

**No. R. 915****30 July 2004****CORRECTIONAL SERVICES ACT, 1998****COMMENCEMENT OF DELEGATIONS**

The Commissioner and Minister of Correctional Services has in terms of section 97 of the Correctional Services Act, 1998 (Act No. 111 of 1998) made the delegations in the Schedule to commence on 31 July 2004 or the date as specifically indicated in the delegations as 1 October 2004.

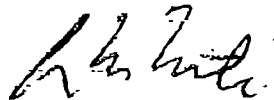
A UNDER THE POWERS VESTED IN ME IN TERMS OF DELEGATION OF AUTHORITY IN TERMS OF SECTION 97(1) OF THE CORRECTIONAL SERVICES ACT, 1998 (ACT 111 OF 1998), I, BRYCE MATHEMBA NGCONDE BALFOUR, MINISTER OF CORRECTIONAL SERVICES HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON IN THE POST INDICATED AGAINST THE APPLICABLE COMPETENCY,

AND

B UNDER THE POWERS VESTED IN ME IN TERMS OF DELEGATION OF AUTHORITY IN TERMS OF SECTION 97(2) OF THE CORRECTIONAL SERVICES ACT, 1998 (ACT 111 OF 1998), I, LINDA MORRIS MTI, COMMISSIONER OF CORRECTIONAL SERVICES HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON IN THE POST INDICATED AGAINST THE APPLICABLE COMPETENCY,

PROVIDED THAT:

- (a) The level of delegation indicated hereunder against each competency, is the lowest level on which the competency may be exercised;
- (b) Any line-functionary with an equal or higher rank is also authorized to exercise the same power;
- (c) The delegation indicated hereunder, remains in force should a section of the Act, including any Amendments to the competency itself, and the number of the new section is considered to be the number of the relevant provision of the Act;
- (d) The exercise of a delegated authority is at all times subject to the provisions of the Act and Regulations, the Departmental Orders and any directives issued in this regard; and;
- (e) Levels of delegation indicated with Head Office, refer only to post structures which exist at the Correctional Services, Head Office, Pretoria.
- (f) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (g) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE 29/7/2004



BRYCE MATHEMBA NGCONDE BALFOUR

MINISTER OF CORRECTIONAL SERVICES

DATE 29/07/2004

- (h) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (i) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (j) The following abbreviations may be applicable:
- CO = Correctional Official  
 SCO = Senior Correctional Officer  
 ASD = Assistant Director  
 DIR = Director  
 DC = Deputy Commissioner  
 CDC = Chief Deputy Commissioner

| <u>STATUTORY PROVISION</u> | <u>AUTHORITY DELEGATED</u>   | <u>LEVEL OF DELEGATION</u>  |
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| Section 3 (5) (f)          | Grant approval for the payment of monetary rewards to personnel.             | Commissioner  |
| Section 3 (5) (f)          | Grant approval for the payment of monetary rewards to private persons.       | Commissioner  |
| Section 3 (5) (g)          | Appoint personnel under the post level of Assistant-Director.                | <u>Management Area level:</u><br>Regional Commissioner<br><br><u>Regional Office level:</u><br>Regional Commissioner<br><br><u>Head Office level:</u><br>CDC Corporate Services |
| Section 3 (5) (g)          | Appoint personnel from Assistant Director level and higher.                  | Commissioner  |
| Section 3 (5) (g)          | Appoint temporary correctional official.                                     | Director Human Resource Administration and Utilization  |
| Section 4 (2) (c)          | Restrict, suspend or revise amenities for offenders of different categories. | <u>Policy:</u><br>Commissioner  |

| <u>STATUTORY PROVISION</u> | <u>AUTHORITY DELEGATED</u>   | <u>LEVEL OF DELEGATION</u>  |
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| Section 5                  | Establish correctional centres for the detention and treatment of offenders or for particular purposes in relating to offenders or particular categories of offenders.   | Commissioner<br><u>NOTE: MUST BE DD LEVEL OR HIGHER (MINISTER)</u>                |
| Section 5 (2) (b)          | Authorise that an offender be detained in a police cell for a period longer than one month if there is no correctional centre in the district.   | Head of Correctional Centre   |
| Section 6 (1) (b)          | Authorisation to detain a person at any correctional centre.   | Head of Correctional Centre   |
| Section 6 (6)              | Make a preliminary security classification of an offender on admission.  | Divisional Head: Case Management Administration                                   |
| Section 7 (2) (d)          | Detain offenders of specific age, health or security risk categories separately.   | Head of Correctional Centre   |
| Section 7 (2) (e)          | Accommodate offenders in single or communal cells depending on the availability of accommodation.  | Head of Correctional Centre   |
| Section 7 (2) (f)          | Detain offenders apart from other offenders where there is a danger of offenders while awaiting trial or sentence, that they will defeat the ends of justice by their association with other offenders.                              | Head of Correctional Centre   |
| Section 7 (2) (f)          | Extension of period of detention of offenders apart from other offenders where there is a danger of offenders while awaiting trial or sentence, that they will defeat the ends of justice by their association with other offenders. | Area Commissioner   |
| Section 13 (6) (b)         | Enable an offender to notify next-of-kin of admission or after transfer to a correctional centre.  | Divisional Head: Case Management Administration                                   |
| Section 13 (6) (c)         | In the case of an offender who is a child, notify the parents and state authorities who have statutory responsibility for the education and welfare of children of admission or after transfer to a correctional centre.             | Head of Correctional Centre   |
| Section 24 (1)             | Appoint a disciplinary official in writing.  | Area Commissioner   |
| Section 24 (1)             | Appoint authorized official in writing.  | Head of Correctional Centre   |
| Section 24 (7) (b)         | On review, confirm or set aside a decision or penalty and substitute it with an appropriate order in any penalty other than solitary confinement in terms of the Disciplinary Procedure for offenders.                               | Area Commissioner/<br>Area Coordinator:<br>Corrections on a level higher than the |

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|                            |   | chairperson of the disciplinary hearing.  |
| Section 26 (3)             | Classify and allocate accommodation to offenders in order to achieve the objective of safe custody.   | <u>Policy:</u><br>Commissioner<br><u>Functional:</u><br>Head of Correctional Centre                 |
| Section 30 (1)             | Segregation for a period of time, which may be for part of or the whole day and which may include detention in a single cell, other than normal accommodation in a single cell as contemplated in section 7 (2) (e).  | Head of Correctional Centre   |
| Section 30 (5)             | Extend the period of segregation for a period more than seven days for a period not exceeding 30 days if the Head of the Correctional Centre believes it necessary to do so in terms of subsection (1) (c) to (f) and if the medical officer or the psychologist certifies that such an extension would not be harmful to the health of the offender. | Area Commissioner   |
| Section 31 (3) (c)         | Extend the minimum period necessary for the restraint of an offender by mechanical restraints for a maximum period not exceeding 30 days after consideration of a report by a medical officer or psychologist.  | Area Commissioner   |
| Section 35 (1)             | Authorise the use of weapons other than non-lethal incapacitating devices or firearms as prescribed by Regulation.  | <u>Policy:</u><br>Commissioner  |
| Section 39 (2) (a)         | Sentences of imprisonment: commencement, computation and termination of sentences.  | <u>Policy:</u><br>DC Personnel Corrections<br><br><u>Functional:</u><br>Head of Correctional Centre |
| Section 39 (5) (a)         | Determine the order in which a sentence of correctional supervision must be served other than the one after the expiration, setting aside   | <u>Policy:</u><br>DC Personal   |

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|                            | or remission of the other unless the Court specifically directs otherwise or unless the Court directs that such sentences shall run concurrently.   | Corrections<br><br><u>Functional:</u><br>Head of Satellite<br>Community<br>Corrections Office |
| Section 39 (6) (a)         | Issue a warrant for the arrest of an offender, if the offender had been released from a correctional centre erroneously, to be re-admitted to correctional centre to serve the rest of his or her sentence.   | Area Commissioner   |
| Section 40 (4) (b)         | Determine the amount of gratuity that sentenced offenders receive for their labour in concurrence with the Minister of Finance  | Commissioner  |
| Section 41 (2)             | Compel sentenced offenders who are illiterate or children to take part in educational programmes offered in terms of subsection (1).  | <u>Policy:</u><br>Commissioner<br><br><u>Functional:</u><br>Head of Correctional<br>Centre    |
| Section 41 (6)             | Compel sentenced offenders to participate in programmes and use services offered in terms of sub sections (1), (3) and (4) where of the opinion that their participation is necessary having regard to the nature of their previous criminal conduct and the risk they pose to the community. | <u>Policy:</u><br>Commissioner<br><br><u>Functional:</u><br>Head of Correctional<br>Centre    |
| Section 43 (4)             | Transfer a sentenced child to a reform school as contemplated in the Child Care Act, 1983 (Act no. 74 of 1983), in consultation with the Director General of the Department of Social Development.  | Regional<br>Commissioner  |
| Section 44 (1)             | Permit in writing on such conditions and for such periods, as specified, a sentenced offender to leave correctional centre temporarily for the purpose of:<br><br>(a) Compassionate leave;<br>(b) Treatment, development or support programmes;<br>(c) Preparation for release; or            | Area Commissioner   |

