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No. 24390

THE PRESIDENCY

No. 236

13 February 2003

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 65 of 2002: Intelligence Services Act, 2002.

DIE PRESIDENSIE

No. 236

13 Februarie 2003

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 65 van 2002: Wet op Intelligensiedienste, 2002.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

(English text signed by the President.)
(Assented to 30 January 2003.)

ACT

To regulate the establishment, administration, organisation and control of the National Intelligence Agency, the South African Secret Service and the South African National Academy of Intelligence; to establish and regulate the Intelligence Services Council on Conditions of Service; to repeal an Act; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

CHAPTER I

DEFINITIONS AND APPLICATION OF ACT

Definitions

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1. In this Act, unless the context indicates otherwise—

“Academy” means the South African National Academy of Intelligence established by section 5;

“Advisory Committee” means the Ministerial Advisory Committee on Training established by section 9;

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“Agency” means the National Intelligence Agency referred to in section 3;

“Chief Executive Officer” means the head of the Academy appointed in terms of section 6(1);

“counter-intelligence” means counter-intelligence as defined in section 1 the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994);

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“department” means a department as defined in section 1 of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

“Director-General” means a person appointed as such in terms of section 3(3);

“former member” means any member of the Intelligence Services or the Academy whose services have terminated for any reason;

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“Intelligence Services” means the Agency or the Service as the case may be;

“Intelligence Services Council” means the Intelligence Services Council on Conditions of Service established by section 22;

“Joint Standing Committee on Intelligence” means the committee established by section 2 of the Intelligence Services Control Act, 1994 (Act No. 40 of 1994);

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“member” means a person appointed in terms of section 8, 9 or 19 or referred to in section 3;

“Minister” means the President or the member of Cabinet designated by the President to assume the responsibility for intelligence services as contemplated in section 209(2) of the Constitution;

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“misconduct” means an act contemplated in section 18(1);

“National Intelligence Structures” means the National Intelligence Structures as defined in section 1 of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994);

“non-statutory service” means the former Umkhonto weSizwe (MK), the Azanian Peoples Liberation Army (APLA), the Pan Africanist Security Service of the Azanian Peoples Liberation Army and the Department of Intelligence and Security of the African National Congress;

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(Engelse teks deur die President geteken.)
(Goedgekeur op 30 Januarie 2003.)

WET

Om die instelling, administrasie, organisasie en beheer van die Nasionale Intelligensie-agentskap, die Suid-Afrikaanse Geheime diens en die Suid-Afrikaanse Nasionale Akademie van Intelligensie te reël; om die Intelligensiediensteraad op Diensvoorwaardes in te stel en te reël; om 'n Wet te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

HOOFTUK I

WOORDOMSKRYWING EN TOEPASSING VAN WET

Woordoms krywing

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1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
 - “Advieskomitee” die Ministeriële Advieskomitee oor Opleiding by artikel 9 ingestel;
 - “Agentskap” die Nasionale Intelligensie-agentskap in artikel 3 bedoel;
 - “Akademie” die Suid-Afrikaanse Nasionale Akademie van Intelligensie by artikel 5 ingestel;
 - “departement” ’n departement soos omskryf in artikel 1 van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994);
 - “Diens” die Suid-Afrikaanse Geheime diens in artikel 3 bedoel;
 - “Direkteur-generaal” ’n persoon ingevolge artikel 3(3) as sodanig aangestel;
 - “Gesamentlike Staande Komitee oor Intelligensie” die komitee ingestel by artikel 2 van die Wet op Beheer oor Intelligensiedienste, 1994 (Wet No. 40 van 1994);
 - “gewese lid” enige lid van die Intelligensiedienste of die Akademie wie se dienste om enige rede geëindig het;
 - “hierdie Wet” ook die regulasies;
 - “Hoof- Uitvoerende Beampte” die hoof van die Akademie ingevolge artikel 6(1) aangestel;
 - “Intelligensiedienste” die Agentskap of die Diens, na gelang van die geval;
 - “Intelligensiediensteraad” die Intelligensiediensteraad op Diensvoorwaardes by artikel 22 ingestel;
 - “lid” ’n persoon aangestel ingevolge artikel 8, 9 of 19 of in artikel 3 bedoel;
 - “Minister” die President of die Kabinetslid aangewys deur die President om verantwoordelikheid te aanvaar vir intelligensiedienste soos in artikel 209(2) van die Grondwet beoog;
 - “Nasionale Intelligensiestrukture” die Nasionale Intelligensiestrukture soos omskryf in artikel 1 van die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994);
 - “niestatutêre diens” die gewese Umkhonto weSizwe (MK), die Azanian Peoples Liberation Army (APLA), die Pan Africanist Security Service of the Azanian Peoples Liberation Army en die Departement van Intelligensie en Sekuriteit van die African National Congress;
 - “perseel” enige terrein, plek of ligging, ongeag of dit ’n tydelike of permanente struktuur, gebou, vaartuig, voertuig of lugvaartuig is, of deel daarvan uitmaak;

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“person” includes—

- (a) a trust;
- (b) a foundation; and
- (c) any body of persons corporate or unincorporate;

“personnel list” means the personnel list submitted to the President within seven days after the commencement of the Intelligence Services Act, 1994 (Act No. 38 of 1994), by the head of each of the following organisational components which were integrated to comprise the Intelligence Services, with the names of the persons who—

- (a) on the date of the commencement of the said Act, were members of the Bureau as defined in section 1 of the Bureau for State Security Act, 1978 (Act No. 104 of 1978);
- (b) on the date of the commencement of the said Act, were members of the Department of Intelligence and Security of the African National Congress;
- (c) on the date of the commencement of the said Act, were members of the Bophuthatswana Internal Intelligence Service by virtue of their appointment in terms of the Bophuthatswana Internal Intelligence Service Act, 1982 (Act No. 25 of 1982), or were appointed in terms of section 15 of the National Security Council Act, 1981 (Act No. 27 of 1981), of Bophuthatswana;
- (d) on the date of the commencement of the said Act, were members of the Transkei Intelligence Service by virtue of their appointment in terms of the Intelligence Service and State Security Council Act, 1987 (Act No. 67 of 1987), of Transkei;
- (e) on the date of the commencement of the said Act, were members of the Venda National Intelligence Service by virtue of their appointment in terms of the Intelligence Service Act, 1988 (Act No. 31 of 1988), of Venda;
- (f) immediately before the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), were members of any intelligence service or intelligence structure of—
 - (i) any Government of a self-governing territory as defined in section 38(1) of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971); or
 - (ii) any political party or organisation;

“polygraphist” means a person who, in order to ascertain, confirm or examine in a scientific manner the truthfulness or otherwise of statements made by another person, uses skills and techniques in conjunction with any equipment and instrument designed or adapted for that purpose;

“premises” means any site, place or location regardless of whether it is or forms part of any temporary or permanent structure, building, vessel, vehicle or aircraft;

“prescribed” means prescribed by regulation;

“private investigator” means a person who for reward—

- (a) investigates and furnishes information regarding the identity, actions, whereabouts, movements, affiliations, associations, habits, personal character, reputation, trustworthiness, loyalty, occupation, previous employment, integrity, creditworthiness, transactions, financial position, life history or background of another person with or without the consent or knowledge of such a person;
- (b) searches for someone who has or is alleged to have committed any crime, delict, breach of contract or other wrongful act, or for any evidence of such wrongdoing;
- (c) searches for missing persons, property or other assets, or investigates the costs relating to or responsibility for accidents, injuries or damage; or
- (d) conducts surveillance or counter-surveillance;

“regulation” means a regulation made under this Act;

“security equipment” means security equipment as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

“security service” means a service that entails—

- (a) protecting or safeguarding a person or property in any manner;
- (b) giving advice on the protection or safeguarding of a person or property, or on the use of security equipment or the services of a private investigator;
- (c) providing a reactive or response service in connection with the safeguarding of a person or property in any manner;

- “personeelforum” ’n oorlegforum vir lede oor diensvoorwaardes en menslike hulpbronne;
- “personeel” die personeel aan die President voorgelê binne sewe dae na die inwerkingtreding van die Wet op Intelligensiedienste, 1994 (Wet No. 38 van 1994), deur die hoof van elk van die volgende organisasiekomponente wat geïntegreer is om die Intelligensiedienste uit te maak, met die name van die persone wat:
- (a) op die datum van inwerkingtreding van genoemde Wet lede was van die Buro soos omskryf in artikel 1 van die Wet op die Buro vir Staatsveiligheid, 1978 (Wet No. 104 van 1978);
- (b) op die datum van inwerkingtreding van genoemde Wet lede was van die Departement van Intelligensie en Sekuriteit van die African National Congress;
- (c) op die datum van inwerkingtreding van genoemde Wet lede was van die Bophuthatswana Internal Intelligence Service uit hoofde van hulle aanstelling ingevolge die “Bophuthatswana Internal Intelligence Service Act, 1982” (Wet No. 25 van 1982), of aangestel is ingevolge artikel 15 van die “National Security Council Act, 1981” (Wet No. 27 van 1981), van Bophuthatswana;
- (d) op die datum van inwerkingtreding van genoemde Wet lede was van die Transkei Intelligence Service uit hoofde van hulle aanstelling ingevolge die “Intelligence Service and State Security Council Act, 1987” (Wet No. 67 van 1987), van Transkei;
- (e) op die datum van inwerkingtreding van genoemde Wet lede was van die Venda National Intelligence Service uit hoofde van hulle aanstelling ingevolge die “Intelligence Service Act, 1988” (Wet No. 31 van 1988), van Venda;
- (f) onmiddellik voor die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), lede was van enige intelligensiediens of intelligensiestruktuur van—
- (i) enige Regering van ’n selfregerende gebied soos omskryf in artikel 38(1) van die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971); of
- (ii) enige politieke party of organisasie;
- “persoon” ook—
- (a) ’n trust;
- (b) ’n stigting; en
- (c) enige liggaam van persone, hetsy ingelyf of oningelyf;
- “poligrafis” ’n persoon wat, ten einde op ’n wetenskaplike wyse die waarheid al dan nie vas te stel, te bevestig of te ondersoek van verklarings wat deur ’n ander persoon afgelê is, vaardighede en tegnieke gebruik saam met enige toerusting en instrument wat vir daardie doel ontwerp of aangepas is;
- “private ondersoeker” ’n persoon wat teen vergoeding—
- (a) ondersoek instel na en inligting verstrek aangaande die identiteit, handelinge, verblyfplek, bewegings, affiliasies, assosiasies, gewoontes, persoonlike karakter, reputasie, betroubaarheid, getrouheid, beroep, vorige werk, integriteit, kredietwaardigheid, transaksies, finansiële posisie, lewensgeskiedenis of agtergrond van ’n ander persoon met of sonder die toestemming of wete van so ’n persoon;
- (b) soek na iemand wat enige misdaad, onregmatige daad, kontrakbreuk of ander wederregtelike daad gepleeg het of na bewering gepleeg het, of na enige getuie van sodanige onregmatige optrede;
- (c) soek na vermiste persone, eiendom of ander bates, of ondersoek instel na die koste van of verantwoordelikheid vir ongelukke, beserings of skade; of
- (d) observasie of teenobservasie doen;
- “regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig;
- “sekuriteitsdiens” ’n diens wat—
- (a) beskerming of beveiliging van ’n persoon of eiendom op enige wyse;
- (b) adviesgewing betreffende die beskerming of beveiliging van ’n persoon of eiendom, of betreffende die gebruik van sekuriteitstoerusting of die dienste van ’n private ondersoeker;
- (c) verskaffing van ’n reaktiewe of oproepdiens in verband met die beveiliging van ’n persoon of eiendom op enige wyse;

