITIONAL TERMS AND CONDITIONS

5.1 The Employee shall enter into an annual performance agreement with the Employer, linked to a specific financial year, which shall include at least the following:

5.1.1 Salary increases will be based on the performance of the Employee. Performance will be assessed in accordance with his or her responsibilities and key performance areas contained in his or her performance agreement and the extent to which the Employee complied therewith, as well as any directives which the Minister of Police may issue. Salary increases for the Employee will be based on individual consultation. The Employee and the Employer must consult annually regarding his or her salary increase within the restrictions of the budget based on the performance of the Employee. The salary increase of the Employee, shall be based on determinations, directives and guidelines issued by the Minister of Police.

5.1.2 An annual performance agreement provided for in terms of clause 5.1 linked to a specific financial year, stating clear performance areas/criteria/deliverables of the Service and the Employee must be entered into. As performance agreements are linked to financial years, it should be entered into at the latest on 30 April every year. The Employee should enter into his or her first performance agreement not later than two months after assumption of duty.

5.1.3 The performance agreement shall be revised if, at any time during the period of its duration, the work or environment of the Service (unit, directorate, branch, component etc.) is so altered (whether as a result of Government or management decision or otherwise) that the contents of it are no longer appropriate.

5.1.4 This Contract is directly linked to the performance agreement referred to in clause 5.1. In the event that the Employee does not perform satisfactorily in relation to the requirements of his or her performance agreement, the Employee acknowledges that the Employer may deal with him or her, in accordance with the procedure contained in the relevant legislation and any other directives issued by the Minister.

6. GENERAL

6.1 Good faith

In the implementation of this Contract, the parties undertake to observe the utmost good faith and they warrant in their dealing with each other that they will neither do anything nor refrain from doing anything that might prejudice or detract from the rights, assets or interests of each other.

6.2 Applicability of the Act

Any matters arising from this Contract, which are not specifically provided for herein, shall be dealt with in accordance with the provisions of the Act, the Regulations, relevant Collective agreements and other relevant legislation.

6.3 Interpretation of this Contract

The interpretation of this Contract shall be governed by the laws and legal principles applicable in the Republic of South Africa.

6.4 Jurisdiction of courts

The Employee submits to the jurisdiction of the Courts of the Republic of South Africa in the event of any legal proceedings arising from the provisions of this Contract.

6.5 Variation

6.5.1 The Contract constitutes the whole of the agreement between the parties to this Contract relating to the subject matter of this Contract, and save as otherwise provided, no amendment, alteration, addition or variation of any right, term or condition of this Contract will be of any force or effect unless reduced to writing and signed by the parties to this Contract.

6.5.2 The parties agree that there are no other conditions, warranties or representations, whether oral or written and whether expressed or implied or otherwise, save those contained in this Contract, the Act, these Regulations, relevant collective agreement and other relevant legislation (e.g. Government Employees Pension Fund Law, 1996).

6.6 Waiver

No waiver of any of the terms and conditions of this Contract will be binding for any purpose unless reduced to in writing and signed by the party giving the same, and any such waiver will be effective only in the specific instance and for the purpose given. No failure or delay on the part of either party in exercising any right, power or privilege precludes any other or further exercise thereof or the exercise of any other right, power or privilege.

7. NOTICE AND DOMICILIUM

- 7.1 The parties choose as their respective domicilium citandi et executandi for the purpose of legal proceedings and for the purpose of giving or sending any notice provided for or necessary in terms of this Contract, the following addresses-

	Employer	Employee
Physical address	_____	_____
Postal address	_____	_____
Fax Number	_____	_____

Provided that a party reports any change of his or her domicilium to any other physical address, postal address or fax number by written notice to the other party. Such change of address will be effective seven days after receipt of notice of the change of domicilium.

- 7.2 All notices to be given in terms of this Contract will -

7.2.1 be given in writing; or

7.2.2 be delivered or sent by prepaid registered post or by fax; and

7.2.3 if delivered, be presumed to have been received on the date of delivery; or

7.2.4 if sent by prepaid registered post, be presumed to have been received within three working days of posting unless the contrary is proved; or

7.2.5 if sent by fax, be presumed to have been received on the first working day following the date of sending of the fax unless the contrary is proved.

DEPARTMENT OF HEALTH

NO. R. 1139

27 OCTOBER 2017

HEALTH PROFESSIONS ACT, 1974 (ACT NO.56 OF 1974)**REGULATIONS RELATING TO THE QUALIFICATIONS FOR REGISTRATION OF DENTAL ASSISTANTS: AMENDMENT**

The Minister of Health intends to make, under section 24 of the Health Professions Act, 1974 (Act No. 56 of 1974) and on the recommendation of the Health Professions Council of South Africa, Regulations in the Schedule.

Interested persons are invited to submit substantiated comments in writing on the proposed amendments to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Public Entities Governance), within three months from date of publication of this notice.



DR AARON MOTSOLEDI**MINISTER OF HEALTH****DATE:** 1/10/2017

SCHEDULE

Definitions

1. In these regulations “**the regulations**” means the regulations relating to the qualifications for registration of Dental Assistants as published by Government Notice No.R. 338 in Government Gazette 27464 of 15 April 2005 as amended, and any word or expression to which a meaning has been assigned in the regulations, shall have that meaning, unless the context otherwise indicates.