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|  | (d) Any other reason related to the successful integration of the offender into the community.  |  |
| Section 52 (1) read together with section 42 (2) (e) and section 75 (1)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | May stipulate the conditions applicable when Community Corrections are ordered in terms of paragraph (a) to (q) of this section, subject to the limitations in sub-section (2) and the qualifications in terms of Chapter 6 (Community Corrections) of this Act . | <u>Up to 12 months imprisonment:</u><br>Head of Correctional Centre<br><br><u>Longer than 12 months imprisonment:</u><br>Correctional Supervision and Parole Board |
| Section 54 (2)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>  | Determine the duration of placement on day parole except in cases of life imprisonment and dangerous criminals where the court will have to decide.   | <u>Up to 12 months imprisonment:</u><br>Head of Correctional Centre<br><br><u>Longer than 12 months imprisonment:</u><br>Correctional Supervision and Parole Board |
| Section 62 (a)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>  | Permit a person subject to community corrections who is required in terms of section 52 (1) (d) to take up and remain in employment, to change his or her employment.   | Supervision Committee under whose supervision offender is.   |
| Section 62 (c)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>  | Permit a person to leave the place of employment during working hours for purposes unrelated to the employment when a person subject to Community Corrections is required in terms of section 52 (1)(d) to take up and remain in employment.                      | Supervision official under whose supervision offender is.  |
| Section 63 (a)   | Demand that a probationer or parolee submit a statement of income   | Head of Satellite  |

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| <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u><br>Section 63 (b)             | and expenditure, as often as may be deemed necessary in order to ascertain the financial ability of a probationer or parolee.  | Community Corrections Office   |
| <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u><br>Section 64 (4)             | Demand proof as specified of payment of compensation as ordered by the court of a person subject to community corrections who is required to pay compensation.   | Head of Satellite Community Corrections Office   |
| <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u><br>Section 65 (2)             | Grant leave of absence from a session where a person must attend programmes in terms of Section 52 (1) (f).  | Divisional Head: Corrections Care  |
| <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u><br>Section 66 (1)             | Determine and adjust the contribution to costs that a person is required to make in terms of section 52 (1) (h) to the costs of the community corrections and a person on day parole during the period of supervision and day parole.                                | <u>Probationers and Parolees:</u><br>Head of Satellite Community Corrections Office<br><u>Day Parolees:</u><br>Head of Correctional Centre |
| <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u><br>Section 66 (2)             | Authority to be consulted with when the court, Correctional Supervision and Parole Board or other body which has the authority to impose community corrections, requires a person to live at a fixed address in terms of section 52 (1) (j), determine such address. | Head of Satellite Community Corrections Office   |
| <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u><br>Section 66 (2)             | Declare a fixed address in terms of Section 52 (1) (j) to be unsuitable and refer the matter back to the Court, Correctional Supervision and Parole Board or other body, to stipulate another address.   | Head of Satellite Community Corrections Office   |
| <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u><br>Section 70 (1) (a) and (b) | Authority to be consulted with when the authorized person declare an address unsuitable and refer the matter back to the court, Correctional Supervision and Parole Board or other body to stipulate another address.  | Head of Satellite Community Corrections Office   |
|   | (a) When a person subject to community corrections has failed to comply with any aspect of the conditions imposed on him or her or   |  |



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| <p><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u></p>                       | <p>any duty placed on him or her in terms of any section of Chapter 6 (Community Corrections) depending on the nature and seriousness of the non-compliance as stipulated in the Order—</p> <p>(i) reprimand the person.</p> <p>(ii) Instruct the person to appear before the Court, Correctional Supervision and Parole Board or other body which imposed the Community Corrections;</p> <p>(iii) Issue a warrant for the arrest of such person.</p> <p>(b) instruct that the community corrections be resumed subject to the same conditions or duties applicable to that person if satisfied that the person has a valid excuse for not complying with any such condition or duty.</p> | <p>(i) <u>Less serious:</u><br/>Supervision Official under whose supervision offender is.<br/><u>Serious:</u><br/>Supervision Committee under whose supervision offender is.</p> <p>(ii) Head of Satellite Community Corrections Office</p> <p>(iii) Head of Satellite Community Corrections Office</p> <p>(b) Head of Satellite Community Corrections Office</p> |
| <p>Section 70 (3)</p> <p><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u></p> | <p>Instruct a person to appear before the court, Correctional Supervision and Parole Board or other body which imposed the community corrections if a person subject to community corrections has failed to meet the conditions imposed on him or her but that such failure is due to a change in circumstances beyond</p>  | <p>Head of Satellite Community Corrections Office</p>   |

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|  | the control of the person concerned.  |   |
| Section 70 (4)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>  | Issue a warrant in terms of subsection (1) (c) and act in terms of subsection (2) if a person subject to community corrections fails to obey an instruction issued in terms of subsections (1) (b) or (3).  | Head of Satellite Community Corrections Office                                  |
| Section 71 (1) read together with section 276 A (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | Apply to the court, Correctional Supervision and Parole Board or other body which ordered the imposition of community corrections, to amend the conditions which make up the community corrections in a particular case if it is the opinion that a change of circumstances calls for a change in the conditions. | Head of Satellite Community Corrections Office                                  |
| Section 71 (3)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>  | Issue a warrant in terms of section 70 (1)(c) for arrest if a person fails to appear when instructed to do so before a court, Correctional Supervision and Parole Board or other body in terms of subsection (2).   | Head of Satellite Community Corrections Office                                  |
| Section 74 (1)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>  | (a) Name each Correctional Supervision and Parole Board;<br>(b) Specify the seat for each Board;<br>(c) Determine and amend the area of jurisdiction of each Board.   | Minister<br><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u> |
| Section 74 (2) (e)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>  | Nominate one official of the Department to form part of the Correctional Supervision and Parole Board appointed by the Minister.  | Area Commissioner   |
| Section 74 (7) (a) (i)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>  | Determine the period and conditions, a member of a Correctional Supervision and Parole Board holds office for.  | Minister<br><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u> |
| Section 74 (7) (b)<br><br><u>EFFECTIVE AS FROM 1</u>   | Remove a member of the Correctional Supervision and Parole Boards from office on grounds of misbehaviour, incapacity or incompetence.   | Minister<br><u>NOTE: MUST BE DD LEVEL OR HIGHER IF</u>                          |

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| <u>OCTOBER 2004</u>   |  | <u>COMPETENCY IS DELEGATED</u>   |
| Section 74 (7) (c)<br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | Fill the vacancy by appointing a person for the unexpired portion of the term of office of the predecessor if a member of a Correctional Supervision and Parole Board resigns, is removed from office or dies.   | Minister<br><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED</u> |
| Section 74 (8)<br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>     | Determine on recommendation of the Commission for Administration with the concurrence of the Minister of Finance the remuneration and allowances, a member of a Board who is not in the fulltime service of the State may receive.   | DC: Human Resource Management  |
| Section 75 (1) (a)<br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | Make recommendations to the court a quo in terms of section 276 A (3) of the Criminal Procedure Act, 1977 (Act no 51 of 1977) for the conversion of an offender's term of imprisonment to any other sentence for offenders serving sentences:<br>-of more than 12 months but less than 5 years<br>-of more than 5 years excluding life imprisonment and dangerous criminals. | Correctional Supervision and Parole Board                                      |
| Section 75 (1) (a)<br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | Place an offender serving a sentence exceeding 12 months under correctional supervision or on day parole or parole and set the conditions for community corrections.   | Correctional Supervision and Parole Board                                      |
| Section 75 (1) (b)<br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | Make recommendations to the court for placement under correctional supervision or on day parole or parole and set the conditions of community corrections regarding offenders declared as dangerous criminals.   | Correctional Supervision and Parole Board                                      |
| Section 75 (1) (c)<br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | Make recommendations to the court for placement on day parole or parole and set the conditions of community corrections regarding offenders serving life imprisonment.   | Correctional Supervision and Parole Board                                      |
| Section 75 (1B) (a)<br><u>EFFECTIVE AS FROM 1</u>             | Identify offences for purposes of subsection (1A) with the concurrence of the National Commissioner of the South African Police Service, the Director-General of the Department of Justice   | Commissioner   |

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| <u>OCTOBER 2004</u>   | and the National Director of Public Prosecutions.   |   |
| Section 75 (7)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | Despite subsections (1) to (6), authorizes:<br>(a) Placement under correctional supervision or day parole or grant parole to an offender serving a sentence of up to 12 months imprisonment and prescribe conditions in terms of sections 52;<br>(b) Cancellation of correctional supervision or day parole or parole and alter the conditions for community corrections applicable to such person. | Head of Correctional Centre   |
| Section 75 (8)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | Refer a decision to the Correctional Supervision and Parole Review Board for reconsideration.   | CDC Corrections   |
| Section 79<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>     | Consider placement under correctional supervision or on parole to die a consolatory and dignified death of a person serving any sentence in a correctional centre and who, based on the written evidence of the medical practitioner treating that person, is diagnosed as being in the final phase of any terminal disease or condition.   | <u>Up to 12 months imprisonment:</u><br>Head of the Correctional Centre<br><br><u>Longer than 12 months imprisonment excluding persons sentenced to life imprisonment:</u><br>Correctional Supervision and Parole Board<br><br><u>Persons sentenced to life imprisonment and dangerous criminals from date of commencement of Act 111 of 1998:</u><br>Court a quo |