- (d) providing a service aimed at ensuring order and safety on premises used for sporting, recreational, entertainment or similar purposes;
- (e) manufacturing, importing, distributing or advertising of monitoring devices contemplated in section 1 of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992); 5
- (f) performing the functions of a private investigator;
- (g) performing the functions of a polygraphist;
- (h) installing, servicing or repairing security equipment;
- (i) monitoring signals or transmissions from electronic security equipment;
- (j) performing the functions of a locksmith; 10
- (k) performing the functions of a cryptographer;
- (l) providing training on the services referred to in paragraphs (a) to (k);
- (m) making a person or the services of a person available, whether directly or indirectly, for the rendering of any service referred to in paragraphs (a) to (l) to another person; 15
- (n) managing, controlling or supervising the rendering of any of the services referred to in paragraphs (a) to (m);
- “Service” means the South African Secret Service referred to in section 3;
- “staff forum” means a consultation forum for members on conditions of service and human resources; 20
- “strike” means a strike as defined in section 213 of the Labour Relations Act, 1995 (Act No. 66 of 1995);
- “this Act” includes the regulations.

Application of Act

2. Unless the context indicates otherwise, this Act applies in respect of all members, 25 irrespective of whether they were members at the commencement of this Act or were appointed after the commencement of this Act, and irrespective of whether they work in or outside the Republic.

CHAPTER II

ESTABLISHMENT, COMPOSITION AND ORGANISATION OF AGENCY, 30 SERVICE AND ACADEMY

Continued existence of Agency and Service

3. (1) The National Intelligence Agency and the South African Secret Service continue to exist and consist of the persons—
- (a) who became members in terms of the Intelligence Services Act, 1994 (Act No. 35 38 of 1994), whose names appear on the personnel list;
- (b) appointed as members in terms of the Intelligence Services Act, 1994, after its commencement;
- (c) appointed as members in terms of this Act after its commencement.
- (2) A former member of a non-statutory service may apply to have his or her years of 40 service in a non-statutory service recognised for purposes of pension benefits, subject to the provisions of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), if he or she became a member of the Agency or the Service between 1 January 1995 and 31 March 2004.
- (3) (a) The President must appoint a Director-General for each of the Intelligence 45 Services.
- (b) A Director-General is the head and accounting officer of the Intelligence Service in question.

Composition of Agency and Service

4. (1) The Minister must for each of the Intelligence Services— 50

- (d) verskaffing van 'n diens gemik op die versekering van orde en veiligheid op persele wat vir sport, ontspanning, vermaak of soortgelyke doeleindes gebruik word;
- (e) vervaardiging, invoer, verspreiding of advertering van meeluisterapparate beoog in artikel 1 van die Wet op die Verbod op Onderskepping en Meeluistering, 1992 (Wet No. 127 van 1992); 5
- (f) verrigting van die werksaamhede van 'n private ondersoeker;
- (g) verrigting van die werksaamhede van 'n poligrafis;
- (h) installering, versiening of herstel van sekuriteitstoerusting;
- (i) monitering van seine of transmissies van elektroniese sekuriteitstoerusting; 10
- (j) verrigting van die werksaamhede van 'n slotmaker;
- (k) verrigting van die werksaamhede van 'n kriptografis;
- (l) verskaffing van opleiding in die dienste in paragrawe (a) tot (k) bedoel;
- (m) beskikbaarstelling van 'n persoon of die dienste van 'n persoon, hetsy regstreeks of onregstreeks, vir die lewering van enige diens in paragrawe (a) tot (l) bedoel aan 'n ander persoon; 15
- (n) bestuur of beheer van of toesighouding oor die lewering van enige van die dienste in paragrawe (a) tot (m) bedoel, behels;
- “sekuriteitstoerusting” die sekuriteitstoerusting soos omskryf in artikel 1 van die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001); 20
- “staking” 'n staking soos omskryf in artikel 213 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995);
- “teenintelligensie” teenintelligensie soos omskryf in artikel 1 van die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994); 25
- “voorgeskryf” by regulasie voorgeskryf;
- “wangedrag” 'n handeling in artikel 18(1) beoog.

Toepassing van Wet

2. Tensy dit uit die samehang anders blyk, is hierdie Wet van toepassing op alle lede, ongeag of hulle met die inwerkingtreding van hierdie Wet lede was of na die inwerkingtreding van hierdie Wet aangestel is, en ongeag of hulle binne of buite die Republiek werk. 30

HOOFSTUK II

INSTELLING, SAMESTELLING EN ORGANISASIE VAN AGENTSKAP, DIENS EN AKADEMIE 35

Voortbestaan van Agentskap en Diens

3. (1) Die Nasionale Intelligensie-agentskap en die Suid-Afrikaanse Geheime diens gaan voort om te bestaan en bestaan uit die persone wat—
- (a) lede geword het ingevolge die Wet op Intelligensiedienste, 1994 (Wet No. 38 van 1994), wie se name op die personeelys verskyn; 40
- (b) ingevolge die Wet op Intelligensiedienste, 1994, as lede aangestel is na die inwerkingtreding daarvan;
- (c) ingevolge hierdie Wet as lede aangestel is na die inwerkingtreding daarvan.
- (2) 'n Gewese lid van 'n niestatutêre diens kan aansoek doen om sy of haar jare diens in 'n niestatutêre diens te laat erken vir doeleindes van pensioenvoordele, behoudens die bepalinge van die “Government Employees Pension Law, 1996” (Proklamasie No. 21 van 1996), indien hy of sy tussen 1 Januarie 1995 en 31 Maart 2004 lid van die Agentskap of die Diens geword het. 45
- (3) (a) Die President moet 'n Direkteur-generaal vir elk van die Intelligensiedienste aanstel. 50
- (b) 'n Direkteur-generaal is die hoof en rekenpligtige beampte van die betrokke Intelligensiediens.

Samestelling van Agentskap en Diens

4. (1) Die Minister moet vir elk van die Intelligensiedienste— 55

- (a) create posts of Deputy Director-General and of Assistant Director-General;
- (b) establish chief directorates and directorates and prescribe the functions and post structures thereof;
- (c) establish divisions and prescribe the functions and post structures thereof.

(2) The creation of Deputy Directors-General posts must be done in consultation with the President. 5

Establishment of South African National Academy of Intelligence

5. (1) There is hereby established a South African National Academy of Intelligence as an organisational component in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994), of which the management and administration is under the control of the Minister. 10

(2) The Academy—

- (a) must provide training for persons in, or conduct such examinations or tests as a qualification for the appointment, promotion or transfer of persons in or to, the Intelligence Services or departments, as the case may be, as the Minister may prescribe; and 15
- (b) may issue diplomas or certificates to persons who have passed such examinations or tests.

(3) The Academy must have a Training Fund of which the funding consists of—

- (a) all moneys which immediately prior to the commencement of this Act were moneys defrayed for training under the Agency; 20
- (b) money appropriated by Parliament from time to time for promoting training under this Act;
- (c) any other money accruing to the Training Fund in terms of this Act or from any other source. 25

(4) (a) The Training Fund must be administered by the Chief Executive Officer.

(b) Money in the Training Fund must be utilised to promote training under this Act, but money or other property donated or bequeathed to the Training Fund must be utilised in accordance with the conditions of the donation or bequest in question.

(c) The Chief Executive Officer may invest money in the Training Fund which is not required for immediate use in such a manner as the Minister may approve with the concurrence of the Minister of Finance. 30

(5) (a) The end of the financial year of the Training Fund is on the last day of March in each year.

(b) The Chief Executive Officer must— 35

- (i) keep records of money received by, and disbursements made from, the Training Fund and of its assets, liabilities and financial transactions;
- (ii) at the end of each financial year, prepare annual financial statements reflecting money received by, and disbursements made from, the Training Fund and its assets and liabilities. 40

(c) The records and annual financial statements must be audited annually by the Auditor-General in accordance with the Security Services Special Account Act, 1969 (Act No. 81 of 1969).