Amendment of regulation 2 of the regulations

2. Regulation 2 of the regulations is hereby amended by the addition, in sub-regulation(1), of the following qualification:

“Central University of Technology

Higher Certificate: Dental Assisting

High Cert Dent Assist-Central
University of Technology”;

TSEBIŠO YA MMUŠOKGORO YA MAPHELO

HEALTH PROFESSIONS ACT, 1974 (MOLAO.56 WA 1974)**MELAWANA MABAPI LE BOITHUTelo BJA NGWADIŠO YA BAITHUTI BA TŠA MENO:
PHETOŠO**

Tona ya Maphelo, ka tlase ga karolo 24 ya *Health Professions Act, 1974* (Molao 56 wa 1974) mme le ka keletšo ya Khansele ya Profešene ya Maphelo ya Afrika Borwa, o ikemišeditše go dira melawana Šetuleng.

Batho bao ba nago le kgahlego ba laletšwa go romela diswayaswayo tše di hlalošago ka tsela ya lengwalo ka ga diphešo tšedi šišintšwego go *Director-General: health*, Private Bag X828, Pretoria, 0001 (bakeng sa phethagaletšo kaMolaodi: Pušo ya Dihlongwa tša Mmušo), mo dikgweding tše tharo go thoma ka letšatšikgwedi la kgatišo ya tsebišo ye.



NGAKA AARON MOTSOALEDI**TONA YA MAPHELO****LETŠATŠIKGWEDI:** 1/10/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. R. 1140

27 OCTOBER 2017

**REGULATIONS MADE IN TERMS OF THE SPATIAL DATA INFRASTRUCTURE ACT, 2003
(ACT No. 54 OF 2003)**

I, Gugile Ernest Nkwinti, Minister of Rural Development and Land Reform, hereby, under section 20 of the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003), make the regulations as set out in the Schedule hereto.



**MR G E NKWINTI, MP
MINISTER OF RURAL DEVELOPMENT AND LAND REFORM**

DATE: 30/03/2017

SCHEDULE

ARRANGEMENT OF REGULATIONS

INTERPRETATION

1. Definitions

STANDARDS AND PRESCRIPTIONS

2. Adherence to standards and prescriptions
3. Identification and publication of standards
4. Determining standards

SPATIAL DATA AND SPATIAL INFORMATION

5. Capturing and publishing of metadata and data capture projects ...
6. Supply and accountability for spatial information
7. Maintenance of data sets
8. Data quality
9. User needs
10. Security of spatial information

COMMITTEE FOR SPATIAL INFORMATION

11. Members of Committee
12. Powers and functions of Committee
13. Code of conduct
14. Meetings of Committee
15. Decisions and measures
16. Support to Committee
17. Keeping of records
18. Policies, manuals and guidelines

GENERAL PROVISIONS

19. Remuneration of members of Committee and subcommittees
20. Financial year
21. Short title and commencement

FORMS

- Form A : Minister's response to a decision of the Committee for Spatial Information
- Form B : Nomination form for membership of the Committee for Spatial Information
- Form B1 : Nomination for membership of a Subcommittee of the Committee for Spatial Information
- Form C : Declaration by persons nominated for consideration as members of the Committee for Spatial Information
- Form D : Report regarding perceived deficiency in quality of spatial information
- Form E1 : Request approval from Committee for Spatial Information to capture spatial data
- Form E2 : Inform Committee for Spatial Information of the intention to capture spatial data
- Form F : Submission of spatial data capture needs

INTERPRETATION

Definitions

1. In these Regulations, any expression, word or phrase to which a meaning has been assigned in the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003) (hereinafter referred to as “the Act”), bears the same meaning and, unless the context indicates otherwise –

“**Committee**” means the Committee for Spatial Information established by section 5 of the Act;

“**Data Collection Project Register**” means a technical system provided by the Department;

“**Department**” means the Department of Rural Development and Land Reform;

“**geographical information**” or “**geo-spatial information**” means spatial information as defined in section 1 of the Act;

“**GIS**” means geographical information systems;

“**SABS**” means the South African Bureau of Standards referred to in section 3 of the Standards Act, 2008 (Act No. 8 of 2008), responsible for the development, promotion and maintenance of South African National Standards, the promotion of quality in connection with commodities, products and services, and the rendering of conformity assessment services and matters connected therewith;

“**spatial data**” means any data in respect of a specific location or geographic area;

“**subcommittee**” means a subcommittee established in terms of section 10 of the Act.

STANDARDS

Adherence to standards and prescriptions

2. Organs of state and any user of spatial information must adhere to standards and prescriptions as determined by the Minister from time to time.

Identification and publication of standards

3. (1) The Committee must regularly, but at least annually, identify relevant national and international standards for spatial information, including any standards determined by the SABS.

(2) The Committee must regularly but at least once a year, prepare a list of all identified standards contemplated in subregulation (1) or any amendment of such standards and must communicate such list to all data custodians and all data vendors in any manner the Committee deems appropriate, and must also publish such a list in the *Gazette*.

(3) The list referred to in subregulation (2) must contain any explanatory information deemed relevant by the Committee, including information on how the standards can be accessed.

Determining standards

4. (1) The Minister in consultation with the SABS may determine standards for spatial information and must publish such standards in the *Gazette*.