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|   |  | <u>Persons sentenced to life imprisonment prior to commencement of Act 111 of 1998</u><br>Minister |
| Section 80<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>     | Recommend to the Correctional Supervision and Parole Board that an offender be granted special remission of sentence not exceeding two years either unconditionally or subject to such conditions as the Board may determine when such an offender has acted highly meritoriously excluding offenders serving life sentences or declared as dangerous criminals. | Head of Correctional Centre  |
| Section 81 (4)<br><br><u>EFFECTIVE AS FROM 1 OCTOBER 2004</u> | Release of unsentenced offenders or group of unsentenced offenders subject to such conditions as may be determined with the concurrence of the Minister of Justice.  | Minister<br><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u>                    |
| Section 83 (3) (a)  | Determine the period a member of the National Council holds office.  | Minister<br><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u>                    |
| Section 83 (3) (b)  | Terminate the appointment of a member of the National Council on valid grounds.  | Minister<br><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u>                    |
| Section 83 (7)  | Determine the allowances for a member of the National Council who is not in the service of the State, in consultation with the Minister of State Expenditure.  | Commissioner<br><u>NOTE: MUST BE DD LEVEL OR HIGHER (MINISTER)</u>                                 |
| Section 93 (8)  | Determine remuneration and allowances to be paid to the Independent Prison Visitors who are not in the full-time service of  | Commissioner   |

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|   | the State on the recommendation of the Department of Public Service and Administration and with the concurrence of the Minister of Finance.  |  |
| Section 95  | Authorize the inspection of correctional facilities by personnel.  | DC Executive Management  |
| Section 95 (1) read together with regulation 30 (1) (a) | Appoint <u>inspectors</u> to conduct an internal service evaluation by means of inspections specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections).       | <u>Management Area level:</u><br>None<br><br><u>Regional Office level:</u><br>None<br><br><u>For Head Office and Regional Level:</u><br>DC: Executive Management         |
| Section 95 (1) read together with regulation 30 (1) (a) | Appoint <u>investigators</u> to conduct an internal service evaluation by means of investigations specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections). | <u>Management Area level:</u><br>None<br><br><u>Regional Office level:</u><br>None<br><br><u>For Head Office and Regional Level:</u><br>DC: Legal and Special Operations |
| Section 95 (1) read together with regulation 30 (1) (a) | Appoint <u>internal auditors</u> to conduct an internal service evaluation by means of audits specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections).     | Commissioner   |
| Section 95 (3A) (b)(i)                                  | Appoint initiators to initiate in disciplinary proceedings resulting from any investigation in terms of subsection (2) (g) and which has been submitted to the Director Code Enforcement to conduct a disciplinary hearing.  | Dir. Code Enforcement  |
| Section 95 read with paragraph 6 of the                 | Appoint Presiding Official for disciplinary hearings and appeal hearings emanating from investigations under section 95.   | DC: Executive Management   |

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| Disciplinary Manual in terms of Departmental Bargaining Council Resolution 1 of 2001 |   |   |
| Section 95 read with Departmental Bargaining Council Resolution 1/2001 Clause 7.16.4 | Decisions regarding Appeals against dismissals emanating from investigations under section 95.  | <u>Management Area level:</u><br>None<br><br><u>Regional Office level:</u><br>Regional Commissioner<br><br><u>Head Office level:</u><br>CDC: Corporate Services |
| Section 96 (3) (d)   | Approve appointment or promotion of persons, despite the provisions of paragraph (c), subject to the conditions prescribed by regulation to promote the basic values and principles referred to in section 195 (1) of the Constitution. | Commissioner  |
| Section 96 (3) (d)   | Transfer and placement of officials: All transfers from level 13 and higher.  | Commissioner  |
|  | All transfers on state cost up and to the level 12.   | CDC Corporate Services  |
|  | All transfers of officials from level 8 (SCO or equivalent) to level 12 (DD or equivalent) on own time and cost   | <u>Region:</u><br>Deputy Regional Commissioner<br><br><u>Head Office level:</u><br>DC Human Resource Management   |
|  | All transfers of officials from level 2 to 7 (CO III or equivalent) on own time and cost  | <u>Management Area level:</u><br>Regional Head: Corporate Services<br><br><u>Regional Office level:</u><br>Regional Head:                                       |

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|                            |  | Corporate Services<br><br><u>Head Office level:</u><br>DD Auxiliary Services   |
| Section 96 (3) (e)         | Exempt a correctional official from the requirements of the Code of Remuneration for the purposes of promotion or transfer, who is exceptionally skilled, has special training, renders exceptional service or who has successfully completed a prescribed departmental training course. | Commissioner   |
| Section 96 (4)             | Appoint unpaid voluntary workers who are not employees of the Department, and determine the extent of the powers they may exercise.  | Director Human Resource Administration and Utilization   |
| Section 99 (5)             | Permit any person other than those mentioned in subsections (1) to (4) in terms of this section to visit an offender, a correctional centre or any specific section of a correctional centre for any special or general purpose.   | <ul style="list-style-type: none"> <li>- <u>International Committee of the Red Cross:</u><br/>Regional Commissioner</li> <li>- <u>Visitors from overseas:</u><br/>Regional Commissioner</li> <li>- <u>Politicians:</u><br/>Regional Commissioner</li> <li>- <u>Orientation by community leaders, academics, senior students and other persons who are of functional</u></li> </ul> |

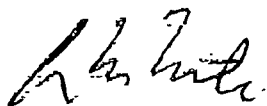


| <u>STATUTORY PROVISION</u> | <u>AUTHORITY DELEGATED</u>   | <u>LEVEL OF DELEGATION</u>  |
|----------------------------|--|---|
|                            |  | <p><u>importance on local level:</u><br/>Area Commissioner</p> <ul style="list-style-type: none"> <li>- <u>Other functional visits with whom the DCS liaises, representatives of other organizations or state departments:</u><br/>Area Commissioner</li> <li>- <u>Media:</u><br/>Area Commissioner/<br/>Dir. Communication Services</li> </ul> |
| Section 101 (2) (a)        | Authorise a correctional official to search another correctional official or seize his or her property without his or her consent. | <p><u>Correctional Centre level:</u><br/>Head of Correctional Centre</p> <p><u>Community Corrections office:</u><br/>Head of Satellite Community Corrections Office<br/><u>Management Area level:</u><br/>Area Coordinator: Corrections</p> <p><u>Regional Office level:</u></p>  |

| <u>STATUTORY PROVISION</u> | <u>AUTHORITY DELEGATED</u>   | <u>LEVEL OF DELEGATION</u>  |
|----------------------------|--|---|
|                            |  | <p>Regional Coordinator:<br/>Safety and Security</p> <p><u>Head Office level:</u><br/>DD Auxiliary Services</p> <p><u>Minister and Commissioner's office:</u><br/>Dir. Minimum Information Security Standards</p> |
| Section 101 (4) (a)        | Sell any property seized in terms of this Act or the property of a deceased or escaped offender which is in the care of the Department, by public auction, if it is not lawfully claimed within six months after being seized or after the death or escape.  | Area Commissioner   |
| Section 101 (4) (c)        | Pay over the balance of the proceeds of a sale in terms of subsection 101 (4) (a) after the period of six months and a person proves that he or she is lawfully entitled to the balance of the proceeds.   | Regional Commissioner   |
| Section 103 (1)            | Enter into a contract to design, construct, finance and operate any correctional centre or part of a correctional centre established or to be established in terms of section 5, subject to any law governing the award of contracts by the State, with the concurrence of the Minister of Finance and the Minister of Public Works. | Minister<br><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u>   |
| Section 105                | Appoint a Controller for every joint venture correctional centre.  | Commissioner  |
| Section 107 (1)            | Grant approval for the proposed appointment of Director by the Contractor to serve as head of a joint venture correctional centre.   | Commissioner  |
| Section 109 (2)            | Certify the appointment of custody officials.  | Dir. Human Resource Administration and  |

| <u>STATUTORY PROVISION</u> | <u>AUTHORITY DELEGATED</u>  | <u>LEVEL OF DELEGATION</u>   |
|----------------------------|---|--|
|                            |   | Utilisation  |
| Section 109 (4)            | Keep a register containing the particulars of each certified custody official.  | Dir. Human Resource Administration and Utilisation                             |
| Section 109 (6)            | Revoke suspension or certification of custody official, after a custody official has been suspended.  | Dir. Human Resource Administration and Utilization                             |
| Section 111 (1) (b)        | Authorise an employee of the Contractor or an employee of a sub-contractor to disclose information regarding the functioning of a joint venture correctional centre or any information related thereto.   | DC Communications  |
| Section 112                | Appoint a Temporary Manager to act as the Head of a joint venture correctional centre and replacement of custody officials with correctional officials to the extent necessary. If in consultation with the Minister it is the opinion that the Director has lost, or is likely to lose, effective control of a joint venture correctional centre or any part of it; and it is necessary, in the interest of safety and security to take control of such correctional centre or part of it. | Commissioner   |
| Section 123 (2) (a)        | Permit a person to publish any account of an offence for which an offender or person subject to community corrections is serving a sentence, except if the information that is published forms part of the official court record where permission is not required.  | Dir. Communication Services  |
| Section 132 (1)            | Grant approval of the establishment of canteens for the exclusive use or benefit of correctional officials, the families of such officials and other persons or categories of persons prescribed by regulation.   | DC Equity and Recreation   |
| Section 132 (3)            | Sign an official document indicating that a canteen has been certified as a canteen as contemplated in subsection (1).  | DC Equity and Recreation<br><u>NOTE: MUST BE DD LEVEL OR HIGHER (MINISTER)</u> |
| Section 133 (2)            | Authorise specific services necessary or expedient and in the public interest or in the interest of any deserving charity to be rendered gratuitously.  | Head of Satellite Community Corrections Office                                 |