(6) The Chief Executive Officer must, at the end of each financial year, submit the report of the Auditor-General and the annual report of the Academy compiled in accordance with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999), to the Minister and the Joint Standing Committee on Intelligence for consideration. 45

(7) The Academy may co-operate with any institution of higher learning, in the Republic or elsewhere, to achieve its objectives. 50

(8) The accreditation and recognition of the Academy's qualifications must be done in accordance with the provisions of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995).

- (a) poste van Adjunk-direkteur-generaal en van Assistent-direkteur-generaal skep;
 - (b) hoofdirektorate en direktorate instel en die werksaamhede en postestrukture daarvan voorskryf;
 - (c) afdelings instel en die werksaamhede en postestrukture daarvan voorskryf. 5
- (2) Die skepping van poste van Adjunk-direkteur-generaal moet in ooreenstemming met die President geskied.

Instelling van Suid-Afrikaanse Nasionale Akademie van Intelligensie

5. (1) 'n Suid-Afrikaanse Nasionale Akademie van Intelligensie word hierby ingestel as 'n organisasiekomponent ingevolge die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), waarvan die bestuur en administrasie onder die beheer van die Minister is. 10

(2) Die Akademie—

- (a) moet opleiding verskaf vir persone in, of die eksamens of toetse afneem as 'n kwalifikasie vir die aanstelling, bevordering of oorpasing van persone in of na, die Intelligensiedienste of departemente, na gelang van die geval, wat die Minister voorskryf; en 15
- (b) kan diplomas of sertifikate uitreik aan persone wat sodanige eksamens of toetse geslaag het.

(3) Die Akademie moet 'n Opleidingsfonds hê waarvan die fondse bestaan uit—

- (a) alle gelde wat onmiddellik voor die inwerkingtreding van hierdie Wet gelde was wat vir opleiding onder die Agentskap aangewend is; 20
- (b) geld wat van tyd tot tyd deur die Parlement bewillig word vir die bevordering van opleiding kragtens hierdie Wet;
- (c) enige ander geld wat ingevolge hierdie Wet of uit enige ander bron aan die Opleidingsfonds toeval. 25

(4) (a) Die Opleidingsfonds moet deur die Hoof- Uitvoerende Beampte geadminestreer word.

(b) Geld in die Opleidingsfonds moet aangewend word om opleiding kragtens hierdie Wet te bevorder, maar geld of ander eiendom wat aan die Opleidingsfonds geskenk of bemaak word, moet aangewend word in ooreenstemming met die voorwaardes van die betrokke skenking of bemaking. 30

(c) Die Hoof- Uitvoerende Beampte kan geld in die Opleidingsfonds wat nie vir onmiddellike gebruik nodig is nie, belê op 'n wyse wat die Minister met die instemming van die Minister van Finansies goedkeur.

(5) (a) Die einde van die Opleidingsfonds se boekjaar is op die laaste dag van Maart in elke jaar. 35

(b) Die Hoof- Uitvoerende Beampte moet—

- (i) rekord hou van geld wat deur die Opleidingsfonds ontvang word en van uitbetalings wat uit die Opleidingsfonds gedoen word, en van sy bates, laste en finansiële transaksies; 40
- (ii) aan die einde van elke boekjaar finansiële jaarstate opstel wat die geld wat deur die Opleidingsfonds ontvang is en uitbetalings wat uit die Opleidingsfonds gedoen is, en sy bates en laste toon.

(c) Die rekords en finansiële jaarstate moet jaarliks deur die Ouditeur-generaal geouditeer word in ooreenstemming met die Wet op die Spesiale Rekening vir Veiligheidsdienste, 1969 (Wet No. 81 van 1969). 45

(6) Die Hoof- Uitvoerende Beampte moet, aan die einde van elke boekjaar, die verslag van die Ouditeur-generaal en die jaarverslag van die Akademie wat ooreenkomstig die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), saamgestel is, aan die Minister en die Gesamentlike Staande Komitee oor Intelligensie vir oorweging voorlê. 50

(7) Die Akademie kan met enige inrigting vir hoër onderwys, in die Republiek of elders, saamwerk om sy oogmerke te bereik.

(8) Die akkreditering en erkenning van die Akademie se kwalifikasies moet ooreenkomstig die bepalings van die Wet op die Suid-Afrikaanse Kwalifikasie-oowerheid, 1995 (Wet No. 58 van 1995), gedoen word. 55

Appointment of head and deputy head of Academy

6. (1) The President must in accordance with the Public Service Act, 1994 (Proclamation No. 103 of 1994), appoint a head of the Academy who is also the Chief Executive Officer, principal and accounting officer of the Academy.

(2) The Minister must appoint a deputy head of the Academy who is responsible for the curriculum and research function of the Academy: Provided that if the post level of the deputy head is at the level of a deputy director-general, the Minister must make the appointment with the concurrence of the President. 5

(3) The deputy head must perform his or her functions subject to this Act and any other laws governing the Intelligence Services. 10

Composition of Academy

7. The Minister may create the post structures necessary for the functioning of the Academy, but the posts in such structures may not exceed the posts in the structures contemplated in section 4 in seniority.

Appointment, promotion, discharge, demotion and transfer of members 15

8. (1) The Minister may, subject to this Act—

(a) appoint any person as a member of the Intelligence Services or the Academy;

(b) promote, discharge, demote or transfer any member:

Provided that such appointment, promotion, discharge, demotion or transfer in respect of a Deputy Director-General or equivalent post may only be effected in consultation with the President. 20

(2) A prescribed document signed by the Minister and certifying that any person has been appointed as a member is *prima facie* proof that such person has been so appointed.

Establishment of Ministerial Advisory Committee on Training

9. (1) There is hereby established a Ministerial Advisory Committee on Training which consists of— 25

(a) the head of the Academy;

(b) the deputy head of the Academy;

(c) the heads of the National Intelligence Structures or their alternates; and

(d) not more than 8 other persons appointed by the Minister on the basis of necessity and required expertise. 30

(2) The persons appointed under subsection (1)(d) may hold office for a renewable period of three years, and at least three of them must have extensive academic experience and knowledge.

(3) In addition to the members contemplated in subsection (1) the Minister must, subject to subsection (4), appoint a fit and proper person who is a South African citizen, with experience in higher education, to be the Chairperson of the Advisory Committee. 35

(4) The Minister must by notice in the *Gazette*, and by such other means as may be viable, invite nominations for the position of Chairperson of the Advisory Committee from the public. 40

(5) A member of the Advisory Committee who is not in the full-time employment of the State must be paid the remuneration and allowances determined by the Minister with the concurrence of the Minister of Finance.

(6) The period of office of the Chairperson is three years and may be renewed for a further period not exceeding two years. 45

(7) The functions of the Advisory Committee are to—

(a) conduct research and make recommendations to the Minister on the formulation and review of policies on training;

(b) assist the head and deputy head of the Academy to develop a curriculum and business plans for the Academy and to make recommendations to the Minister in that regard. 50

(8) The Advisory Committee must within three months after its establishment submit rules and procedures governing its functions to the Minister for approval.

Aanstelling van hoof en adjunkhoof van Akademie

6. (1) Die President moet in ooreenstemming met die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), 'n hoof van die Akademie aanstel wat ook die Hoof-Uitvoerende Beampte, prinsipaal en rekenpligtige beampte van die Akademie is. 5
- (2) Die Minister moet 'n adjunkhoof van die Akademie aanstel wat verantwoordelik is vir die kurrikulum- en navorsingsfunksie van die Akademie: Met dien verstande dat indien die posvlak van die adjunkhoof op die vlak van 'n adjunk-direkteur-generaal is, die Minister die aanstelling met die instemming van die President moet doen.
- (3) Die adjunkhoof verrig sy of haar werksaamhede behoudens hierdie Wet en enige ander wette wat die Intelligensiedienste reël. 10

Samestelling van Akademie

7. Die Minister kan die postestruktuur skep wat nodig is vir die funksionering van die Akademie, maar sodanige strukture mag nie die poste in die strukture in artikel 4 beoog, in senioriteit oorskry nie.

Aanstelling, bevordering, ontslag, demovering en oorplasing van lede 15

8. (1) Die Minister kan, behoudens hierdie Wet—
- (a) enige persoon as 'n lid van die Intelligensiedienste of die Akademie aanstel;
 - (b) enige lid bevorder, ontslaan, demoveer of oorplaas:
- Met dien verstande dat sodanige aanstelling, bevordering, ontslag, demovering of oorplasing ten opsigte van 'n Adjunk-direkteur-generaal of gelykwaardige pos slegs in oorleg met die President kan geskied. 20
- (2) 'n Voorgeskrewe dokument wat deur die Minister onderteken is en sertifiseer dat enige persoon as 'n lid aangestel is, is *prima facie*-bewys dat sodanige persoon aldus aangestel is.

