**NATIONAL ASSEMBLY**

 **FOR WRITTEN REPLY:**

 **QUESTION 2241**

 **DATE OF PUBLICATION IN INTERNAL QUESTION PAPER:l7/08/2018**

**(INTERNAL QUESTION PAPER NO (23-2018)**

**2241. Ms D Kohler (DA) to ask the Minister of Police:**
(1) Whether the Civilian Secretariat for Police has completed the revised Independent Police Investigative Directorate (IPID} Bill; if so, on what date will it be presented to the Portfolio Committee on Police;

(2) whether the specified Bill has been sent to the Cabinet for approval; if so, on what date;

(3) whether the Bill has been approved by Cabinet; if not, on what date can approval be expected; if so, what are the relevant details;

(4) has the Bill been given to the Chairperson of the Portfolio Committee on Police;

(5) why was the specified committee put in a position of creating a Committee Bill in order to comply with the Constitutional Court ruling in the case of *McBride v Minister of Police and Another* (CCT255/15) [2016]? NW2415E

**Reply:**

(1) The revised draft Independent Police Investigative Directorate (IPID} Amendment Bill has been completed. The draft, Bill will initially be submitted to the Minister in order to obtain approval to process it through the various Justice, Crime Prevention and Security working group.

(2) The draft Bill has not yet been processed to Cabinet. The Department needs to obtain approval to process it through the V\lrious Justice, Crime Prevention and Security (JCPS) working group.

(3) The Constitutional Court ordered Parliament to correct the defects in the IPID Act, 2011 within 24 months from the date of the order which was handed on the 6th

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September 2016. The process by the Department to draft the amendments to the Act commenced in February 2017. However, taking into account the finding made by both the High and the Constitutional Court relating to the operational structural independence of the IPID, the process of amending the IPID Act, 2011 was extended to other provisions of the Act. This process took longer than anticipated.

As a result, and taking into consideration the timeframes set by the Constitutional Court, the Portfolio Committee suggested that a draft Bill which focused solely on the Constitutional Court Judgment, should be processed as a Committee Bill.

(4) After the first briefing of the Committee Bill by the Parliamentary Legal Adviser, a copy of the draft Bill that was drafted by the Department was made available to the Chairperson of the Portfolio Committee on Police.

**ADV. DA BELL
CHIEF DIRECTOR: LEGISLATION
DATE**: 24/09/2018

Reply to question 2241 recommended

**MR. AP RAPE
SECRETARY FOR POLICE SERVICE
Date**: 07/09/2018

Reply to question 2241 approved/

**MINISTER OF POLICE
HONORABLE BH CELE, MP
DATE**: 10/08/2018