| <u>STATUTORY PROVISION</u> | <u>AUTHORITY DELEGATED</u>  | <u>LEVEL OF DELEGATION</u>  |
|----------------------------|---|---|
| Section 134 (4)            | Modify the application of a regulation to a correctional centre or community corrections office if it is considered not to be suited to the circumstances of a particular correctional centre or community corrections office.  | Commissioner<br><u>NOTE: MUST BE DD LEVEL OR HIGHER (MINISTER</u>               |
| Section 136 (3) (c)        | Grant approval that an offender be placed under day parole or parole, as the case may be, when an offender serving a sentence of life imprisonment immediately before the commencement of Chapters IV, VI, VII is entitled to be considered for day parole and parole after he or she has served 20 years of the sentence and the recommendation of the National Council is favourable. | Minister<br><u>NOTE: MUST BE DD LEVEL OR HIGHER IF COMPETENCY IS DELEGATED)</u> |



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE

29/7/2004



BRYCE MATHEMBA NGCONDE BALFOUR

MINISTER OF CORRECTIONAL SERVICES

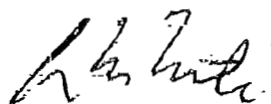
DATE

29/07/2004

UNDER THE POWERS VESTED IN ME IN TERMS OF REGULATION 41 ISSUED IN TERMS OF SECTION 134 OF THE CORRECTIONAL SERVICES ACT 111 OF 1998, I LINDA MORRIS MTI, COMMISSIONER OF CORRECTIONAL SERVICES, HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON IN THE POST INDICATED AGAINST THE APPLICABLE COMPETENCY, PROVIDED THAT:

- (a) The level of delegation indicated hereunder against each competency, is the lowest level on which the competency may be exercised;
- (b) Any line-functionary with an equal or higher rank is also authorized to exercise the same power;
- (c) The delegation indicated hereunder, remains in force should a regulation or section of the Act, including any Amendments to the competency itself, and the number of the new regulation or section is considered to be the number of the relevant provision of the Regulations or Act;
- (d) The exercise of a delegated authority is at all times subject to the provisions of the Act and Regulations, the Departmental Orders and any directives issued in this regard; and;
- (e) Levels of delegation indicated with Head Office, refer only to post structures which exist at the Correctional Services, Head Office, Pretoria.
- (f) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (g) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (h) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (i) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (j) The following abbreviations may be applicable:

|     |   |                             |
|-----|---|-----------------------------|
| CO  | = | Correctional Official       |
| SCO | = | Senior Correctional Officer |
| ASD | = | Assistant Director          |
| DIR | = | Director                    |
| DC  | = | Deputy Commissioner         |
| CDC | = | Chief Deputy Commissioner   |



LINDA MORRIS MTI

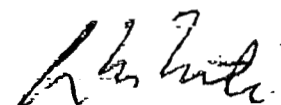
COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004

| <u>STATUTORY PROVISION</u>                        | <u>AUTHORITY DELEGATED</u>   | <u>LEVEL OF DELEGATION</u>                             |
|---|--|--|
| Regulation 5 (1)                                  | Permit a sentenced offender to wear other clothes than clothing issued to him or her on admission to a correctional centre.  | Head of Correctional Centre                            |
| Regulation 5 (3)                                  | Permit a sentenced offender to wear clothes for religious or cultural purposes other than clothing issued to him or her on admission to a correctional centre.   | Head of Correctional Centre                            |
| Regulation 7 (7) (b)                              | Grant approval that an offender may participate in clinical trials on application made by the offender.  | Regional Commissioner                                  |
| Regulation 7 (8) (a)                              | Grant approval on request of an offender to donate or receive an organ or tissue by donation, in accordance with the provisions of the Human Tissue Act, 1983 (Act no. 65 of 1983).  | Regional Commissioner                                  |
| Regulation 7 (8) (b)                              | Grant approval on request from a person to receive any form of artificial fertilization in terms of the provisions of the Human Tissue Act, 1983 (Act no. 65 of 1983) from an offender.  | Regional Commissioner                                  |
| Regulation 7 (9) (a)                              | Grant approval that an offender may be sterilized at State expense when the procedure is required for medical reasons as certified by the medical officer.   | Regional Commissioner                                  |
| Regulation 9 (1) (b)                              | Grant approval on written request of the spouse, partner or next-of-kin of a deceased offender to allow them to remove and bury the deceased at their own expense.   | Head of Correctional Centre                            |
| Regulation 9 (1) (c)                              | Grant approval on written request of the spouse, partner or next-of-kin of a deceased offender to allow them to transport the deceased offender at State expense to another magisterial district, the cost of the burial to be born by the person requesting the transportation. | Regional Commissioner                                  |
| Regulation 10 (2) (e) read with section 3 (5) (g) | Appoint a <u>temporary correctional official</u> who is qualified for the purpose, to perform the duties of an educationist if such a qualified educationist or trained correctional official is not available.  | Director Human Resource Administration and Utilization |
| Regulation 10 (2) (e)                             | Appoint a <u>voluntary worker</u> who is qualified for the purpose, to perform the duties of an educationist if such a qualified educationist or trained correctional official is not available.   | Area Commissioner                                      |

| <u>STATUTORY PROVISION</u>                          | <u>AUTHORITY DELEGATED</u>  | <u>LEVEL OF DELEGATION</u>  |
|---|---|---|
| Regulation 12 (1)                                   | Permit an offender to consult with his or her legal practitioner in connection with legal matters subject to certain conditions.  | Head of Correctional Centre   |
| Regulation 14 (1) (b)                               | Appoint a Case Presenter in writing in a disciplinary hearing for offenders.  | Head of Correctional Centre   |
| Regulation 15 (2) (b)                               | Grant approval that when an offender temporarily removed from a correctional centre is to appear before Court, or for the purposes of a criminal investigation, that such an offender may be placed in the safe custody of a member of the South African Police Services instead. | For a period shorter than 48 hours:<br>Area Commissioner<br>For a period of 48 hours and longer:<br>Regional Commissioner |
| Regulation 21 (5) (a)                               | Appointing correctional officials as members of Emergency Support Teams.  | Area Commissioner   |
| Regulation 21 (5) (a)                               | Authorise <u>the issue</u> (not the use) of pyrotechnical equipment to trained correctional officials appointed as members of the Emergency Support Teams and then only for the purpose of training or during emergency situations.   | Area Commissioner   |
| Regulation 22                                       | Classification of sentenced offenders.  | Case Management Committee   |
| Regulation 23 (2) (a)                               | Enter into a contract with any institution or person for the utilization of the labour or service of correctional centres upon such terms and conditions as may be agreed between the parties.  | Head of Correctional Centre   |
| Regulation 23 (2) (b)                               | Sell the products of the labour or service in a correctional centre to any person on such conditions as may be determined.  | Area Commissioner   |
| Regulation 23 (4)                                   | Order that a sentenced offender may be exempted from work on any day during any period in terms of a classification scheme or course of treatment or otherwise.   | Head of Correctional Centre   |
| Regulation 23 (5)                                   | Grant approval that an offender may perform work for another offender, correctional official or a private person or body.   | Head of Correctional Centre   |
| Regulation 24 (1) (a)                               | Designation as chairperson of a Case Management Committee.  | Area Commissioner   |
| Regulation 24 (1) (b)                               | Determine the period a member of the Case Management Committee holds office for.  | Area Commissioner   |
| Regulation 26                                       | Permit unsentenced offenders to perform other labour than duties necessary to maintain the good order and cleanliness of any cell, room or other place occupied by them.  | Head of Correctional Centre   |
| Regulation 30 (1) (a) read together with section 95 | Appoint <u>inspectors</u> to conduct an internal service evaluation by means of inspections specifically or in general (at national and provincial, individual  | DC: Executive Management  |

| <u>STATUTORY PROVISION</u>                              | <u>AUTHORITY DELEGATED</u>  | <u>LEVEL OF DELEGATION</u>       |
|---|---|----------------------------------|
| (1)   | correctional centres including joint venture correctional centres and community corrections).   |                                  |
| Regulation 30 (1) (a) read together with section 95 (1) | Appoint <u>investigators</u> to conduct an internal service evaluation by means of investigations specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections).  | DC: Legal and Special Operations |
| Regulation 30 (1) (a) read together with section 95 (1) | Appoint <u>internal auditors</u> to conduct an internal service evaluation by means of audits specifically or in general (at national and provincial, individual correctional centres including joint venture correctional centres and community corrections).  | Commissioner                     |
| Regulation 31   | Allocate official residential accommodation to a correctional official for occupation for such period and under such conditions as may be determined.   | Area Commissioner                |
| Regulation 34   | Require from a correctional official to perform emergency work outside his or her normal hours of work.   | Area Commissioner                |
| Regulation 39 (1)                                       | Approve the establishment of a departmental canteen contemplated in section 132 of the Act.   | DC Equity and Recreation         |
| Regulation 39 (2) (b)                                   | Determine how and when any profits, assets or any proceeds from the liquidation of a departmental canteen may be distributed by the committee for any purposes contemplated in section 132 of the Act, or for the common benefit or welfare of correctional officials, pensioners, civilian employees and their dependants. | DC Equity and Recreation         |
| Regulation 39 (2) (c)                                   | Authorise any expenditure for accommodation or other necessities provided by the State in consultation with National Treasury relating to a departmental canteens.  | DC Equity and Recreation         |