Instelling van Ministeriële Advieskomitee oor Opleiding 25

9. (1) 'n Ministeriële Advieskomitee oor Opleiding word hierby ingestel, wat bestaan uit—
- (a) die hoof van die Akademie;
 - (b) die adjunkhoof van die Akademie;
 - (c) die hoofde van die Nasionale Intelligensiestrukture of hulle plaasvervaardigers; 30
en
 - (d) hoogstens agt ander persone deur die Minister aangestel op die grondslag van behoefte en verlangde kundigheid.
- (2) Die persone wat kragtens subartikel (1)(d) aangestel is, mag die amp beklee vir 'n hernubare tydperk van drie jaar, en minstens drie van die lede moet beskik oor uitgebreide akademiese ondervinding en kennis. 35
- (3) Benewens die lede in subartikel (1) beoog, moet die Minister, behoudens subartikel (4), 'n geskikte en gepaste persoon wat 'n Suid-Afrikaanse burger is en oor ondervinding in hoër onderwys beskik, as Voorsitter van die Advieskomitee aanstel.
- (4) Die Minister moet by kennisgewing in die *Staatskoerant* en deur enige ander middele wat doenlik is, benoemings van die publiek vir die posisie van Voorsitter van die Advieskomitee aanvra. 40
- (5) 'n Lid van die Advieskomitee wat nie in die voltydse diens van die Staat is nie, moet die besoldiging en toelaes betaal word wat die Minister met die instemming van die Minister van Finansies bepaal. 45
- (6) Die ampstermyn van die Voorsitter is drie jaar en kan hernu word vir 'n verdere tydperk van hoogstens twee jaar.
- (7) Die werksaamhede van die Advieskomitee is om—
- (a) navorsing te doen en aanbevelings aan die Minister te doen oor die formulering en hersiening van beleid oor opleiding; 50
 - (b) die hoof en die adjunkhoof van die Akademie by te staan om 'n kurrikulum en sakeplanne vir die Akademie te ontwikkel en om aanbevelings in dié verband aan die Minister te doen.
- (8) Die Advieskomitee moet binne drie maande na sy instelling reëls en prosedures wat sy funksionering reël vir goedkeuring aan die Minister voorlê. 55

(9) The Advisory Committee may, in consultation with the Minister, establish such subcommittees as may be necessary for the performance of its functions.

Heads of Intelligence Services and Academy

10. (1) The Director-General concerned or the Chief Executive Officer must, subject to the directions of the Minister and this Act, exercise command and control of the Intelligence Services or the Academy, as the case may be. 5

(2) The Director-General concerned or the Chief Executive Officer may, subject to the directions of the Minister and the provisions of this Act, make such rules and issue such directions as he or she may deem expedient for the efficient command and control of the Intelligence Services or the Academy, as the case may be. 10

(3) The Director-General concerned or the Chief Executive Officer may, in a prescribed manner, subject to the approval of the Minister and the provisions of this Act, issue functional directives applicable to—

- (a) physical security; 15
- (b) computer security;
- (c) communication security;
- (d) protection of classified information;
- (e) conditions of service and human resources of the Intelligence Services or the Academy, as the case may be: Provided that the functional directives on conditions of service and human resources must— 20
 - (i) be submitted to the Intelligence Services Council for consideration; and
 - (ii) be consistent with the regulations issued by the Minister;
- (f) any other matter that is necessary for the intelligence and counter-intelligence functions of the Intelligence Services.

(4) The Director-General concerned or the Chief Executive Officer must, as far as is reasonably practicable, take steps to ensure that— 25

- (a) national security intelligence, intelligence collection methods, sources of information and the identity of members of the Intelligence Services or the Academy, as the case may be, are protected from unauthorised disclosure;
- (b) neither the Intelligence Services, the Academy, nor any of their members, may, in the performance of their functions— 30
 - (i) prejudice a political party interest that is legitimate in terms of the Constitution; or
 - (ii) further, in a partisan manner, any interest of a political party; and
- (c) the powers of the Intelligence Services or the Academy are limited to what is necessary for the purposes of the discharge of its functions in terms of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994), and the Secret Services Act, 1978 (Act No. 56 of 1978). 35

Powers and duties of members

11. (1) A member must, in the performance of his or her functions, obey all lawful directions received from a person having the authority to give such directions. 40

(2) If a judge as defined in section 1 of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992), is satisfied, on the grounds mentioned in a written application complying with directives issued under subsection (5), that—

- (a) there is on any premises information which has or could probably have a bearing on the functions of the Intelligence Services as contemplated in section 2 of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994), which information is of substantial importance and is necessary for the proper discharge of the functions of the Intelligence Services; 45
- (b) such information cannot reasonably be obtained by other means, 50

he or she may issue the Intelligence Services with a direction authorising any member when reasonably necessary—

 - (i) to enter such premises;
 - (ii) to search such premises with the purpose of obtaining such information;

(9) Die Advieskomitee kan, in oorleg met die Minister, die subkomitees instel wat vir die verrigting van sy werksaamhede nodig is.

Hoofde van Intelligensiedienste en Akademie

10. (1) Die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte moet, behoudens die lasgewings van die Minister en hierdie Wet, bevel en beheer uitoefen oor die Intelligensiedienste of die Akademie, na gelang van die geval. 5

(2) Die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte kan, behoudens die lasgewings van die Minister en die bepalings van hierdie Wet, die reëls uitvaardig en die lasgewings uitreik wat hy of sy dienstig ag vir die doeltreffende bevel en beheer van die Intelligensiedienste of die Akademie, na gelang van die geval. 10

(3) Die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte mag, op 'n voorgeskrewe wyse, onderworpe aan die goedkeuring van die Minister en die bepalings van hierdie Wet, funksionele direktiewe uitvaardig wat van toepassing is op—

(a) fisiese veiligheid; 15

(b) rekenaarveiligheid; 15

(c) kommunikasieveiligheid;

(d) beskerming van geklassifiseerde inligting;

(e) diensvoorwaardes en mensehulpbronne van die Intelligensiedienste of die Akademie, na gelang van die geval: Met dien verstande dat die funksionele direktiewe op diensvoorwaardes en mensehulpbronne— 20

(i) aan die Intelligensiediensteraad vir oorweging voorgelê moet word; en

(ii) konsekwent moet wees met die regulasies wat deur die Minister uitgevaardig is;

(f) enige ander aangeleentheid wat nodig is vir die intelligensie- en teenintelligensiefunksies van die Intelligensiedienste. 25

(4) Die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte moet, so ver dit redelikerwys doenlik is, stappe doen om te verseker dat—

(a) nasionale veiligheidsintelligensie, intelligensie-insamelingsmetodes, bronne van inligting en die identiteit van lede van die Intelligensiedienste of die Akademie, na gelang van die geval, teen ongemagtigde openbaarmaking beskerm word; 30

(b) nóg die Intelligensiedienste, nóg die Akademie, nóg enige van hulle lede, in die uitvoer van hulle werksaamhede—

(i) enige politieke partybelang wat wettig is ingevolge die Grondwet, benadeel; of 35

(ii) op 'n partydige manier enige belang van 'n politieke party bevorder; en

(c) die bevoegdhede van die Intelligensiedienste of die Akademie beperk word tot wat noodsaaklik is met die oog op die verrigting van sy werksaamhede ingevolge die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994), en die Wet op Geheime Dienste, 1978 (Wet No. 56 van 1978). 40

Bevoegdhede en pligte van lede

11. (1) 'n Lid moet, by die verrigting van sy of haar werksaamhede, alle wettige lasgewings wat ontvang word van 'n persoon met die gesag om sodanige lasgewings te gee, gehoorsaam.

(2) Indien 'n regter soos omskryf in artikel 1 van die Wet op die Verbod op Onderskepping en Meeluistering, 1992 (Wet No. 127 van 1992), om die redes genoem in 'n skriftelike aansoek wat voldoen aan die lasgewings wat kragtens subartikel (5) uitgereik is, oortuig is dat— 45

(a) daar op enige perseel inligting is wat betrekking het of waarskynlik kan hê op die werksaamhede van die Intelligensiedienste soos beoog in artikel 2 van die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994), welke inligting van wesenlike belang is en nodig is vir die behoorlike verrigting van die werksaamhede van die Intelligensiedienste; 50

(b) sodanige inligting nie redelikerwys op enige ander manier verkry kan word nie, 55

kan hy of sy 'n lasgewing aan die Intelligensiedienste uitreik wat enige lid magtig om, wanneer dit redelikerwys nodig is—

(i) sodanige perseel te betree;

(ii) sodanige perseel te deursoek met die doel om sodanige inligting te verkry;

- (iii) to examine, copy, photograph or transcribe any article, document or other material on such premises; and
- (iv) to remove any article, document or other material from the premises, for as long as is reasonably necessary, for the purposes of examining, copying, photographing or transcribing it, as the case may be.

(3) (a) A direction referred to in subsection (2) must be issued for a specific period not exceeding three months.

(b) A direction referred to in paragraph (a) may be executed by a member of the Intelligence Services who is authorised to do so by a senior member of such Intelligence Services holding a post of at least a director.

(c) A member who executes a direction or assists in the execution thereof must, not later than the date of expiry of the direction referred to in paragraph (a), return any article, document or other material that was removed in terms of subsection (2)(b)(iv) to the premises in question unless the judge referred to in subsection (2) is of the opinion that the return of the said article, document or material will prejudice the security of the Republic, in which case the judge may direct that it be destroyed or stored elsewhere.

(4) The judge referred to in subsection (2) may, upon a written application complying with the directives issued under subsection (5), extend the period of validity of the direction for a further period not exceeding three months at a time, if the extension is necessary for a reason mentioned in subsection (2).

(5) The Judges President of the several Divisions of the High Court of South Africa may jointly issue directives to uniformly regulate the manner and procedure of applications in terms of subsection (2).

General powers of Minister

12. (1) The Minister may, subject to this Act, do or cause to be done all things which are necessary for the efficient superintendence, control and functioning of the Intelligence Services and the Academy.

(2) Without derogating from the generality of his or her powers in terms of subsection (1), and notwithstanding anything to the contrary contained in any other law, the Minister may—

- (a) acquire or hire any immovable property, with or without any buildings thereon, which is necessary for the efficient functioning of the Intelligence Services or the Academy, and erect or maintain any buildings on the property so acquired and, with the concurrence of the Minister of Finance, supply guarantees, indemnities and securities for those purposes;
- (b) acquire and utilise any movable property and any other equipment which may be necessary for the efficient functioning of the Intelligence Services or the Academy;
- (c) with the concurrence of the Minister of Finance, sell, let or otherwise dispose of any immovable property, with or without any building thereon, and anything referred to in paragraph (b), which is no longer required for the said purposes.