(2) The standards referred to in subregulation (1) must be reviewed regularly in line with the SABS programme of work and a revised list of standards, if applicable, must be published in the *Gazette*.

(3) The provisions of subregulations 3(2) and (3) apply in respect of the standards contemplated in these Regulations.

SPATIAL DATA AND SPATIAL INFORMATION

Capturing and publishing of metadata and data capture projects

5. (1) (a) A data custodian must make its metadata available to the Department, as contemplated in section 12(2)(a) of the Act, by capturing metadata in the electronic metadata catalogue referred to in section 4(1)(d) of the Act.

(b) The metadata captured should contain at least the required core metadata elements as identified in an approved national standards.

(c) A request to embark on an exercise to capture spatial data or spatial information contemplated in subregulation (2) and a request approved or refused in terms of subregulation (5), must be registered in the Data Capture Project Register and included as provisional metadata in the electronic metadata catalogue within 10 working days.

(2) An organ of state:

(a) identified as a data custodian must, prior to embarking on any exercise to capture spatial data or spatial information of which it is the custodian, notify the Committee through the completion and submission of **Form E2** to these Regulations, of the intention to capture such spatial data or spatial information, together with the specifications for the exercise, including its purpose, extent and intended duration.

(b) other than a data custodian must, prior to embarking on any exercise to capture spatial data or spatial information, request the Committee through the completion and submission of **Form E1** to these Regulations, for approval to capture such spatial data or spatial information and approval of the specifications for the exercise, including its purpose, extent, scale of capture and intended duration.

(3) The Committee may refer the request referred to in subregulation (2)(a), or notification referred to in subregulation (2)(b), to a subcommittee for advice and recommendations on any matter relating to the intended capturing of spatial data or spatial information.

(4) The Committee must acknowledge receipt of any request referred to in subregulation (2)(a) or (2)(b) within ten working days from the date of receipt thereof, and inform the relevant organ of state that the request is referred to a subcommittee for advice and recommendations, if the Committee decides to do so in terms of subregulation (3).

(5) The Committee must, within 20 working days after receipt of a request referred to in subregulation (2)(a) and after considering the advice and recommendations made by the subcommittee as contemplated in subregulation (3), if applicable, in writing –

- (a) provide the organ of state with information in respect of existing spatial information or any existing or anticipated exercise to capture such information which could render the whole or part of the intended capturing exercise unnecessary;
- (b) recommend possible modifications to the original specifications of the capturing exercise;
- (c) grant the request subject to such conditions the Committee may consider necessary; or
- (d) refuse the request and inform the organ of state of the reasons for the refusal in writing,

(6) If the organ of state does not receive any response from the Committee within the period contemplated in subregulation (5), it may assume that the intended spatial data or spatial information capturing exercise is supported by the Committee and may proceed with the spatial data or spatial information collection in accordance with the published specifications, if any.

(7) An organ of state that feels aggrieved by –

- (a) a recommendation made in terms of subregulation (5)(b);
- (b) any condition imposed in terms of subregulation (5)(c); or
- (c) a refusal in terms of subregulation (5)(d),

may request the Committee in writing within 20 working days from the date of receipt of the Committee's decision, to reconsider its decision in view of the motivation supplied by the organ of state for such reconsideration.

(8) The Committee must reconsider the request contemplated by subregulation (7), together with the motivation received, and may in writing –

- (a) withdraw or change any recommendation made;
- (b) withdraw or change any condition imposed;
- (c) grant the request subject to such conditions the Committee may consider necessary; or
- (d) refuse the request and inform the organ of state of the reasons for such refusal.

(9) An organ of state other than a data custodian, whose request has been refused by the Committee in terms of subregulation (8)(d) or who feels aggrieved by a condition imposed in terms of subregulation (8)(c), may appeal in writing to the Minister within 25 working days from the date of being informed by the Committee of its decision contemplated in subregulation (8).

(10) In considering an appeal lodged in terms of subregulation (9), the Minister may confirm, amend or set aside the decision of the Committee and must inform the organ of state in writing of his or her decision and if the appeal has been dismissed, of the reason for such dismissal.

(11) The Minister may, from time to time by notice in the *Gazette*, exempt an organ of state other than a data custodian, from the provisions of subregulation (2), and impose any condition he or she may consider necessary.

Supply and accountability for spatial information

6. (1) A data custodian and a data vendor may enter into an agreement in order:

- (a) to supply unmodified data if the vendor is able to do so more cost-effectively than the custodian; or
- (b) to supply value-added data products derived from the custodian's data set.

(2) All data products supplied by a data vendor shall be accompanied by metadata.

(3) Data vendor must ensure that the spatial data and spatial information they distribute are current and comply with any standards and prescriptions referred to in section 11 of the Act.

Maintenance of data sets

7. (1) (a) In instances where collaborative maintenance agreements exist, data custodian are required to update their data set within a reasonable period agreed upon by both parties.

(b) The parties entering into a collaborative maintenance agreement must, in the said agreement, determine the period within which the data custodian must make available the updated base data set.

(2) The custodian of a base data set must take reasonable measures to support the custodian of a derived data set to take any steps to update the derived data set as easily as possible.

Data quality

8. (1) Any error or perceived deficiency in the quality of spatial data or spatial information must be reported by the relevant user or data vendor to the relevant data custodian or data vendor, as the case may be, by the completion and submission of **Form D** to these Regulations.