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

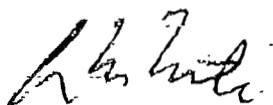
DATE: 29/7/2006



DELEGATION OF AUTHORITY: SUSPENSION OF EMPLOYEES IN THE DEPARTMENT OF CORRECTIONAL SERVICES AND THE CHAIRING OF DISCIPLINARY AND APPEAL HEARINGS AND IMPOSING OF SANCTIONS: DISCIPLINARY PROCEDURE OF THE DEPARTMENT OF CORRECTIONAL SERVICES: DBC RESOLUTION 1/2001

Under the powers vested in me in terms of section 97 (2) of the Correctional Services Act, 1998 (Act No. 111 of 1998), I, Linda Morris Mti, Commissioner of Correctional Services, hereby delegate the under-mentioned competency to the person(s), indicated against the applicable competency, provided that-

- (a) All previous delegations pertaining to the competencies mentioned hereunder are hereby repealed;
- (b) the level of delegation indicated hereunder against each competency is the lowest level at which the competency may be executed;
- (c) the presiding officer occupies a post that is at least one (1) post level higher than that of the accused;
- (d) the exercising of the delegated competency is at all times subject to the provisions of the Correctional Services Act, 1998, and the Regulations thereto and Departmental Orders and any directives issued in this regard.
- (e) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (f) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (g) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (h) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE

29/7/2006

(i) The following abbreviations are used:

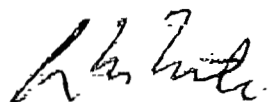
CO = Correctional Officer  
 SCO = Senior Correctional Officer  
 ASD = Assistant Director  
 DIR = Director  
 DC = Deputy Commissioner  
 CDC = Chief Deputy Commissioner

| <u>PROVISION OF THE<br/>DISCIPLINARY PROCEDURE:<br/>DBC RESOLUTION 1/2001<br/>ANNEXURE B</u> | <u>AUTHORITY<br/>DELEGATED</u> | <u>LEVEL OF DELEGATION</u> |
|--|--------------------------------|----------------------------|
| Clause 4.1<br>Informal discipline  | Verbal warning                 | Direct supervisor          |
| Clause 4.2<br>Formal discipline<br>Clause 4.2.1  | Verbal warning                 | Second level supervisor    |
| Clause 4.2.2   | Written warning                | Second level supervisor    |
| Clause 4.2.3   | Serious written<br>warning     | Second level supervisor    |

| <u>PROVISION OF THE<br/>DISCIPLINARY PROCEDURE:<br/>DBC RESOLUTION 1/2001<br/>ANNEXURE B</u> | <u>AUTHORITY<br/>DELEGATED</u> | <u>LEVEL OF DELEGATION</u>  |
|--|--------------------------------|---|
|  |                                |   |
| Clause 4.2.4   | Final written warning          | Second level supervisor   |
| Clause 4.2.5   | Dismissal                      | <u>Management Area Level:</u><br>All managers with a minimum rank of ASD.<br><br><u>Regional Level:</u><br>All managers with a minimum rank of ASD.<br><br><u>Head Office Level:</u><br>All managers with a minimum rank of ASD<br><br><u>Office of the Commissioner</u><br>All managers with a minimum rank of ASD<br><br><u>Office of the Minister</u><br>All managers with a minimum rank of ASD |

| <u>PROVISION OF THE<br/>DISCIPLINARY PROCEDURE:<br/>DBC RESOLUTION 1/2001<br/>ANNEXURE B</u> | <u>AUTHORITY<br/>DELEGATED</u>                        | <u>LEVEL OF DELEGATION</u>  |
|--|---|---|
|  |   | <u>Office of the Inspecting Judge</u><br>All managers with a minimum rank of ASD  |
| Clause 7.16.4  | Chairing and<br>deciding of non-<br>dismissal appeals | One post level higher than the chair of the disciplinary hearing  |
| Clause 7.16.4  | Chairing appeals<br>against dismissals                | One post level higher than the chair of the disciplinary hearing  |
| Clause 7.16.4  | Decisions regarding<br>appeals against<br>dismissals  | DC: Human Resource Management/equivalent/higher regarding<br>employees in DCS Head Office; and Deputy Regional<br>Commissioner/ equivalent/higher regarding employees in the<br>region. |
| Clause 5<br>Suspension policy.   | Suspension of<br>employees                            | <u>Management Area Level:</u><br>All managers with a minimum rank of ASD.<br><br><u>Regional Level:</u><br>All managers with a minimum rank of ASD.                                     |

| <u>PROVISION OF THE<br/>DISCIPLINARY PROCEDURE:</u><br><u>DBC RESOLUTION 1/2001</u><br><u>ANNEXURE B</u> | <u>AUTHORITY<br/>DELEGATED</u> | <u>LEVEL OF DELEGATION</u>  |
|--|--------------------------------|---|
|  |                                | <p><u>Head Office Level:</u><br/>All managers with a minimum rank of ASD</p> <p><u>Office of the Commissioner</u><br/>All managers with a minimum rank of ASD</p> <p><u>Office of the Minister</u><br/>All managers with a minimum rank of ASD</p> <p><u>Office of the Inspecting Judge</u><br/>All managers with a minimum rank of ASD</p> |



LINDA MORRIS MTI

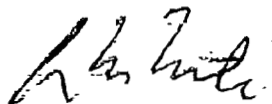
COMMISSIONER: CORRECTIONAL SERVICES

DATE 29/7/2006

DELEGATION OF AUTHORITY: CONDITIONS OF CONTRACTS FOR JOINT VENTURE PRISONS

UNDER THE POWERS VESTED IN ME IN TERMS OF SECTION 97 (2) OF THE CORRECTIONAL SERVICES ACT, 1998 (ACT 111 OF 1998), I LINDA MORRIS MTI, COMMISSIONER OF CORRECTIONAL SERVICES, HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON INDICATED AGAINST THE APPLICABLE COMPETENCY, PROVIDED THAT:

- (a) the level of delegation indicated hereunder is the lowest level at which the competency may be exercised;
- (b) the delegation indicated hereunder, remains in force should a clause of the contract be renumbered in terms of an amendment of the contract, precluding any amendments to the competency itself, and the new number of the clause is considered to be the number of the relevant provision of the Contract;
- (c) the exercising of the delegated competency is at all times subject to the provisions of the Correctional Services Act, 1998 and the Regulations thereto the Conditions of Contract, the Departmental Orders and any directives issued in this regard.
- (d) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (e) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (f) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (g) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (h) The following abbreviations are used:
  - CO = Correctional Officer
  - SCO = Senior Correctional Officer
  - ASD = Assistant Director
  - DIR = Director



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE 29/7/2006

DC = Deputy Commissioner  
 CDC = Chief Deputy Commissioner  
 CFO = Chief Financial Officer

| <u>PROVISION OF THE CONTRACT</u> | <u>COMPETENCY WHICH IS DELEGATED</u>   | <u>DELEGATION LEVEL</u>   |
|----------------------------------|--|---|
| 3.1                              | Approval of maximum amount of Lender Liabilities   | CFO   |
| 3.1                              | Approval of any amendment of the Financing Agreement which increases or may increase the Lender Liabilities  | CFO   |
| 4.10(c)                          | Approval for settlement of any claim by a third party not exceeding R50 000-00 to which the Department is not likely to become a party.  | CFO, with written recommendations from the Dir : Legal Services   |
| 5.2                              | Approval of terms of Insurances taken by the Contractor with Insurers.   | CFO   |
| 5.7                              | Approval of any insurance claim above R50 000 or any insurance claim whatsoever relating to the infringement of an offender's rights.  | Commissioner  |
| 7.1                              | Granting approval for any of the Contractor's obligations under the Contract to be performed or undertaken by any other person.  | Commissioner  |
| 7.4                              | Granting approval for the appointment of a replacement Construction Sub-contractor or Operating Sub-contractor.  | Commissioner  |
| 8.1                              | Granting approval in the case of the Contractor Change, or where the Independent Engineer reasonably determines that an application by the Contractor for Design Development under Part 3 of Schedule A constitutes a Contractor Change. | CDC : Corrections   |
| 9.                               | Granting of- and subsequent approval of Departmental changes.  | CDC Central Services<br>CDC Corrections<br>CDC Corporate Services |
| 9.9                              | Acceptance/approval of estimates of the increase or decrease in the Contract fee which occurs as a result of the changes set out in the Notice to Change.  | CFO   |
| 12.2                             | Assisting the Contractor in connection with the obtaining of all requisite planning permissions.   | DC Facilities and Security  |
| 16.2                             | Effecting variation in accordance with Clause 62 (Variations).   | Named Representative  |
| 19.1                             | A dilapidation survey for the purpose of determining the physical condition and state of maintenance of the Correctional Centre Assets and   | Dir Buildings and Maintenance                                     |