Retirement age of members

13. (1) A member must be retired on the date when he or she attains the age of 60 years: Provided that a person who was an employee of the Intelligence Services on the day immediately before the date of commencement of this Act may retire on reaching the retirement age or prescribed retirement date provided for in any other law applicable to him or her on that day.

(2) If a member attains the retirement age referred to in subsection (1) after the first day of a month, he or she shall be deemed to have attained it on the first day of the following month.

(3) If it is in the public interest to retain a member in his or her post beyond the age at which he or she is required to retire in terms of subsection (1), his or her services may, with his or her consent and with the approval of the Minister, be so retained from time to time, for further periods not exceeding five years in total.

- (iii) enige artikel, dokument of ander materiaal op sodanige perseel te ondersoek, te kopieer, te fotografeer of te transkribeer; en
- (iv) enige artikel, dokument of ander materiaal van die perseel af te verwyder, vir so lank as wat dit redelikerwys nodig is, met die doel om dit te ondersoek, te kopieer, te fotografeer of te transkribeer, na gelang van die geval. 5
- (3) (a) 'n Lasgewing in subartikel (2) bedoel, moet vir 'n bepaalde tydperk van hoogstens drie maande uitgereik word.
- (b) 'n Lasgewing in paragraaf (a) bedoel, kan uitgevoer word deur 'n lid van die Intelligensiedienste wat gemagtig is om dit te doen deur 'n senior lid van sodanige Intelligensiedienste wat 'n pos van minstens direkteur beklee. 10
- (c) 'n Lid wat 'n lasgewing uitvoer of help met die uitvoering daarvan moet, nie later nie as die vervaldatum van die lasgewing in paragraaf (a) bedoel, 'n artikel, dokument of ander materiaal wat ingevolge subartikel (2)(b)(iv) verwyder is, by die betrokke perseel terugbesorg, tensy die regter in subartikel (2) bedoel, van mening is dat die terugbesorg van genoemde artikel, dokument of materiaal die veiligheid van die Republiek sal benadeel, in welke geval die regter kan gelas dat dit vernietig of elders geberg word. 15
- (4) Die regter in subartikel (2) bedoel, kan, op 'n skriftelike aansoek wat voldoen aan die lasgewings kragtens subartikel (5) uitgereik, die tydperk van geldigheid van die lasgewing verleng vir 'n verdere tydperk van hoogstens drie maande op 'n keer, indien die verlenging nodig is om 'n rede in subartikel (2) genoem. 20
- (5) Die Regters-president van die verskillende Afdelings van die Hoë Hof van Suid-Afrika mag gesamentlik lasgewings uitreik om die wyse en prosedure van aansoeke ingevolge subartikel (2) eenvormig te reël.

Algemene bevoegdhede van Minister

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12. (1) Die Minister kan, behoudens hierdie Wet, alle dinge doen of laat doen wat nodig is vir die doeltreffende toesig en beheer oor en funksionering van die Intelligensiedienste en die Akademie.

(2) Sonder om die wye omvang van sy of haar bevoegdhede ingevolge subartikel (1) in te kort, en ondanks andersluidende bepalinge vervat in enige ander wet, kan die Minister— 30

- (a) enige onroerende eiendom, met of sonder enige geboue daarop, wat nodig is vir die doeltreffende funksionering van die Intelligensiedienste of die Akademie, verkry of huur en enige geboue oprig of in stand hou op die eiendom wat aldus verkry is en, met die instemming van die Minister van Finansies, waarborge, vrywarings en sekuriteite vir daardie doeleindes verskaf; 35
- (b) enige roerende eiendom en enige ander toerusting wat nodig is vir die doeltreffende funksionering van die Intelligensiedienste of die Akademie, verkry en benut; 40
- (c) met die instemming van die Minister van Finansies, enige onroerende eiendom, met of sonder enige gebou daarop, en enigiets in paragraaf (b) bedoel, wat nie meer vir die genoemde doeleindes nodig is nie, verkoop, verhuur of andersins daarvoor beskik.

Aftree-ouderdom van lede

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13. (1) 'n Lid is verplig om af te tree op die datum waarop hy of sy die ouderdom van 60 jaar bereik: Met dien verstande dat 'n persoon wat 'n werknemer van die Intelligensiedienste was op die dag onmiddellik voor die datum van inwerktrading van hierdie Wet, kan aftree by bereiking van die aftree-ouderdom of voorgeskrewe aftreedatum waarvoor voorsiening gemaak word in enige ander wet wat op daardie dag op hom of haar van toepassing is. 50

(2) Indien 'n lid die aftree-ouderdom in subartikel (1) bedoel ná die eerste dag van 'n maand bereik, word hy of sy geag dit te bereik het op die eerste dag van die volgende maand.

(3) Indien dit in die openbare belang is om 'n lid in sy of haar pos in diens te hou na die ouderdom waarop hy of sy ingevolge subartikel (1) verplig word om af te tree, kan sy of haar dienste, met sy of haar instemming en met die goedkeuring van die Minister, aldus van tyd tot tyd behou word vir verdere tydperke van altesaam hoogstens vyf jaar. 55

Security screening and discharge of members

14. (1) No person may be appointed as a member unless—

- (a) information with respect to that person has been gathered in the prescribed manner in a security screening investigation by the Intelligence Services; and
- (b) the Director-General, after evaluating the gathered information, is of the reasonable opinion that such a person may be appointed as a member without the possibility of such a person being a security risk or acting in any way prejudicial to the security interests of the Republic.

(2) In order to gather the information contemplated in subsection (1)(a), the Intelligence Services may, in a prescribed manner, have access to—

- (a) criminal records;
- (b) financial records;
- (c) personal information; and
- (d) any other information which is relevant to determine the security clearance of the person:

Provided that where the gathering of information contemplated in paragraphs (c) and (d) requires the interception and monitoring of the communication of such a person, the Intelligence Services must perform this function in accordance with the provisions of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992).

(3) The Director-General may, in a prescribed manner, engage the services of a polygraphist to determine the reliability of the information gathered.

(4) The Director-General may, in the prescribed manner, issue directives on—

- (a) polygraph testing;
- (b) the level of security clearance; and
- (c) criteria for evaluating the security competence.

(5) The Director-General may, after evaluating the information gathered as contemplated in subsection (1)(b), issue, degrade, withdraw or refuse to grant a security clearance certificate.

(6) Notwithstanding the provisions of subsection (5), if the Minister is of the reasonable opinion that a person may be appointed as a member without the possibility that such person might be a security risk or might act in a way prejudicial to security interests of the Republic, he or she may issue a document with respect to such a person in which it is stipulated that such a person may be appointed as member without the possibility that such person could be a security risk or could possibly act in any manner prejudicial to the security interests of the Republic, pending the outcome of the security screening investigations.

(7) If the certificate referred to in subsection (2) is withdrawn, such member is deemed unfit for further membership of the Intelligence Services or the Academy and the Minister may—

- (a) discharge such person or member from the Intelligence Services or the Academy, as the case may be; or
- (b) with the approval of the Minister responsible for the department in question, transfer such person or member to that department subject to any law governing the transfer.

(8) (a) A person whose security clearance has been refused may, in the prescribed manner, appeal to the Minister.

(b) Such appeal must—

- (i) be lodged within 60 days from the date on which the decision was made known by the Director-General or such later date as the Minister permits; and
- (ii) set out the grounds for the appeal.

(c) After considering the grounds of appeal and the Director-General's reasons for the decision, the Minister must as soon as practicable—

- (i) confirm, set aside or vary the decision; or
- (ii) substitute any other decision for the decision of the Director-General.

(9) On intervals prescribed by the Minister, a member may be subjected to a security screening investigation to determine his or her security competence to remain in the Intelligence Services.

Veiligheidskeuring en ontslag van lede

14. (1) Geen persoon mag as lid aangestel word nie tensy—
- (a) inligting met betrekking tot daardie persoon op die voorgeskrewe wyse ingesamel is in 'n veiligheidskeuringsondersoek deur die Intelligensiedienste; en 5
 - (b) die Direkteur-generaal, na evaluering van die ingesamelde inligting, redelik van mening is dat sodanige persoon as lid aangestel mag word sonder die moontlikheid dat sodanige persoon 'n veiligheidsrisiko is of op enige manier sal optree wat vir die veiligheidsbelange van die Republiek nadelig is.
- (2) Ten einde die inligting in subartikel (1) (a) bedoel in te samel, kan die Intelligensiedienste, op 'n voorgeskrewe wyse, toegang hê tot— 10
- (a) kriminele rekords;
 - (b) finansiële rekords;
 - (c) persoonlike inligting; en
 - (d) enige ander inligting wat relevant is om die veiligheidsklaring van 'n persoon vas te stel: 15
- Met dien verstande dat waar die insameling van inligting in paragrafe (c) en (d) bedoel die onderskepping en meeluistering van die kommunikasie van sodanige persoon verg, die Intelligensiedienste hierdie werksaamheid ooreenkomstig die bepalings van die Wet op die Verbod op Onderskepping en Meeluistering, 1992 (Wet No. 127 van 1992), sal uitvoer. 20
- (3) Die Direkteur-generaal kan, op die voorgeskrewe wyse, gebruik maak van die dienste van 'n poligrafië om die betroubaarheid van die ingesamelde inligting te bepaal.
- (4) Die Direkteur-generaal kan, op die voorgeskrewe wyse, direkteiewe uitvaardig oor— 25
- (a) poligraaftoetsing;
 - (b) die vlak van veiligheidsklaring; en
 - (c) kriteria vir die evaluering van die veiligheidsbevoegdheid.
- (5) Die Direkteur-generaal kan, na evaluering van die ingesamelde inligting in subartikel (1)(b) bedoel, 'n veiligheidsklaringsertifikaat uitreik, afgradeer, terugtrek of weier om 'n veiligheidsklaringsertifikaat uit te reik. 30
- (6) Nieteenstaande die bepalings van subartikel (5), indien die Minister redelik van mening is dat 'n persoon as lid aangestel kan word sonder die moontlikheid dat sodanige persoon 'n veiligheidsrisiko is of sal optree op enige manier wat vir die veiligheidsbelange van die Republiek nadelig is, kan die Minister met betrekking tot sodanige persoon 'n dokument uitreik waarin gestipuleer word dat sodanige persoon as lid aangestel mag word sonder die moontlikheid dat sodanige persoon 'n veiligheidsrisiko is of op enige manier wat vir die veiligheidsbelange van die Republiek nadelig is, sal optree, hangende die uitslag van die veiligheidsklaringsondersoek. 35
- (7) Indien die sertifikaat waarna in subartikel (2) verwys word, teruggetrek word, word sodanige lid onbevoeg geag vir verdere lidmaatskap van die Intelligensiedienste of die Akademie, en die Minister kan— 40
- (a) sodanige persoon of lid uit die Intelligensiedienste of Akademie, na gelang van die geval, ontslaan; of
 - (b) met die goedkeuring van die Minister wat vir die betrokke departement verantwoordelik is, sodanige persoon of lid na daardie departement oorplaas, onderworpe aan enige wet wat die oorplasing reguleer. 45
- (8)(a) 'n Persoon wie se veiligheidsklaring geweier is, kan, op die voorgeskrewe wyse, na die Minister appelleer.
- (b) Sodanige appél moet— 50
- (i) binne 60 dae vanaf die datum waarop die Direkteur-generaal die besluit bekend gemaak het, of sodanige latere datum wat die Minister toelaat, aangeteken word; en
 - (ii) die gronde van appél uiteensit.
- (c) Na oorweging van die gronde van appél en die Direkteur-generaal se redes vir die besluit, moet die Minister so gou doenlik— 55
- (i) die besluit bevestig, tersyde stel of wysig; of
 - (ii) die besluit van die Direkteur-generaal met enige ander besluit vervang.
- (9) By tussenposes deur die Minister voorgeskryf, kan 'n lid aan 'n veiligheidskeuringsondersoek onderwerp word om sy of haar veiligheidsbevoegdheid om in die Intelligensiedienste aan te bly, te bepaal. 60