(2) Where possible, a user or data vendor, as the case may be, should indicate what the corrections to the spatial data or spatial information should be.

(3) A data custodian or data vendor, as the case may be, must respond in writing and at no charge, to the user or data vendor who reported the error or deficiency, within 20 working days from the date on which the error or deficiency was reported, unless a shorter period has been agreed to in any agreement contemplated in the Act or these Regulations and –

(a) must provide the user or data vendor with an assurance that the purported error or deficiency is not an error or deficiency; or

(b) must supply the user or data vendor with the corrected spatial data or spatial information.

(4) If the data custodian is unable to respond or to provide the corrected spatial data or spatial information within the period referred to in subregulation (3), such data custodian must, within that period, inform the user or data vendor of the period within which a comprehensive response or the corrected spatial data or spatial information will be provided.

(5) If the user or data vendor does not receive a response within any of the periods referred to in subregulations (3) and (4) or if the extended period contemplated in subregulation (4) appears to be unreasonable, the user or data vendor may report the grievance to the Committee and provide the Committee with a copy of **Form D** as submitted in accordance with subregulation (1).

(6) The Committee must inform the data custodian of the complaint and if the Committee considers the period contemplated in subregulation (4) to be

unreasonable, taking into account the amount of work entailed in correcting the error or deficiency and the impact the error or deficiency may have on the user or data vendor, the Committee must request the data custodian to provide a response to the Committee and complainant within 20 working days.

User needs

9. Users of spatial information, who have specific spatial data requirements that are not currently met, may submit their spatial data capture needs in writing to the Committee, by the completion and submission to the Committee, of Form F to these Regulations.

Security of spatial information

10. A data custodian must take all reasonable steps to protect any spatial information in its custody, including but not limited to –

- (a) the encryption of hardware and spatial information;
- (b) the implementation of relevant access levels including usernames and passwords;
- (c) the reliable backup of the data in its custody at least every seven days;
- (d) the implementation of network security measures such as firewalls; and
- (e) the regular duplication of its database and safekeeping thereof, to any other appropriate source other than the source in daily use.

COMMITTEE FOR SPATIAL INFORMATION

Members of Committee

11. (1) (a) The Minister must, by notice published in the *Gazette* and in at least one national newspaper and any other printed media as he or she may consider appropriate, invite nominations for candidates for appointment as members of the Committee.

(b) The notice referred to in subregulation (1)(a) must indicate the categories of members of the Committee referred to in section 5(2) of the Act, in respect of which nominations are required, the number of members to be appointed in each such category and the persons, associations, institutions, organisations or bodies entitled to nominate persons in specific categories.

(2) (a) Nominations must be done by the completion and submission of **Form B** to these Regulations, within 25 working days from the date of publication of the notice referred to in subregulation (1)(a) and with due regard to the provisions of subregulation (4).

(b) All nominated persons must complete **Form C** to these Regulations and disclose any relevant information related to their mental state, state of solvency and any criminal record and must be accompanied by any supporting documentation, including a court order in respect of insolvency where relevant, and must be submitted together with **Form B** as referred to in subregulation (2) (a).

(3) In considering the persons nominated for appointment as members of the Committee, the Minister must take into consideration affirmative action measures as referred to in section 15(1) of the Employment Equity Act, 1998 (Act No. 55 of 1998).

(4) A member of the Committee –

- (a) must be a South African citizen;
- (b) must, with the exception of members referred to in section 5(2)(f) of the Act –
 - (i) have a qualification in Geomatics or any related field, as determined or recognised by the relevant professional body in consultation with the relevant quality council referred to in Chapter 5 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and as contemplated in section 28 of that Act, which qualification must be registered on the National Qualifications Framework by the South African Qualifications Authority in accordance with the provisions of that Act; and
 - (ii) have at least five years of practical experience in the geospatial information management, and such a member should be serving in the senior management position in a department or institution that uses geospatial information on a regular basis.
 - (iii) should have knowledge of operational geospatial information management, project management and GIS implementation.

(5) The provisions of subregulation (4)(b) and (c) shall not apply to any person who is a member of the Committee at the time of the commencement of these Regulations.

(6) A member of the Committee must vacate his or her office, if he or she has engaged in any activity that, in the Minister's reasonable opinion, has brought or may bring the Committee into disrepute, which activities may include –

- (a) participation in any investigation, hearing or decision of the Committee or a subcommittee thereof concerning a matter in respect of which that member has a financial or personal interest;

- (b) making private use of, or profiting from, any confidential information obtained as a result of performing his or her functions as a member of the Committee;
- (c) divulging any information referred to in subregulation (1)(b) to any third party, except as required by or under this Act or the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- (d) failed to attend the meetings of the Committee as contemplated in section 8(2)(b) of the Act.

(7) Whenever a member of the Committee has to vacate his or her office due to a disqualification referred to in section 8(2)(d) of the Act, the head of the relevant body or department must inform the Minister and the Committee in writing of such disqualification within 30 working days from the date on which the member has been recalled by or ceased to be associated with the relevant body or ceased to be an official of the relevant department.

(8) The Minister may fill any vacancy referred to in section 5(7) of the Act within 60 working days from the date on which the Minister was informed of the vacancy and with due regard to the provisions of section 5(2) and (3) of the Act.

