



**MINISTRY OF POLICE
REPUBLIC OF SOUTH AFRICA**

Private Bag X463 **PRETORIA** 0001, Tel: (012) 393 2800, Fax: (012) 393 2819/20 • Private Bag X9080 **CAPE TOWN** 8000, Tel: (021) 467 7021, Fax: (021) 467 7033

Honourable B. Mbete
Speaker of the National Assembly
Parliament of the Republic of South Africa
P O Box 15
Cape Town
8000

Dear Honourable Speaker

**DECISION NOT TO RENEW THE CONTRACT OF EMPLOYMENT OF MR
ROBERT MCBRIDE**

Your letter dated 4 February 2019 in respect of the above matter refers, the contents which has been noted.

In terms of your directive, I herewith request that my recommendation not to renew the contract of employment of Mr McBride be considered by the National Assembly.

If my recommendation is favourably considered I will ensure that an acting appointment of an Executive Director is effected and that the process to fill the vacancy is ensued upon. This will ensure that the optimal functioning of the Independent Police Directorate is not compromised.

Yours sincerely

BH CELE (MP)

MINISTER OF POLICE

Date: 08/02/2019



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**MR RJ McBride
INDEPENDENT POLICE INVESTIGATIVE DIRECTOR
PO Box X941
PRETORIA
0001**

Dear Mr RJ McBride

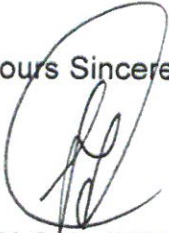
**NON – RENEWAL / EXTENSION OF EMPLOYMENT CONTRACT: EXECUTIVE
DIRECTOR: INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)**

1. I wish to bring to your attention that your Employment Contract you entered into between the former Minister of Police, Mr E.N Mthethwa, MP and yourself dated the 20th of February 2014 and the 1st of March 2014, respectively as an Executive Director of IPID is coming to an end on the 28th of February 2019.
2. In terms of Section 6 (3) (b) of the Independent Police Investigative Directorate Act, 2011 (Act No. of 2011) provides, "that such an appointment is for a term of five (5) years which is renewable for one (1) additional term only".
3. I hereby inform you that I have decided not to renew or extend your Employment Contract as Executive Director of IPID. You are hereby advised that your last official working day will be on Thursday, the 28th of February 2019.

**NON – RENEWAL / EXTENSION OF EMPLOYMENT CONTRACT: EXECUTIVE DIRECTOR:
INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)**

4. I would like to take this opportunity to thank you for the services that you have rendered as the Executive Director of IPID and wish you well in your future endeavours.
5. The content of this letter will be communicated with the Minister for the Public Service and Administration, Minister Ayanda Dlodlo, MP.

Yours Sincerely,



BH Cele (MP)

Minister of Police

Date:

16/01/2020



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REFERENCE: 3/19(2/2013)

Mr F Beukman

Chairperson of Portfolio Committee on Police

P O Box 15

CAPE TOWN

8000

Dear Chairperson,

**NON-RENEWAL OF EMPLOYMENT CONTRACT: EXECUTIVE DIRECTOR:
INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)**

1. The appointment of the Executive Director of IPID is regulated in terms of the provisions of section 6 of the IPID Act, 2011.
2. Mr RJ McBride was appointed to this position on the 1st of March 2014 and in terms of the provisions of section 6(2)(b) of the said Act, his term of office will expire on the 28th of February 2019.
3. Section 6(2)(b) of the said Act further states that the appointment of the Executive Director is renewable for one additional term.
4. On the 16th of January 2019 I informed Mr McBride that I do not intend to renew his appointment for another term and that his appointment will end on the 28th of February 2019. Copy of letter attached for ease of reference.
5. Mr McBride responded in a letter dated 22 January 2019, which letter was also addressed to your Committee. Copy attached for ease of reference.

**NON-RENEWAL OF EMPLOYMENT CONTRACT: EXECUTIVE DIRECTOR:
INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)**

6. In the said response Mr McBride is expressing the views that the decision to renew, or not renew, the term of office is not within the power of the Minister of Police but rather the relevant Portfolio Committee. He is relying on the well-known judgment of the Constitutional Court in Mcbride v Minister of Police (2016) ZACC 30 in this regard.

The said judgment centred around the powers of the Minister of Police to suspend, discipline and remove the Executive Director of IPID and ruled that such actions must be overseen by parliamentary oversight. The judgment did not extend to analyse the provisions of section 6(3)(b) of the said Act insofar as it relate to the renewal of a term of office.

7. In the light of the above, as well as to avoid protracted litigation between myself and Mr McBride, it is requested that the Portfolio Committee either confirm or reject my decision not to renew the term of office of Mr McBride.

Any ensuing litigation will not be in the interest of the Department and therefore it is requested that this matter be dealt with the urgency that it deserves.

Yours sincerely,



BHCELE (MP)

MINISTER OF POLICE

Date: 24/01/2019