(10) All the provisions regarding security screening investigations, applicable to a person contemplated in subsection (1), applies to security screening of members.

Discharge of members on account of long absence without leave

15. Any member who absents himself or herself, whether voluntarily or involuntarily, from his or her official duties without the permission of the Director-General concerned or the Chief Executive Officer, as the case may be, for a period exceeding 14 consecutive days, is deemed to have been discharged from the Intelligence Services or the Academy, as the case may be, on account of misconduct, with effect from the date immediately following upon the last day on which he or she was present at his or her place of duty: Provided that if—

- (a) any member absents himself or herself from his or her official duties without such permission and accepts other employment, he or she is deemed to have been discharged even if he or she has not yet absented himself or herself for a period of 14 consecutive days;
- (b) a member deemed to have been so discharged again reports for duty, the Director-General concerned or the Chief Executive Officer, as the case may be, may, notwithstanding anything to the contrary contained in any law but subject to the approval of the Minister, reinstate the member in his or her former post or appoint him or her to any other post in the Intelligence Services or the Academy, as the case may be, on such conditions as the Director-General concerned or the Chief Executive Officer, as the case may be, may deem fit, and in that event the period of his or her absence from his or her official duties is deemed to have been absence on vacation leave without pay, or leave on such other conditions as the Director-General concerned or the Chief Executive Officer, as the case may be, may determine;
- (c) the Director-General concerned or the Chief Executive Officer, as the case may be, refuses to reinstate the member, the latter may appeal to the Minister, stating the reasons why he or she should be reinstated.

Discharge of members on account of ill-health

16. (1) Any member may be discharged from the Intelligence Services or the Academy, as the case may be, by the Director-General concerned or the Chief Executive Officer, as the case may be, if, after a hearing in the prescribed manner as to his or her state of health, such Director-General or the Chief Executive Officer, as the case may be, is of the opinion that the member is by reason of ill-health unfit to remain in the Intelligence Services or the Academy, as the case may be.

(2) Any member discharged from the Intelligence Services or the Academy in terms of subsection (1) may in the prescribed manner appeal to the Minister, who may thereupon set aside or confirm his or her discharge.

Discharge or demotion of members on account of poor performance

17. (1) A member may be discharged from the Intelligence Services or the Academy or demoted by the Director-General concerned or the Chief Executive Officer, as the case may be, if, after a hearing in the prescribed manner as to his or her fitness to remain in employment or to retain his or her rank or grade, such Director-General or the Chief Executive Officer, as the case may be, is of the opinion that such member is incapable of performing his or her duties efficiently.

(2) A member who has been discharged from the Intelligence Services or the Academy or demoted in terms of subsection (1) may in the prescribed manner appeal to the Minister, who may thereupon set aside or confirm his or her discharge or demotion, as the case may be.

Discharge or demotion of members on account of misconduct

18. (1) A member is guilty of misconduct if that member—

- (a) commits a crime or an offence; or

(10) Al die bepalings met betrekking tot veiligheidskeuringsondersoeke wat op 'n persoon in subartikel (1) bedoel van toepassing is, vind toepassing by veiligheidskeuring van lede.

Ontslag van lede op grond van lang afwesigheid sonder verlof

15. Enige lid wat vrywillig of onvrywillig afwesig is van sy of haar amptelike pligte sonder die toestemming van die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, vir 'n tydperk van langer as 14 agtereenvolgende dae, word geag uit die Intelligensiedienste of die Akademie, na gelang van die geval, ontslaan te wees op grond van wangedrag, met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy of sy op sy of haar plek van diens was: Met dien verstande dat indien—

- (a) enige lid sonder sodanige toestemming van sy of haar amptelike pligte afwesig is en ander diens aanvaar, hy of sy geag word ontslaan te wees selfs al was hy of sy nog nie vir 'n tydperk van 14 agtereenvolgende dae afwesig nie; 15
- (b) 'n lid wat geag word aldus ontslaan te wees, weer vir diens aanmeld, die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, ondanks enige andersluidende bepaling vervat in enige wet maar behoudens die goedkeuring van die Minister, hom of haar in sy of haar vorige pos kan herstel of hom of haar in enige ander pos in die Intelligensiedienste of die Akademie, na gelang van die geval, kan aanstel op die voorwaardes wat die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, geskik ag, en in daardie geval word die tydperk van sy of haar afwesigheid van sy of haar amptelike pligte geag afwesigheid met vakansieverlof sonder besoldiging te wees, of verlof op die ander voorwaardes wat die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, bepaal; 20
- (c) die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, weier om die lid in sy of haar pos te herstel, laasgenoemde na die Minister kan appelleer met vermelding van die redes waarom hy of sy aldus herstel moet word. 25 30

Ontslag van lede op grond van swak gesondheid

16. (1) Enige lid kan uit die Intelligensiedienste of die Akademie, na gelang van die geval, ontslaan word deur die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, indien na 'n verhoor op die voorgeskrewe wyse oor sy of haar gesondheidstoestand, sodanige Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, van mening is dat die lid as gevolg van swak gesondheid ongeskik is om in die Intelligensiedienste of die Akademie, na gelang van die geval, te bly. 35

(2) Enige lid wat ingevolge subartikel (1) uit die Intelligensiedienste of die Akademie ontslaan word, kan op die voorgeskrewe wyse na die Minister appelleer, wat sy of haar ontslag dan ter syde kan stel of bevestig. 40

Ontslag of demovering van lede op grond van swak prestasie

17. (1) 'n Lid kan uit die Intelligensiedienste of die Akademie ontslaan of gedemoveer word deur die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, indien na 'n verhoor op die voorgeskrewe wyse oor sy of haar geskiktheid om in diens te bly of om sy of haar rang of graad te behou, sodanige Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, van mening is dat sodanige lid onbekwaam is om sy of haar pligte doeltreffend te verrig. 45

(2) Enige lid wat ingevolge subartikel (1) uit die Intelligensiedienste of die Akademie ontslaan word of gedemoveer word, kan op die voorgeskrewe wyse na die Minister appelleer, wat sy of haar ontslag of demovering, na gelang van die geval, dan ter syde kan stel of bevestig. 50

Ontslag of demovering van lede op grond van wangedrag

18. (1) 'n Lid is skuldig aan wangedrag indien daardie lid— 55

- (a) 'n misdaad of 'n misdryf pleeg; of

(b) contravenes or fails to comply with any provision of this Act.

(2) A member may be discharged from the Intelligence Services or the Academy or demoted by the Director-General concerned or the Chief Executive Officer, as the case may be, if, after an inquiry in the prescribed manner as to his or her fitness to remain in employment or to retain his or her rank or grade, such Director-General or the Chief Executive Officer, as the case may be, is of the opinion that such member is guilty of misconduct. 5

(3) A member who has been discharged from the Intelligence Services or the Academy or demoted in terms of subsection (2) may in the prescribed manner appeal to the Minister, who may thereupon set aside or confirm his or her discharge or demotion, as the case may be. 10

Transfer and discharge of members on account of public interest, secondment of members, and temporary employment of other persons

19. (1) If it is in the public interest, the Minister may—

(a) transfer any member from the post held by him or her to any other post— 15

(i) in the Intelligence Services or the Academy;

(ii) in any entity or establishment under the political control of the Minister; or

(iii) in another department, if the Minister responsible for the department in question has granted his or her approval, 20

whether or not such post is of a lower grade than that of the post held by him or her, and whether or not such post is within or outside the Republic: Provided that—

(aa) upon such transfer the member's salary and salary scale and such benefits as may be approved by the Minister, may not be reduced or altered without his or her consent, except in accordance with sections 17 and 18; 25

(bb) such transfer to another department, entity or establishment is subject to the conditions imposed by any law governing that transfer; and

(cc) a member may not without his or her consent be transferred to a post outside the Intelligence Services or the Academy if such transfer will, save for his or her salary, result in a change in his or her conditions of service; 30

(b) discharge any member from the Intelligence Services or the Academy on such conditions as the Minister may determine.