(9) Before the Minister appoints the members of the Committee contemplated in section 5(2)(d) and (e), must be satisfied by the provincial government and South African Local Government Associations (SALGA) that the provincial departments and municipalities were consulted for their views to nominate a member to represent their interests.

Powers and functions of the Committee

12. The Committee, in the interests of all users of spatial information may –

- (a) consider and review any matter associated with the use and dissemination of spatial data and spatial information, and make recommendations to the Minister;

- (b) from time to time, investigate and make recommendations to the Minister regarding standards, prescriptions and requirements for spatial data and spatial information formats, as well as procedures for access to such data or information;
- (c) on its own initiative or on receipt of a complaint or request relating to the operation or administration of the Act or these Regulations, resolve any dispute arising from the implementation of the Act or Regulations by –
 - (i) mediation, conciliation or negotiation;
 - (ii) advising, where necessary, on any complainant regarding appropriate remedies; or
 - (iii) making use of any other appropriate remedy necessary to give effect to the objects of the Act;
- (d) in order to ensure uniformity, develop guidelines, specifications or prescriptions in respect of the standard and minimum requirements with regard to data capture projects as well as procedures for access to such spatial data or spatial information that are consistent with the Promotion of Access to Information Act, 2000 (Act 2 of 2000) and, where relevant, the Protection of Personal Information Act, 2013 (Act 4 of 2013).
- (e) investigate the possibility of collective procurement of spatial data and spatial information by organs of state and make recommendations to the Minister in this regard.
- (f) establish subcommittees as contemplated in section 10 of the Act to assist in the effective performance of its functions.
 - (i) Nominations of subcommittee members must be done by the completion and submission of **Form B1** to these Regulations, within 20 working days from the date of call for nominations.

- (ii) All nominated persons referred to in subregulations 12(f)(i) must complete **Form C** to these Regulations and disclose any relevant information related to their mental state, state of solvency and any criminal record and must be accompanied by any supporting documentation, including a court order in respect of insolvency where relevant, and must be submitted together with **Form B1** as referred to in subregulation (12(f)(i)

Code of Conduct

13. (1) The Committee must within 80 working days from the date of commencement of these Regulations, publish a Code of Conduct to identify conduct that is ethical, acceptable or unacceptable for the Committee or members of the Committee in exercising their functions, duties and responsibilities referred to in the Act or these Regulations or to achieve the objectives of the SASDI.

(2) The Code of Conduct or any amendment to the approved Code of Conduct as referred to in subregulation (3), must be considered at a meeting of the Committee, and upon approval, be submitted to the Minister and Director-General for their information.

(3) The Committee must draft and review the Code of Conduct whenever a need for such a review is identified by the Committee or upon request of the Minister, Director-General or any other interested person or body.

Meetings of Committee

14. (1) If the Committee is unable to hold any meeting referred to in section 9(1), (2) or (3) of the Act, the chairperson of the Committee must in writing submit the reason or reasons for such failure to the Director-General within 15 working days from the date of the scheduled meeting.

(2) The Secretariat of the Committee must keep minutes of all the Committee meetings, submit such minutes to the chairperson of the Committee for approval by the Committee members, in any manner deemed appropriate by the chairperson, within 10

working days from the date of the meeting and upon approval, submit the copies of the minutes to the Director-General within 10 working days from the date of approval.

Decisions and measures

15. (1) The Committee must inform the Minister of any decision made or a measure taken by the Committee in respect of the capturing, maintenance and integration of spatial data or spatial information, within 30 working days from making such a decision or taking such a measure.

(2) The Minister may, in accordance with section 4(3) of the Act, in writing suspend or revoke a decision made or measure taken by the Committee, within 30 working days from the date of receipt of such a decision or measure or having been made aware of such a decision or measure, and must inform the Committee of his or her decision and the reason for such suspension or revocation by the completion and submission to the Committee, of **Form A** to these Regulations.

(3) The chairperson of the Committee must communicate the Minister's decision to members of the Committee and may, if deemed necessary by the chairperson, call for a special meeting of the Committee within 15 working days of receiving the Minister's decision.

(4) The Committee must respond to the Minister's decision within 30 working days of being informed of the decision.

(5) The Minister must take a final decision in respect of the suspension or revocation of a decision made or measure taken by the Committee, within 30 working days from receipt of the Committee's response referred to in subregulation (3).

Support to Committee

16. Administrative and Secretariat support to the Committee will be provided by officials of the Department designated by the Director-General.

Keeping of records

17. (1) The Committee and any subcommittee must keep records of all their proceedings.

(2) Records kept and maintained by the Committee or the subcommittee must be made available to the public upon request in accordance with and subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Policies, manuals and guidelines

18. (1) The Committee may prepare policies, manuals and guidelines in accordance with the provisions of section 6(2)(g) of the Act, in respect of -

- (a) any matter referred to in section 6 of the Act;
- (b) any matter related to the implementation of these Regulations; and
- (c) any matter of an administrative nature related to the work of the Committee or the subcommittee:

(2) The policy, manual or guideline prepared by the Committee must not be inconsistent with the provisions of the Act, and any other pieces of legislation.

(3) The Committee may adopt any procedure it deems appropriate in preparation of any policy, manual and guideline.