| <u>PROVISION OF<br/>THE<br/>CONTRACT</u> | <u>COMPETENCY WHICH IS DELEGATED</u>   | <u>DELEGATION LEVEL</u>  |
|--|--|--|
|  | the road   |  |
| 19.2                                     | Notifying the Contractor of the work the Department reasonably believes is required to be done consequent to the survey referred to in Clause 19.1 or Clause 52.1  | Named Representative   |
| 19.3                                     | Carrying out such unremedied repairs and/or maintenance itself, or to procure same, at the Contractor's reasonable cost, where the latter has failed to effect any and all repairs and/or maintenance required pursuant to Clause 19.2 | Dir Buildings and Maintenance  |
| 20.2                                     | Approval of such part of the Operation Proposals as do not comply with the Contract  | Dir of Function  |
| 20.3 and 20.6                            | Approval of the operation proposals.   | Dir of Function  |
| 20.5                                     | Approval of the Operation Proposals subject to satisfactory completion of the tests in accordance with Clause 20.6   | Dir of Function  |
| 22.1(b)                                  | Electing, at his discretion to utilize available offender places made available by the Contractor.   | Dir Offender Administration  |
| 22.2                                     | Suspending the Phase-in-Period by issuing a Rectification Notice in accordance with Clause 44 (default).   | CDC : Corrections  |
| 24.                                      | Granting the Delay Notice:   |  |
|  | 0-90 days  | Dir : Contract Management  |
|  | 91 days and more   | Commissioner   |
| 31.3                                     | Approval of any change to the person occupying the position of a Director.<br><br><u>NB:</u> Appointment of a Director is regulated by section 107 of the Correctional Services Act, No. 111 of 1998.                                  | Commissioner   |
| 33.3                                     | Approval of uniforms or standard of dress to be used by the Contractor or the Operating Sub-contractor.  | Dir : Human Resource Administration and Utilisation<br>In consultation with CDC : Corporate Services |
| 33.4                                     | Approval of the appointment of members of staff who are not required to  | Dir : Human Resource   |

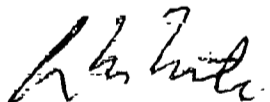


| <u>PROVISION OF THE CONTRACT</u> | <u>COMPETENCY WHICH IS DELEGATED</u>   | <u>DELEGATION LEVEL</u>  |
|----------------------------------|--|--|
|                                  | be certified as custody officials.   | Administration and Utilization<br>In consultation with CDC :<br>Corporate Services                         |
| 33.6 (b) and (c)                 | Consent to the varying of the numbers of Staff as referred to in the table headed "Staffing Summary" in Schedule D (the "Staffing Summary Table") and the table headed "Minimum Staffing Levels" in Schedule D.                                | Dept. Representatives  |
| 33.8                             | Granting approval to the Contractor to engage a new member of staff who has not been a subject of prior approval or certification in accordance with clause 31 and 32.   | Dir : Human Resource<br>Administration and Utilization<br>In consultation with CDC :<br>Corporate Services |
| 41.                              | Approval of the Contractor's strategic development plan to operate the Prison.   | Dir : Contract Management  |
| 45.1                             | Granting the Rectification Notice:   |  |
|                                  | 0 - 30 days  | DD Contract Compliance   |
|                                  | 31 - 90 days   | Dir : Contract Management  |
|                                  | 90 days and more   | Commissioner   |
| 45.1                             | Granting a Termination Notice.   | Commissioner   |
| 49.1<br>and schedule F           | Determination of payment and/or set-off amounts owing under the Contract prior to termination, where the Contract terminates by virtue of Clause 45 (Termination for Contractor Default).  | CFO  |
| 49.2                             | Determination of payment and/or set-off amounts owing under the Contract prior to termination, where the Contract terminates by virtue of Clause 47 (Termination of Department Default) of Clause 44.2 (Material Adverse Governmental Action). | CFO  |
| 49.3<br>Schedule H               | Determination of payment and/or set-off amounts owing under the Contract prior to termination in the event of a termination under Clause 48 (Force Majeure) or Clause 5.13 (a) and (b) (Insurance)   | CFO  |
| 49.5                             | Granting consent to an agreement, acceptance or settlement of any claim or issue or dispute relating to any liability for Taxation.  | Commissioner   |
| 50.                              | Change in the beneficial ownership of the Contractor. Approval of such   | Commissioner   |

| <u>PROVISION OF<br/>THE<br/>CONTRACT</u> | <u>COMPETENCY WHICH IS DELEGATED</u>  | <u>DELEGATION LEVEL</u>   |
|--|---|---|
|  | change of control or exercising the right to terminate the Contract at its election, if such approval is not obtained.  |   |
| 57.2                                     | Approval of communication with representatives of the press, television, radio or other communication media on any matter concerning the Contract by the Contractor.  | Dir: Communications Services with prior consent by Dir Contract Management. |
| 57.3                                     | Approval for photographing or taking film of the correctional centre.   | DC : Communications   |
| 62.                                      | Any appointment / replacement of the named Representative of the Department.  | Commissioner  |
| 62.2.2                                   | Approval of any amendment to the Contract which is to the financial detriment of the State. (This will also require Treasury approval under Section 76(1)g of the Public Finance Management Act (Act 1 of 1999) read with Treasury Regulation 8.7.1 and 16.10 | Commissioner  |
| 64.3                                     | Review whether the Contractor has complied with the provisions of Schedule N, and, where appropriate impose penalties on the Contractor as set out in Part II and Part III of Schedule M.   | Supervisory Committee   |
| Part 2 Schedule B                        | Approval of the Data Collection and Reporting Plan  | CDC: Corrections  |
| Schedule C Paragraph C.1                 | Approval of a Maintenance Programme   | Dir. Building and Maintenance   |
| Schedule D Goal 1                        | Approval of the security manual and contingency planning manual   | Dir Facilities and Security   |
| Goal 1.3                                 | Approval of system of monthly review of offenders, to include categorization and further allocation.  | DC: Personnel Corrections   |
| Goal 1.4.1                               | Approval of Emergency Services  | Dir Security Management   |
| Goal 1.8.5                               | Approval of a full movement control policy to be included in the general operational instructions   | CDC : Corrections Management  |
| Goal 1.14.1                              | Approval of a detailed policy on arrangement for patrols  | CDC : Corrections Management  |
| Goal 1.15                                | Approval of proceedings for emergencies situations as part of contingency planning  | Dir Security Management   |
| Goal 2.1                                 | Approval of a system of incentives and earned privileges based on the   | Dir: Corrections Administration   |

| <u>PROVISION OF THE CONTRACT</u> | <u>COMPETENCY WHICH IS DELEGATED</u>   | <u>DELEGATION LEVEL</u>   |
|----------------------------------|--|---|
|                                  | minimum standards of the DCS programme.  |   |
| Goal 2.5.2                       | Approval of a procedure, which specifies when and what action is to be taken as a result of any loss or damage.                            | DC: Facilities and Security   |
| Goal 2.8.2                       | Approval of a policy which covers the following aspects.   |   |
|                                  | ➤ Staff training in conflict resolution techniques   | Dir: Core Curriculum  |
|                                  | ➤ The role of Correctional Services Controller ("CSC") concerning disciplinary action policies, and procedures as they relate to offenders | DC: Personnel Corrections   |
|                                  | ➤ Under what circumstances an offender can be housed in the segregation unit.  | Dir : Offender Administration   |
| Goal 2.9.1                       | Approval of anti-bullying policy and procedure.  | Dir :Security Management  |
| Goal 2.10.1                      | Approval of the control and restraint techniques.  | Dir :Security Management  |
| Goal 3.1.4                       | Approval of a system of screening those at risk of self-harm or suicide.   | DC Personal Corrections   |
| Goal 3.1.7                       | Approval of a means of communication for offenders to contact a relative or friend on admission  | Dir : Offender Administration   |
| Goal 3.16.2                      | Approval of the induction programme.   | Dir : Corrections Programmes  |
| Goal 3.16.7.3                    | Approval of provision (for maintaining ties with family, etc.) for those offenders who cannot read or write.                               | Dir :Corrections Programmes   |
| Goal 3.18.7                      | Approval of comprehensive programmes for pest control  | Dir : Health Care Services  |
| Goal 3.30.11                     | Approval of a comprehensive programme for management of acute mental disorders   | Dir Psychological Services  |
| Goal 3.30.29                     | Approval of the deaths (natural and unnatural) policies and procedures.  | Dir : Health Care   |
| Goal 4.1                         | Approval of system for security risk assessment and  | Dir: Risk Assessment.   |
| Goal 4.8                         | Approval of the policy for Religious Care Services   | Dir: Spiritual Care.  |
| Goal 4.15                        | Approval of a full schedule of fostered attendance at the library as part of the development programme.                                    | Dir : Formal Education  |
| Goal 6.4.3                       | Approval of the Equal Opportunities policy and Affirmative Action Policy.  | Dir : Equity  |
| Goal 6.5.2                       | Approval of the Contractors policy statement on drug and alcohol free work place.  | Dir : Human Resource Administration and Utilisation In consultation with CDC : Corporate Services |