(2) The Minister may, with the consent of a member and upon such conditions as the Minister may determine, second a member, for the performance of a particular service or for a specified period, to the service of any other department, or the Intelligence Services or the Academy, or to any other authority, board, entity, establishment, institution or body, but, while so seconded, the member remains subject to this Act and any other law which applies to him or her. 35 40

(3) The Minister may by contract engage any person for the performance of a particular service, or for any period and on such terms as the Minister may deem fit.

(4) Subject to subsection (3) the Minister may determine that a person engaged on contract be designated as a member for the duration of the contract.

Delegation of powers

20. (1) The Minister may in writing and on such conditions as he or she may deem fit delegate any power conferred upon or duty assigned to him or her by this Act, excluding any power conferred upon or duty assigned to him or her by sections 4(1)(a) and (b), 5(1), (2)(a) and (4)(c), 6(2), 9(3), (4), (5), (8) and (9), 10(1) and (2), 12(1), (2)(a) and (c), 13(3), 14(6), (7), (8) and (9), 15(1)(b) and (c), 16(2), 17(2), 18(3), 19(1) and (4), 21(2), 22(1), (5) and (7), 23(3)(a)(i) and (ii), 28(2), 30 and 37 to the Director-General concerned, the Chief Executive Officer or any other member of the Intelligence Services or the Academy, as the case may be. 45 50

(2) A Director-General or the Chief Executive Officer may delegate any power conferred upon or duty assigned to him or her by or under this Act to any other member of the Intelligence Services or the Academy, as the case may be, but not any power or duty delegated under subsection (1). 55

(b) enige bepaling van hierdie Wet oortree of versuim om daaraan te voldoen.

(2) 'n Lid kan uit die Intelligensiedienste of die Akademie ontslaan of gedemoveer word deur die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, indien na 'n ondersoek op die voorgeskrewe wyse oor sy of haar geskiktheid om in diens te bly of om sy of haar rang of graad te behou, sodanige Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, van mening is dat sodanige lid hom of haar aan wangedrag skuldig gemaak het. 5

(3) Enige lid wat ingevolge subartikel (2) uit die Intelligensiedienste of die Akademie ontslaan of gedemoveer is, kan op die voorgeskrewe wyse na die Minister appelleer, wat sy of haar ontslag of demovering, na gelang van die geval, dan ter syde kan stel of bevestig. 10

Oorplasing en ontslag op grond van openbare belang, sekondering van lede, en tydelike indiensneming van ander persone

19. (1) Indien die openbare belang dit vereis, kan die Minister—

(a) enige lid uit die pos wat hy of sy beklee, oorplaas na enige ander pos— 15

(i) in die Intelligensiedienste of die Akademie;

(ii) in enige entiteit of instelling onder die politieke beheer van die Minister; of

(iii) in 'n ander departement, indien die Minister verantwoordelik vir die betrokke departement sy of haar goedkeuring verleen het, 20

ongeag of sodanige pos van 'n laer graad is as die pos wat deur hom of haar beklee word, en ongeag of sodanige pos binne of buite die Republiek is: Met dien verstande dat—

(aa) by sodanige oorplasing die lid se salaris en salarisskaal en die voordele wat deur die Minister goedgekeur word, nie sonder sy of haar instemming verlaag of verander mag word nie, behalwe in ooreenstemming met artikels 17 en 18; 25

(bb) sodanige oorplasing na 'n ander departement, entiteit of instelling onderworpe is aan die voorwaardes gestel deur enige wet wat daardie oorplasing reël; en 30

(cc) 'n lid nie sonder sy of haar instemming na 'n pos buite die Intelligensiedienste of die Akademie oorgeplaas mag word nie indien sodanige oorplasing sal lei tot 'n verandering in sy of haar diensvoorwaardes, uitgesonderd sy of haar salaris;

(b) enige lid uit die Intelligensiedienste of die Akademie ontslaan op die voorwaardes wat die Minister bepaal. 35

(2) Die Minister kan, met die instemming van 'n lid en op die voorwaardes wat die Minister bepaal, 'n lid vir die verrigting van 'n bepaalde diens of vir 'n bepaalde tydperk sekondeer aan die diens van enige ander departement, of die Intelligensiedienste of die Akademie, of na enige ander owerheid, raad, entiteit, instelling, inrigting of liggaam, maar terwyl sodanige lid aldus gesecondeer is, bly hy of sy onderworpe aan hierdie Wet en enige ander wet wat op hom of haar van toepassing is. 40

(3) Die Minister kan enige persoon kontraktueel in diens neem vir die verrigting van 'n bepaalde diens, of vir enige tydperk en op die voorwaardes wat die Minister goed ag.

(4) Behoudens subartikel (3) kan die Minister bepaal dat 'n persoon wat op kontrak in diens geneem is, vir die duur van die kontrak as 'n lid aangewys word. 45

Delegering van bevoegdhede

20. (1) Die Minister kan skriftelik en op die voorwaardes wat hy of sy geskik ag, enige bevoegdheid of plig wat by hierdie Wet aan hom of haar verleen of hom of haar opgelê is, behalwe enige bevoegdheid aan hom of haar verleen of plig aan hom of haar opgelê by artikels 4(1)(a) en (b), 5(1), (2)(a) en (4)(c), 6(2), 9(3), (4), (5), (8) en (9), 10(1) en (2), 12(1), (2)(a) en (c), 13(3), 14(6), (7), (8) en (9), 15(1)(b) en (c), 16(2), 17(2), 18(3), 19(1) en (4), 21(2), 22(1), (5) en (7), 23(3)(a)(i) en (ii), 28(2), 30 en 37, aan die betrokke Direkteur-generaal, die Hoof- Uitvoerende Beampte of enige ander lid van die Intelligensiedienste of die Akademie, na gelang van die geval, delegeer. 55

(2) 'n Direkteur-generaal of die Hoof- Uitvoerende Beampte kan enige bevoegdheid of plig wat by of kragtens hierdie Wet aan hom of haar verleen of opgelê is, delegeer aan enige ander lid van die Intelligensiedienste of die Akademie, na gelang van die geval, maar nie 'n bevoegdheid of plig wat kragtens subartikel (1) gedelegeer is nie.

Labour relations

21. (1) No member of the Intelligence Services or the Academy may strike or induce or conspire with any other member to strike.

(2) The Minister must in the prescribed manner make provision for internal rules to deal with complaints, grievances and consultation on conditions of service and human resources within the Academy or Intelligence Services, as the case may be. 5

(3) A regulation made under this section with reference to members may not be published in the *Gazette* but must be notified to members in such manner as the Minister may determine.

Establishment of Intelligence Services Council on Conditions of Service 10

22. (1) There is hereby established an Intelligence Services Council on Conditions of Service which consists of not more than three persons or members appointed on contract by the Minister, one of whom must be Chairperson.

(2) The members contemplated in subsection (1) must be fit and proper persons with a thorough knowledge of the functioning of the Intelligence Services. 15

(3) The functions of the Intelligence Services Council are—

(a) to make recommendations to the Minister on the development of policies on conditions of service and human resource matters;

(b) to make recommendations to the Minister on improvements of salaries and fringe benefits of members on an annual basis; 20

(c) for purposes of making recommendations as contemplated in paragraphs (a) and (b)—

(i) to conduct research;

(ii) to review such policies;

(iii) to evaluate and monitor the implementation of such policies; 25

(iv) to invite the Directors-General, the Chief Executive Officer, the Chairpersons of the staff forum, members and any other interested party to give representations on any matter relating to the purview of its functions;

(v) to evaluate representations contemplated in subparagraph (iv); 30

(vi) to confer with the Public Service Commission.

(4) The Chairperson may co-opt a Director-General or the Chief Executive Officer to participate in the functioning of the Intelligence Services Council: Provided that such Director-General or the Chief Executive Officer does not have voting powers.

(5) The conditions of service of the members of the Intelligence Services Council may be determined by the Minister in accordance with the conditions of service applicable to members. 35

(6) The Intelligence Services Council must perform its functions impartially, without bias, fear or prejudice.

(7) The Minister may appoint members or persons to give research, administrative, logistical and technical support to the Intelligence Services Council. 40

CHAPTER III**GENERAL****Whole time of members to be at disposal of State**

23. (1) Unless otherwise provided in this Act— 45

(a) every member must place the whole of his or her time at the disposal of the State;

(b) no member must perform or engage himself or herself to perform any remunerative work outside his or her employment; and

(c) no member may claim as of right additional remuneration in respect of any official duty or work which he or she is required by a competent authority to perform. 50

(2) Notwithstanding subsection (1), the Minister may grant permission to a member to perform or engage himself or herself to perform remunerative work outside his or her employment. 55

(3) (a) Where a member receives any remuneration, allowance or other reward in connection with the performance of his or her work, otherwise than in accordance with this Act or in contravention of subsection (1)(b), such member must pay to the

Arbeidsverhoudinge

21. (1) Geen lid van die Intelligensiedienste of die Akademie mag staak of enige ander lid daartoe oorhaal of met enige ander lid saamsweer om te staak nie.

(2) Die Minister moet op die voorgeskrewe wyse voorsiening maak vir interne reëls om klagtes, griewe en oorleg oor diensvoorwaardes en menslike hulpbronne in die Akademie of Intelligensiedienste, na gelang van die geval, te hanteer. 5

(3) 'n Regulasie wat kragtens hierdie artikel uitgevaardig is met betrekking tot lede, mag nie in die *Staatskoerant* gepubliseer word nie maar moet aan lede bekend gemaak word op die wyse wat die Minister bepaal.