(4) A draft policy, manual and guidelines must be published for comment in the *Gazette* and in any other manner the Committee deems appropriate, including but not limited to referring the draft policy to specific persons or bodies.

(5) Comments must be submitted to the Committee within 30 days from the date of publication or referral of a draft policy, manual and guidelines.

(6) The Committee must within 25 working days from the closing date of submission of the comments by the public, revise the draft policy, manual or guideline if necessary, and refer the document to the Minister for consideration and upon the Minister's approval, publish it in the *Gazette*.

(7) The Committee must at least every three years review any approved policy, manual or guidelines in line with Section 20(2) of the Act.

(8) The Committee, data custodians, data vendors and any other relevant person or body must adhere to any approved policy, manual or guidelines.

GENERAL PROVISIONS

Remuneration of members of Committee and subcommittees

19. (1) Members of the Committee and any subcommittee, excluding a member who is in the full-time service of the State, must out of the funds of the Department be paid such remuneration and allowances as the Minister, with the concurrence of the Minister of Finance, may determine from time to time.

(2) The Department shall make necessary budget allocations in order to compensate the services of the members of the Committee and subcommittee, as determined by the Minister in concurrence with the Minister of Finance

(3) Organs of state whose employees are appointed in terms of section 5 and section 10 of the Act to participate to the Committee and subcommittees shall compensate their travel and subsistence allowances.

Financial year

20. The financial year of the Committee shall be any year ending on 31 March.

Short title and commencement of Regulations

21. (1) These Regulations are known as the Spatial Data Infrastructure Regulations, 2017, and come into operation 30 days after the date of publication thereof in the Gazette.

FORM A: MINISTER'S RESPONSE TO A DECISION OF THE COMMITTEE FOR SPATIAL INFORMATION

I, _____, in my capacity as Minister of Rural Development and Land Reform, hereby make the following decree based on the Committee's decision:

Committee decision:

Minister's Response:

<input type="checkbox"/> Uphold the decision	<input type="checkbox"/>	<input type="checkbox"/> Decision suspended	<input type="checkbox"/>	<input type="checkbox"/> Decision revoked	<input type="checkbox"/>
--	--------------------------	---	--------------------------	---	--------------------------

Reason(s) for revoking/suspending the Committee's decision:

Minister's Signature: _____

Place: _____

Date: _____

FORM B: NOMINATION FORM FOR MEMBERSHIP OF THE COMMITTEE FOR SPATIAL INFORMATION

I, _____ in my capacity as _____, hereby nominate _____ for the purposes of section _____ of the Spatial Data Infrastructure Act, 2003, to be considered for appointment to the Committee for Spatial Information.

I, _____ (name), hereby declare that I am not disqualified in terms of section 8 of the Spatial Data Infrastructure Act, 2003, to serve on the Committee for Spatial Information and I authorise the Minister of Rural Development and Land Reform to investigate any record in relation to a possible disqualification or requirement.

Surname:

Full names:

ID Number:

Gender: Race:

Citizenship:

Work Position:

Work Number:

Cellphone Number:

Email Address:

Qualifications:

Membership to professional bodies: (e.g. SAGC)

Skills:

Disability:

Experience:

I, _____, hereby accept the nomination and further certify that the provided information is correct.

Signature of the Nominee:

Signature of the Nominator:

Nominations must be sent to: The Director-General, Department of Rural Development and Land Reform, Private Bag X833, Pretoria, 0001, email address: nsif@drdlr.gov.za

FORM B1: NOMINATION FOR MEMBERSHIP OF A SUBCOMMITTEE OF THE COMMITTEE FOR SPATIAL INFORMATION

I, _____ in my capacity as _____, hereby nominate _____ in terms of Section 10(a) of the Spatial Data Infrastructure Act, 2003, to be considered for appointment as a member of the following Committee for Spatial Information's Subcommittee:

I, _____, ID. No _____, hereby declare that I am not disqualified in terms of section 8 of the Spatial Data Infrastructure Act, 2003 (Act No 54 of 2003) to serve on the Committee for Spatial Information's Subcommittee and I authorise the Minister of Rural Development and Land Reform to investigate any record in relation to such disqualification or requirement.

Surname: _____

Full names: _____

Gender: _____ Race: _____

Citizenship: _____

Telephone (W): _____ Telephone (C): _____

Email Address: _____

Disability: _____

Qualifications: _____

Experience: _____

Skills: _____

Membership of professional bodies: (e.g SAGC): _____

I hereby accept the nomination and certify that my personal information is correct.

Signature of the Nominee:

Signature of the Nominator

Date:

Date:

Original nomination forms must be sent to: The Director General, Department of Rural Development and Land Reform, Private Bag X833, Pretoria, 0001, marked for the attention: NSIF
Scanned copies can be emailed to: nsif@drdlr.gov.za