| <u>PROVISION OF<br/>THE<br/>CONTRACT</u> | <u>COMPETENCY WHICH IS DELEGATED</u>   | <u>DELEGATION LEVEL</u>  |
|--|--|--|
| Goal 6.7.1                               | Approval of the policy on uniform and dress code for custodial and non-custodial staff.                            | Dir : Human Resource<br>Administration and Utilisation<br>In consultation with CDC :<br>Corporate Services |
| Goal 6.7.2                               | Approval of samples of all uniforms to be worn by the staff of the correctional centre.                            | Dir: Human Resource<br>Administration and Utilisation.<br>In consultation with CDC :<br>Corporate Services |
| Goal 6.8.12                              | Approval of media statements relating to personnel issues.   | Dir: Communication Services<br>In consultation with CDC :<br>Corporate Services                            |
| Goal 6.9                                 | Approval of all training curricula.  | Dir : Core Curriculum  |
| Goal 6.9                                 | Approval of all Control and Restraint trainers.  | Dir : Core Curriculum  |
| Goal 7.3                                 | Approval of all community involvement activities.  | Dir : Community Liaison  |
| Schedule M<br>1.1                        | Ruling on whether; and to what extent, penalties should be imposed for breaches of the Contract by the Contractor. | Supervisory Committee  |
| 2.8                                      | Waiving of fixed penalties   | Supervisory Committee  |
| 2.8                                      | Decision to sue the Contractor for breach of Contract.   | Commissioner   |



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE

29/7/2006

DELEGATIONS OF AUTHORITY AND RESPONSIBILITIES IN TERMS OF THE PUBLIC SERVICE REGULATIONS

It has pleased the Minister and Commissioner of Correctional Services, under the powers granted to them by the provisions of the Public Service Regulations, 2001 to delegate the under mentioned competencies to the post incumbent against the applicable competency, provided that:

- (a) The level of delegation indicated hereunder against each competency, is the lowest level at which the competency may be exercised;
- (b) Where a delegation is not linked to a specific post, any functionary responsible for the specific function on a higher post level, is authorized to exercise that competency;
- (c) A functionary cannot exercise a discretion to approve of any matter in respect of a functionary on a higher or equivalent post level;
- (d) The delegations indicated hereunder, remains in force should a regulation be renumbered in terms of an amendment of the regulation, precluding any amendments to the competency itself, and the number of the new regulation is considered to be the number of the relevant Regulation;
- (e) The summary of the competencies herein does not necessarily reflect the full details of the competencies contained in the Regulations and the exercise of the delegated competencies are at all times subject to the provisions of the Regulations and any directives issued in this regard;
- (f) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)
- (g) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (h) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (i) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (j) The following abbreviations are used:
  - CO = Correctional Officer
  - SCO = Senior Correctional Officer
  - ASD = Assistant Director
  - DIR = Director
  - DC = Deputy Commissioner
  - CDC = Chief Deputy Commissioner
  - DPSA = Department of Public Service and Administration
  - DBC = Departmental Bargaining Chamber

LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004

BRYCE MATHEMBANGCONDE BALFOUR

MINISTER OF CORRECTIONAL SERVICES

DATE: 29/07/2004

| <u>STIPULATION IN<br/>PUBLIC SERVICE<br/>REGULATIONS</u> | <u>AUTHORITY DELEGATED</u>  | <u>LEVEL OF DELEGATION</u>   |
|--|---|--|
| PART I/H.1   | Enquiries to Minister of DPSA through DG of DPSA.   | <u>Policy:</u><br>Commissioner<br><u>Functional:</u><br>Dir. Human Resource<br>Administration and<br>Utilization |
| PART I/H.3   | Consultation with DG: DPSA which impacts on the power or duties of the Minister of Public Services and Administration on legislation. | Commissioner   |
| PART I/H.4   | Establish policy on how employees may communicate in the media.   | DC: Executive Manager  |
| PART II/C.3  | Ensure compliance with Regulations, Collective Agreements and any other Statutory obligations and deal with any breach thereof.       | DC: Executive Manager  |
| PART II/CS   | Ensure prior Treasury approval for any decision that involves expenditure from revenue.   | CFO  |
| PART III/B.1   | Prepare a strategic planning for the department.  | DC: Executive Manager  |
| PART III/B.2(b)  | Decision on the grading of proposed new jobs:<br><br>-Up to level of salary level 14<br><br>-Up to level of salary level 15           | CDC Corporate Services<br><br>Commissioner   |
| PART III/B.2(c)  | Determine posts necessary and constitute the department's approved establishment.   | Commissioner   |
| PART III/B.2(d)  | Based on strategic plan engage in human resource planning to meet Human Resource.   | CDC Corporate Services   |
| PART III/B.2(c)  | Defining of posts   | CDC Corporate Services   |
| PART III/C.1   | Establishment and sustaining of service delivery improvement programme.   | CDC Management Services  |
| PART III/C.2   | Publication of annual statement of public service commitment.   | CDC Management Services  |

| <u>STIPULATION IN<br/>PUBLIC SERVICE<br/>REGULATIONS</u> | <u>AUTHORITY DELEGATED</u>   | <u>LEVEL OF DELEGATION</u>                         |
|--|--|--|
| PART III/D.1 (a)   | Assess human resources which is necessary (needs) with reference to: <ul style="list-style-type: none"> <li>• Number of employees</li> <li>• Competencies of the employees</li> <li>• Capacities in which appointed</li> </ul> | CDC Corporate Services                             |
| PART III/D.1 (b)   | Assess existing human resources by race, gender and disability as well as by occupational category, organizational component and grade.  | CDC Corporate Services                             |
| PART III/D.1 (c)   | 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.           | CDC Corporate Services                             |
| PART III/D.1(d)  | Addressing the position of employees affected by the elimination of unnecessary posts.   | CDC Corporate Services                             |
| PART III/D.2   | Development and implementation of affirmative action programme   | DC Equity and Recreation                           |
| PART III/D.3   | Communication of Human Resources Plan and Affirmative Action Plan within the Department  | CDC Corporate Services                             |
| PART III/E. (a)  | Establishment of an information plan that supports the strategic planning process of the Department  | DC: Executive Manager                              |
| PART III/E. (b)  | Establishment of an information technology plan that supports the information plan of the Department   | CDC Central Services                               |
| PART III/E.1 (c)   | Establishment of an information plan for implementation of information technology plan and information management  | CDC Central Services                               |
| PART III/F. (b)  | Evaluation of newly defined jobs in terms of the job evaluation system   | DC: Human Resource Management                      |
| PART III/F. (c)  | Evaluation of job in case of vacant post in grade 9 or higher, if not evaluated before.  | DC: Human Resource Management                      |
| PART III/F. (d)  | Ensuring that sufficient funds are available for filling a post  | Dir. Human Resource Administration and Utilization |
| PART III/G   | Employment of persons additional to approved establishment   | Dir. Human Resource Administration and Utilization |

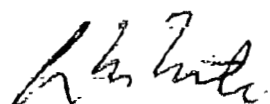
| <u>STIPULATION IN<br/>PUBLIC SERVICE<br/>REGULATIONS</u> | <u>AUTHORITY DELEGATED</u>  | <u>LEVEL OF DELEGATION</u>              |
|--|---|---|
| PART III/I.1   | Establishment of job descriptions and job titles.   | Dir. Human Resource Planning            |
| PART III/I.2   | Review job descriptions and titles every 3 years.   | Dir. Human Resource Planning            |
| PART III/I.5   | Linking of posts to relevant CORE and occupation  | Dir. Human Resource Planning            |
| PART III/J   | Publication of Annual Report to the relevant legislature, the media and public  | DC Communication                        |
| PART IV/B.3  | Job evaluation and re-evaluation.   | DC Human Resource Management            |
| PART V/A.2   | Determination of employee's salary.   | CDC Corporate Services                  |
| PART V/C.1   | Determination of grading of a post and setting of commencing salary (minimum notch)   | CDC Corporate Services                  |
| PART V/C.2   | Determination of relevant salary range in the case of a job weight applying to more than one salary range.                                | CDC Corporate Services                  |
| PART V/C.3   | Setting of salary for a post above the minimum notch of salary range indicated by the job weight.   | CDC Corporate Services                  |
| PART V/C.4   | Effecting changes to work organization or regrading of post if job weight demonstrates that the post is over-/under-graded.               | CDC Corporate Services                  |
| PART V/C.5   | Increase in salary of a post to a higher salary range to accord with job weight<br>-Up to level 14.<br>-Level 15                          | CDC Corporate Services<br>Commissioner  |
| PART V/C.6   | Employment of incumbent employee in higher graded post without advertising post<br>-Up to level 12<br>-Level 13 and higher                | CDC Corporate Services.<br>Commissioner |
| PART V/C.8   | Redesigning job or/ transfer of incumbent to another job when salary range of an occupied post exceeds the range indicated by job weight. | DC Human Resource Management            |



