



NICOC INPUTS TO THE GENERAL INTELLIGENCE LAWS AMENDMENT BILL

Amendment of section 2 of National Strategic Intelligence Act 39 of 1994, as amended by section 2 of Act 37 of 1998, section 2 of Act 67 of 2002 and section 2 of Act 11 of 2013

2 (b) (a) The functions of the Agency shall

The proposal is the insertion of (ii) **supply intelligence regarding any such threat or opportunity to NICOC;**

(The deletion or omission of the original subsection that directs the Agency to supply intelligence to NICOC contradicts the provisions of section 4 (2) (a) of the Act)

(ix) provide periodic national security briefing to the Joint Standing Committee on Intelligence, members of Cabinet, Premiers, Parliamentary Presiding Officers and the Chief Justice;

(The proposal is the deletion of *members of Cabinet* in line with Section 4 (2) (a) of the Act which mandates NICOC to interact with Cabinet.

ix) provide periodic national security briefing to the Joint Standing Committee on Intelligence, Premiers, Parliamentary Presiding Officers and the Chief Justice;

Amendment of section 4 of Act 39 of 1994, as substituted by section 4 of Act 37 of 1998 and amended by section 25 of Act 66 of 2000, section 4 of Act 67 of 2002 and section 5 of Act 11 of 2013

The proposal is to amend section 4 (1) (f) on co-option of members of departments of state by NICOC

4 (1) There is hereby established a National Intelligence Co-ordinating Committee, which shall consist of

the following persons:

(a) The Co-ordinator for Intelligence appointed under section 5 (1), who shall be the Chairperson;

(b) the Director-General of the Agency;

(c) the Director-General of the Service

(d) the head of the intelligence division of the South African Police Service; and

(e) the chief of the intelligence division of the National Defence Force,

or the alternates of the said persons, and such members of departments of State, **and other relevant stakeholders as and when the need arises**, who may be co-opted by Nicoc on a permanent or an *ad hoc* basis.

(c) by the substitution for subsection (3) of the following subsection:“

(3) The Minister—

(a) must appoint members or persons who will provide coordination and administrative support to NICOC on such conditions of employment and security requirements as are applicable to members of the intelligence services;

The proposal is as follows:

(3) The Coordinator, with the approval of the Minister—

(a) must appoint members or persons who will provide coordination and administrative support to the Office of the Coordinator on such conditions of employment and security requirements as are applicable to members of the intelligence services;

The proposal to amend the section is line with section 5 (1) (a) of the Act which direct the Coordinator to manage and administer the functions of NICOC

(3) (b) The Minister may determine the organisational structure and grading of the posts for the functioning of NICOC in terms of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”;

The proposal is the amended provision as follows:

The Coordinator may determine the organisational structure and grading of the posts in the Office of the Coordinator for the functioning of NICOC with the approval of the Minister Intelligence Services Act, 2002 (Act No. 65 of 2002);

The proposal is the deletion of this section as it is covered under the proposed section 4(1)(f)

~~(c) prescribe the manner in which NICOC may co-opt the Private Security Industry Regulator as defined in the Private Security Industry Regulator Act, 2001 (Act No. 56 of 2001) in an *ad hoc* or permanent basis;~~

(4) The budget of the NICOC shall be appropriated by Parliament as part of the budget vote of the intelligence services, and shall be expended in accordance with the rules and procedures set out in the Public Finance Management Act, 1999 (Act No. 1 of 1999).”

The Proposal is to amend the section to read as follows

(4) The budget of the Office of the Coordinator shall be appropriated by Parliament as part of the budget vote of the intelligence services, and shall be expended in accordance with the rules and procedures set out in the Public Finance Management Act, 1999 (Act No. 1 of 1999).’