FORM D: REPORT REGARDING ERROR OR PERCEIVED DEFICIENCY IN THE QUALITY OF SPATIAL INFORMATION

To be completed by a data user or data vendor on discovering any error or deficiency in the quality of spatial information							
Ref. No. (for office use only):				CSI Task No. (for office use only):			
Complainant name: _____				Date of deficiency discovery: _____			
Level of organisation (mark with X)							
National	<input type="checkbox"/>	Provincial	<input type="checkbox"/>	Municipal	<input type="checkbox"/>	Private	<input type="checkbox"/>
						other	<input type="checkbox"/>
						Details if 'other' is selected: _____	
Data set details							
Data set title: _____							
Data set reference number: _____				Data set publication date: _____			
Organisation contact details							
Organisation name: _____							
Organisation address: _____ _____ _____ _____ _____				Contact person name: _____			
				Contact person designation: _____			
				Contact telephone number: _____			
				Contact fax number: _____			
				Contact email address: _____			
Format of data set with perceived deficiency (mark with X)							
Hardcopy map				<input type="checkbox"/>	Digital data		<input type="checkbox"/>
Type of perceived deficiency (mark with X)							
Misclassification (e.g. river classified as a road)							<input type="checkbox"/>
Positional accuracy (e.g. latitude/longitude coordinates wrong)							<input type="checkbox"/>
Completeness (e.g. land parcels omitted from the cadastre layer)							<input type="checkbox"/>
Precision (e.g. data captured in single precision that should be double precision)							<input type="checkbox"/>
Reclassification (e.g. 4 classes that should actually be 5 classes for the same data)							<input type="checkbox"/>
Consistency (e.g. features with wrong attribute types within a selected feature class)							<input type="checkbox"/>
Duplication (e.g. more than one feature lying on top of each other at a specific location)							<input type="checkbox"/>
Generalisation (e.g. rivers that should have more line segments than indicated)							<input type="checkbox"/>
Inconsistency (e.g. gaps in the data where there should be none)							<input type="checkbox"/>
Other (not covered by any of the above)							<input type="checkbox"/>
Problem description							
Description of problem:							

Suggested solution:							

FORM E1: REQUEST APPROVAL FROM COMMITTEE FOR SPATIAL INFORMATION TO CAPTURE SPATIAL DATA

Non-custodian application to capture spatial data

To be completed by non-custodians to request approval from CSI to capture spatial data													
Name of organisation: _____ _____		CSI reference number (for office use only): _____											
		Urgency (mark with X)											
		Low <input type="checkbox"/>	Medium <input type="checkbox"/> High <input type="checkbox"/>										
Level of organisation (mark with X)		Data usage restrictions (mark with X)											
National <input type="checkbox"/>	Provincial <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/> Not applicable <input type="checkbox"/>										
Municipal <input type="checkbox"/>		Proposed dataset title: _____ _____											
Organisation address: _____ _____ _____ _____													
Contact person name: _____		Proposed project name: _____ _____ _____											
Designation: _____													
Phone Number: _____		Purpose of dataset: _____ _____ _____											
Fax Number: _____													
Email Address: _____		Lineage statement (optional if existing dataset is used as part of capture process): _____ _____											
Proposed capture start date: _____													
Proposed capture end date: _____													
Estimated cost in SA Rand: _____													
Geographic extent (mark with X)		Feature description (short summary of features that are to be collected): _____ _____ _____											
National <input type="checkbox"/>	Provincial <input type="checkbox"/> Magisterial district <input type="checkbox"/>												
Municipal <input type="checkbox"/>	Tribal authority <input type="checkbox"/> Voting District <input type="checkbox"/>												
Ward boundaries <input type="checkbox"/>	Enumerator areas <input type="checkbox"/>												
Land parcels <input type="checkbox"/> Other: _____		Proposed Abstract describing the envisaged dataset: _____ _____ _____											
Data Type (mark with X)													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">Vector</th> <th style="width: 50%; text-align: center;">Raster</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px; text-align: center;">Point <input type="checkbox"/></td> <td style="padding: 2px; text-align: center;">Satellite imagery <input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px; text-align: center;">Network <input type="checkbox"/></td> <td style="padding: 2px; text-align: center;">Radar <input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px; text-align: center;">Line <input type="checkbox"/></td> <td style="padding: 2px; text-align: center;">Aerial photography <input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px; text-align: center;">Polygon <input type="checkbox"/></td> <td style="padding: 2px; text-align: center;">Other imagery <input type="checkbox"/></td> </tr> </tbody> </table>		Vector	Raster	Point <input type="checkbox"/>	Satellite imagery <input type="checkbox"/>	Network <input type="checkbox"/>	Radar <input type="checkbox"/>	Line <input type="checkbox"/>	Aerial photography <input type="checkbox"/>	Polygon <input type="checkbox"/>	Other imagery <input type="checkbox"/>		
Vector	Raster												
Point <input type="checkbox"/>	Satellite imagery <input type="checkbox"/>												
Network <input type="checkbox"/>	Radar <input type="checkbox"/>												
Line <input type="checkbox"/>	Aerial photography <input type="checkbox"/>												
Polygon <input type="checkbox"/>	Other imagery <input type="checkbox"/>												
Proposed spatial resolution or scale of capture: _____ _____													
Associated attributes: _____ _____ _____		Method of capture (mark with X)											
		Aerial photography <input type="checkbox"/>	Survey (cadastral) <input type="checkbox"/>										
		Remote sensing <input type="checkbox"/>	Survey (questionnaire) <input type="checkbox"/>										
		Digitising <input type="checkbox"/>	Scanning & vectorising <input type="checkbox"/>										
		GPS coordinate capture <input type="checkbox"/>	Other <input type="checkbox"/>										
		Detail method of capture: _____ _____ _____											
Request submitted by: _____		Designation: _____											
Signature of applicant: _____		Date: _____											