| <u>STIPULATION IN<br/>PUBLIC SERVICE<br/>REGULATIONS</u> | <u>AUTHORITY DELEGATED</u>  | <u>LEVEL OF DELEGATION</u>                           |
|--|---|--|
| PART V/C.9   | Setting of salary of part-time, sessional or temporary employees.   | DC HR Management                                     |
| PART V/D.2   | Compensation of employees for abnormal overtime work  | DC Human Resource Management                         |
| PART V/D.3   | Compensation of senior management services for overtime   | CDC Corporate Services                               |
| PART V/D.5   | Establishment of employee overtime policy.  | CDC Corporate Services                               |
| PART V/E.3   | Provide cash equivalent of benefits received by permanent employees to employees on fixed-term contracts. | CDC Corporate Services                               |
| PART VI/   |   |  |
| PART V/G.3   | Provide salary advice to employees  | Dir: Financial Administration                        |
| PART V/F   | Manage leave and sick leave   | Dir: Human Resource Administration and Utilisation   |
| PART VI/D  | Health and Safety<br>Establish and maintain safe and healthy work environment for employees               | CDC Corporate Services                               |
| PART VII/B.4   | Secondments   | CDC Corporate Services                               |
| PART VII/C.1.1   | Determination of composite requirements for employment.   | CDC Corporate Services                               |
| PART VII/C.2   | Advertising of vacant posts<br>(Up to and including level 12)   | DC Human Resource Management                         |
|  | Advertising of vacant posts from level 13 and higher  | Commissioner   |
| PART VII/C.2.5   | Deviation in filling of vacant posts  | Commissioner   |
| PART VII/C.2.6   | Utilising appropriate agency to identify candidates for posts.  | DC Human Resource Management –                       |
| PART VII/D.1   | Appointment of selection committee :<br>-Up to level 12   | DC Human Resource Management –/Regional Commissioner |
|  | -Level 13 and higher  | Commissioner   |

| <u>STIPULATION IN<br/>PUBLIC SERVICE<br/>REGULATIONS</u> | <u>AUTHORITY DELEGATED</u>  | <u>LEVEL OF DELEGATION</u>   |
|--|---|--|
| PART VII/D.7   | Recording of reasons for not approving the recommendation of a selection committee:<br>-Up to level 12<br><br>-Level 13<br><br>-Level 14 and higher | CDC Corporate Services<br><br>Commissioner<br><br>Minister   |
| PART VII/G.2.1   | Prescribing the manner to submit resignation.   | DC Human Resource Management –   |
| PART VII/G.2.2   | Recording reasons for resignation.  | Dir Human Resource Planning.   |
| PART VII/H   | Keeping of employee records.  | DC Human Resource Management   |
| PART VIII/B.1  | Determination of system for performance management and development below senior management level  | CDC Corporate Services   |
| PART VIII/B.2  | Designation of performance cycle, annual date for written performance assessment.   | Dir: Human Resource Support–   |
| PART VIII/C.1  | Establishment of performance assessment instruments for different occupational categories or levels   | CDC Corporate Services   |
| PART VIII/C.3  | Complying with conditions for utilizing a performance management and development system.  | DC Human Resource Management   |
| PART VIII/E.1(a)   | Provision of remedial and systematic support in the case of unacceptable performance  | <u>Management Area Level:</u><br>All second level managers<br><br><u>Regional office level</u><br>All second level managers<br><br><u>Head office level:</u><br>All Directors<br>DC + CDC for their offices. |

| <u>STIPULATION IN<br/>PUBLIC SERVICE<br/>REGULATIONS</u> | <u>AUTHORITY DELEGATED</u>   | <u>LEVEL OF DELEGATION</u>               |
|--|--|--|
| PART VIII/F.1  | Establishment of financial incentive scheme  | CDC Corporate Services                   |
| PART VIII/F.2  | Determining the nature, rules and control measures of a financial incentive scheme, and communication thereof                                    | CDC Corporate Services                   |
| PART VIII/G  | Rewards for purposes of suggestions, improvement and innovations   | CDC Corporate Services                   |
| PART IX/D  | Determination of occupational specific competencies and prescription of training for those.  | CDC Corporate Services                   |
| PART IX/E.1  | Granting of financial or other assistance for study, training  | CDC Corporate Services                   |
|  | Research, international  | CDC Central Services                     |
| PART IX/E.2  | Granting of financial or other assistance for part time or full time activities at International Institutions (courses, symposia, congress etc.) | CDC Corporate Services                   |
| PART IX/E.4  | Defrayment of any genuine expense associated with study, research or training.   | DC Human Resource Development            |
| PART IX/E.6  | Waiving of study debts.  | DC Human Resource Development            |
| PART IX/E.7  | Requiring of persons who study (Part IX, par. E.3) to enter into a contract with the Department.   | Dir Policy and External Training         |
| PART IX/E.9  | Requiring of an employee who studies or undergoes training for short periods, to enter into a contract as precondition for assistance.           | Dir Policy and External Training.        |
| PART X/B   | Implementation of collective agreements  | Commissioner                             |
| PART X/C.1   | Entering into agreements on a matter of mutual interest.   | Deputy Director<br>Collective Bargaining |
| PART X/C.5   | Provisioning of copies of collective agreements concluded in the DBC to the DPSA.  | Deputy Director<br>Collective Bargaining |
| PART X/D.  | Entering into agreements on matters with financial implications  | Deputy Director<br>Collective Bargaining |
| <u>CHAPTER 2</u>   |  |  |
| B.2  | Supplementing the Code of Conduct provided for by the Public Service.  | Commissioner                             |



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2004



BRYCE MATHEMBANGCONDOBALFOUR

MINISTER OF CORRECTIONAL SERVICES

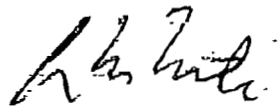
DATE: 29/07/2004

By virtue of the authority vested in me in terms of section 44 (1) (a) of the Public Finance Management Act, I Linda Morris Mti, Commissioner of Correctional Services hereby delegate or assign the powers and duties imposed on me in terms of the Public Finance Management Act (*Act 1 of 1999 as amended with Act 29 of 1999*), to the posts and in the manner as indicated below:

Conditions and Directives by which Delegations can be exercised

1. General Precautions

- 1.1 An authorized person who acts in a higher post, dispose of powers attached to that post (position) unless he/she is specifically excluded there from.
- 1.2 Any line functionary with a higher rank is also authorized to exercise the same power.
- 1.3 The delegation level indicated against each power is the lowest level by which the delegation can be exercised and can't be further delegated.
- 1.4 The post, to which a duty is assigned, is the lowest level of execution (either a do action or a managing action) of the task.
- 1.5 The exercising of delegated powers is at all times subject to the conditions set, as well as the stipulations of the Act and Regulations, the Departmental orders and any directives issued in this regard.
- 1.6 The delegation of powers and the assignment of duties as mentioned in this document, remain in force should a section of the Act be renumbered in terms of an amendment of the Act, precluding any amendments to the competency itself, and the numbering of the new section is considered to be the number of the relevant provision of the Act.
- 1.7 If an official has exercised a delegated power, a higher level official, [with the exception of the Accounting Officer, section 44 (3)] is not allowed to amend or change the decision.
- 1.8 "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)
- 1.9 "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- 1.10 "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)
- 1.11 "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE 29/7/2006

1.12 The following abbreviations are used:

|     |   |                             |
|-----|---|-----------------------------|
| CO  | = | Correctional Officer        |
| SCO | = | Senior Correctional Officer |
| ASD | = | Assistant Director          |
| DIR | = | Director                    |
| DC  | = | Deputy Commissioner         |
| CDC | = | Chief Deputy Commissioner   |
| CFO | = | Chief Financial Officer     |

2. Purpose of Delegations/Assignments to Regional Offices and Management Areas

The delegation/assignment of the mentioned powers is aimed to promote efficiency in the following manner:

- 2.1 Promotion of management independence and fostering of a sense of responsibility and accountability;
- 2.2 Duties can be executed on the lowest effective level and therefore eliminate time-consuming handling of cases;
- 2.3 Training and development of personnel on all levels.

3. Knowledge of Directives

It is important that the matter, which is delegated, is exercised according to the relevant conditions in order to fulfil the aim of the delegation thereof. It implies that those assigned with these matters, should be familiar with the stipulations of the concerned manuals and authorisations as well as with any other precautions and directives that refer to it.

4. Specific Conditions

- 4.1 When exercising a power, the delegated person must print or stamp his/her initials, surname and post designation beneath his/her signature.
- 4.2 The delegation levels refer to normal DCS post designations. Use the comparative table on page 4 to determine the equivalent financial post designations when the provision column on the different pages is marked in the following way:
  - Use Financial Post Designations.
- 4.3 Where there is a reference to all "Officials" the personnel of the Minister and Inspecting Judge are included.

5. Distinguish between delegated powers [section 44 (1) (a)] and assigned duties [section 44 (1) (b)]

- 5.1 The document is divided in the following two parts to distinguish as indicated:
- Part 1: Delegated powers
  - Part 2: Assigned duties
- 5.2 Some duties are assigned to “supervisors”. Any official who observes and directs the work of another official is a supervisor.
6. Office of the Minister
- 6.1 The DC Ministerial Services will function as Loss Control Officer in accordance with departmental procedures.
- 6.2 The DC Ministerial Services will function as Activity Manager in accordance with departmental procedures.
7. Office of the Inspecting Judge
- 7.1 The Director of the Office will function as Loss Control Officer in accordance with departmental procedures.
- 7.2 The Director of the Office will function as Activity Manager in accordance with departmental procedures.