FORM E2: INFORM COMMITTEE FOR SPATIAL INFORMATION OF THE INTENTION TO CAPTURE SPATIAL DATA

Base Dataset Custodian Notification

To be completed by Base Dataset Custodians to inform CSI of intention to capture spatial data				
Name of organisation: _____ _____		CSI reference number (for office use only): _____		
		Urgency (mark with X)		
		Low <input type="checkbox"/>	Medium <input type="checkbox"/>	High <input type="checkbox"/>
		Data usage restrictions (mark with X)		
		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not applicable <input type="checkbox"/>
Level of organisation (mark with X)		Proposed dataset title: _____ _____		
National <input type="checkbox"/>	Provincial <input type="checkbox"/>			
Municipal <input type="checkbox"/>				
Organisation address: _____ _____ _____ _____		Proposed project name: _____ _____ _____		
Contact person name: _____		Purpose of dataset: _____ _____ _____		
Designation: _____				
Phone Number: _____				
Fax Number: _____		Lineage statement (optional if existing dataset is used as part of capture process): _____ _____ _____		
Email Address: _____				
Proposed capture start date: _____				
Proposed capture end date: _____				
Estimated cost in SA Rand: _____				
Geographic extent (mark with X)		Feature description (short summary of features that are to be collected): _____ _____ _____		
National <input type="checkbox"/>	Provincial <input type="checkbox"/>			Magisterial district <input type="checkbox"/>
Municipal <input type="checkbox"/>	Tribal authority <input type="checkbox"/>			Voting District <input type="checkbox"/>
Ward boundaries <input type="checkbox"/>	Enumerator areas <input type="checkbox"/>			
Land parcels <input type="checkbox"/>	Other: _____			
Data Type (mark with X)		Proposed Abstract describing the envisaged dataset: _____ _____ _____		
Vector	Raster			
Point <input type="checkbox"/>	Satellite imagery <input type="checkbox"/>			
Network <input type="checkbox"/>	Radar <input type="checkbox"/>			
Line <input type="checkbox"/>	Aerial photography <input type="checkbox"/>			
Polygon <input type="checkbox"/>		Other imagery <input type="checkbox"/>		
Proposed spatial resolution or scale of capture: _____ _____		Method of capture (mark with X)		
Associated attributes: _____ _____ _____ _____		Aerial photography <input type="checkbox"/>	Survey (cadastral) <input type="checkbox"/>	
		Remote sensing <input type="checkbox"/>	Survey (questionnaire) <input type="checkbox"/>	
		Digitising <input type="checkbox"/>	Scanning & vectorising <input type="checkbox"/>	
		GPS coordinate capture <input type="checkbox"/>	Other <input type="checkbox"/>	
		Detail method of capture: _____ _____ _____		
Request submitted by: _____		Designation: _____		
Signature of applicant: _____		Date: _____		

FORM F: USER SUBMISSION OF SPATIAL DATA CAPTURE NEEDS

(To be completed by user to specify data capture needs)																														
Requester Information		Custodian detail																												
Name of Organisation: _____		Name of Organisation: _____																												
Tel Number: _____		Tel Number: _____																												
Fax Number: _____		Contact Person: _____																												
Designation: _____		<div style="background-color: #cccccc; padding: 5px; margin-bottom: 5px;">Data category</div> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 60%;">Elevation</td><td style="width: 5%; text-align: center;"> </td><td style="width: 35%;"></td></tr> <tr><td>Land cover</td><td style="text-align: center;"> </td><td></td></tr> <tr><td>Satellite imagery</td><td style="text-align: center;"> </td><td></td></tr> <tr><td>Aerial photography</td><td style="text-align: center;"> </td><td></td></tr> <tr><td>Transportation</td><td style="text-align: center;"> </td><td></td></tr> <tr><td>Utility</td><td style="text-align: center;"> </td><td></td></tr> <tr><td>Communication</td><td style="text-align: center;"> </td><td></td></tr> <tr><td>Demographic Datasets</td><td style="text-align: center;"> </td><td></td></tr> <tr><td>Other</td><td style="text-align: center;"> </td><td></td></tr> </table>		Elevation			Land cover			Satellite imagery			Aerial photography			Transportation			Utility			Communication			Demographic Datasets			Other		
Elevation																														
Land cover																														
Satellite imagery																														
Aerial photography																														
Transportation																														
Utility																														
Communication																														
Demographic Datasets																														
Other																														
Email: _____																														
Address: _____																														
URL: _____																														
Purpose of dataset: _____																														

Data / Information product specification: (mark with X)																														
Aerial	<input type="checkbox"/>	Satellite Image	<input type="checkbox"/>																											
Vector	<input type="checkbox"/>	Attribute	<input type="checkbox"/>																											
Other: _____																														
Spatial Reference for area of interest																														
Longitude: _____																														
Latitude: _____																														
Map Sheet Reference : _____																														
Geographic extent: _____																														
Feature type:		<div style="background-color: #cccccc; padding: 5px; margin-bottom: 5px;">Vector data</div> <div style="margin-bottom: 5px;">Scale </div> <div style="margin-bottom: 5px;">Delivery format eg Shape file</div> <div>Quality statement <input type="checkbox"/> Accuracy <input type="checkbox"/> Completeness and thematic accuracy</div>																												
Resolution / Scale:																														