Instelling van Intelligensiediensteraad op Diensvoorwaardes 10

22. (1) Daar word hierby 'n Intelligensiediensteraad op Diensvoorwaardes ingestel, wat bestaan uit nie meer as drie persone of lede op kontrak deur die Minister aangestel, van wie een Voorsitter moet wees.

(2) Die lede in subartikel (1) beoog, moet geskikte en gepaste persone wees met 'n deeglike kennis van die funksionering van die Intelligensiedienste. 15

(3) Die werksaamhede van die Intelligensiediensteraad is—

(a) om aanbevelings aan die Minister te doen oor die ontwikkeling van beleid oor diensvoorwaardes en mensehulpbronaangeleentheid;

(b) om aanbevelings aan die Minister te doen oor verbetering van salarisse en byvoordele van lede op 'n jaarlikse grondslag; 20

(c) ten einde aanbevelings te doen soos beoog in paragrawe (a) en (b)—

(i) om navorsing te doen;

(ii) om sodanige beleid te hersien;

(iii) om die toepassing van sodanige beleid te evalueer en te moniteer;

(iv) om die Direkteurs-generaal, die Hoof- Uitvoerende Beampte, die Voorsitters van die personeelforum, lede en enige ander belanghebbende party uit te nooi om verhoë te rig oor enige aangeleentheid rakende die bestek van sy werksaamhede; 25

(v) om verhoë in subparagraaf (iv) beoog, te evalueer;

(vi) om met die Staatsdienskommissie oorleg te pleeg. 30

(4) Die Voorsitter kan 'n Direkteur-generaal of die Hoof- Uitvoerende Beampte koöpteer om deel te neem aan die funksionering van die Intelligensiediensteraad: Met dien verstande dat sodanige Direkteur-generaal of die Hoof- Uitvoerende Beampte nie stemreg het nie.

(5) Die diensvoorwaardes van die lede van die Intelligensiediensteraad kan deur die Minister bepaal word in ooreenstemming met diensvoorwaardes wat op lede van toepassing is. 35

(6) Die Intelligensiediensteraad moet sy werksaamhede onpartydig en sonder vooroordeel, vrees of benadeling verrig.

(7) Die Minister kan lede of persone aanstel om navorsings-, administratiewe, 40 logistieke en tegniese steun aan die Intelligensiediensteraad te verleen.

HOOFSTUK III**ALGEMEEN****Volle tyd van lede tot beskikking van Staat**

23. (1) Tensy daar in hierdie Wet anders bepaal word— 45

(a) moet elke lid sy of haar volle tyd tot beskikking van die Staat stel;

(b) mag geen lid enige besoldigde werk buite sy of haar diens verrig of hom of haar daartoe verbind nie; en

(c) mag geen lid aanspraak maak op bykomende besoldiging ten opsigte van enige amptelike plig of werk wat 'n bevoegde owerheid van hom of haar verlang om te verrig nie. 50

(2) Ondanks subartikel (1) kan die Minister aan 'n lid toestemming verleen om besoldigde werk buite sy of haar diens te verrig of om hom of haar daartoe te verbind.

(3) (a) Waar 'n lid enige besoldiging, toelae of ander beloning ontvang in verband met die verrigting van sy of haar werk, anders as in ooreenstemming met hierdie Wet of 55 strydig met subartikel (1)(b), moet sodanige lid aan die Intelligensiedienste of die

Intelligence Services or the Academy, as the case may be, an amount equal to the amount of such remuneration, allowance or reward or, where it does not consist of money, the value thereof as determined by the Director-General concerned or the Chief Executive Officer, as the case may be, and if he or she does not do so, such Director-General or the Chief Executive Officer may recover it from him or her by way of legal proceedings: 5
 Provided that—

- (i) the member has a right of appeal to the Minister against the determination by the Director-General concerned or the Chief Executive Officer of the value of the remuneration, allowance or reward;
- (ii) the Minister may approve the retaining by a member of the whole or a portion 10
 of that remuneration, allowance or reward.

(b) Where a member has received any remuneration, allowance or other reward as contemplated in paragraph (a) which is still in his or her possession or under his or her control or in the possession or under the control of some other person on his or her behalf or, if it is money, has been deposited in any bank or other financial institution in his or 15
 her name or in the name of some other person on his or her behalf, the Director-General concerned or Chief Executive Officer, as the case may be, may in writing require such member or such other person or such bank or financial institution not to dispose thereof, or, if it is money, to retain a corresponding sum of money, as the case may be, pending 20
 the outcome of any legal proceedings for the recovery of such remuneration, allowance or reward or the value thereof.

(4) Any salary, allowance, fee, bonus or honorarium which may be payable in respect of the service of a member seconded to any other government or any other authority or to any board, entity, establishment, institution or body shall be paid to the Academy or the Intelligence Services: Provided that in special circumstances the Minister may 25
 approve the payment to such member of an amount equal to the said salary, allowance, fee, bonus or honorarium, or a portion thereof.

Reward for extraordinary diligence or devotion

24. The Director-General concerned or the Chief Executive Officer, as the case may be, may, with the approval of the Minister, award to any person who is or was a member, 30
 for extraordinary diligence or devotion in the performance of his or her duties as a member, such monetary or other reward as he or she considers appropriate in the circumstances.

Establishment of decorations and medals for members

25. The Minister may establish and introduce decorations and medals, as well as bars, 35
 clasps and ribbons in respect of such decorations and medals, which may be awarded by him or her, subject to such conditions as may be prescribed, to any person who is or was a member in respect of his or her services as a member or to any other person who has rendered exceptional services to the Intelligence Services or the Academy.

Offences

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26. (1) A person commits an offence if he or she—

- (a) not being a member—
 - (i) by words, conduct or demeanour pretends that he or she is a member;
 - (ii) encourages a member not to carry out his or her duty or to perform any 45
 act in conflict with his or her duty;
 - (iii) discloses classified information or material entrusted to him or her by the Director-General, the Chief Executive Officer or a member without the permission of the Director-General or the Chief Executive Officer, as the case may be;
- (b) fails to comply with section 23(3)(b); 50
- (c) not being the person to whom a decoration or medal was awarded, wears it or, without the written permission of the Director-General concerned or the Chief Executive Officer, as the case may be, makes use of any decoration or medal established or introduced under this Act, or of its bar, clasp or ribbon, or

Akademie, na gelang van die geval, 'n bedrag betaal gelyk aan die bedrag van sodanige besoldiging, toelae of beloning of, waar dit nie uit geld bestaan nie, die waarde daarvan soos bepaal deur die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, en indien hy of sy dit nie doen nie, kan sodanige Direkteur-generaal of die Hoof- Uitvoerende Beampte dit van hom of haar verhaal deur middel van geregtelike verrigtinge: Met dien verstande dat—

- (i) die lid 'n reg van appèl na die Minister het teen die bepaling deur die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte van die waarde van die besoldiging, toelaag of beloning;
- (ii) die Minister die behoud van daardie besoldiging, toelaag of beloning deur 'n lid in geheel of gedeeltelik kan goedkeur.

(b) Waar 'n lid enige besoldiging, toelaag of ander beloning ontvang het soos in paragraaf (a) beoog wat nog in sy of haar besit of onder sy of haar beheer of in die besit of onder die beheer van 'n ander persoon namens hom of haar is of, indien dit geld is, by enige bank of ander finansiële instelling gedeponeer is op sy of haar naam of op die naam van 'n ander persoon ten behoeve van hom of haar, kan die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, skriftelik van sodanige lid of sodanige ander persoon of sodanige bank of finansiële instelling vereis om nie daarvoor te beskik nie of, indien dit geld is, om 'n ooreenstemmende bedrag geld te behou, na gelang van die geval, hangende die uitkoms van enige geregtelike verrigtinge vir die verhaal van sodanige besoldiging, toelaag of beloning of die waarde daarvan.

(4) Enige salaris, toelaag, gelde, bonus of honorarium wat betaalbaar is ten opsigte van die diens van 'n lid wat aan enige ander regering of enige ander owerheid of aan enige raad, entiteit, instelling, inrigting of liggaam gesekondeer is, moet aan die Akademie of die Intelligensiedienste betaal word: Met dien verstande dat die Minister in spesiale omstandighede kan goedkeur dat 'n bedrag gelyk aan genoemde salaris, toelaag, gelde, bonus of honorarium, of 'n gedeelte daarvan, aan sodanige lid betaal word.

Beloning vir buitengewone ywer of toewyding 30

24. Die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan met die goedkeuring van die Minister aan enige persoon wat 'n lid is of was, vir buitengewone ywer of toewyding by die uitvoering van sy of haar pligte as lid, die monetêre of ander beloning toeken wat hy of sy in die omstandighede gepas ag.

Instelling van dekorasies en medaljes vir lede 35

25. Die Minister kan dekorasies en medaljes, asook stawe, knippe en linte ten opsigte van sodanige dekorasies en medaljes, instel en bekendstel, wat deur hom of haar toegeken kan word, behoudens die voorwaardes wat voorgeskryf word, aan enige persoon wat 'n lid is of was, ten opsigte van sy of haar dienste as lid of aan enige ander persoon wat uitsonderlike dienste aan die Intelligensiedienste of die Akademie gelewer het.

Misdrywe

26. (1) 'n Persoon pleeg 'n misdryf indien hy of sy—

- (a) terwyl hy of sy nie 'n lid is nie—
 - (i) deur woorde, optrede of gedrag voorgee dat hy of sy 'n lid is; 45
 - (ii) 'n lid aanmoedig om nie sy of haar plig uit te voer nie of om enige handeling in stryd met sy of haar plig uit te voer;
 - (iii) geklassifiseerde inligting of materiaal wat aan hom of haar toevertrou is deur die Direkteur-generaal, die Hoof- Uitvoerende Beampte of 'n lid, sonder die toestemming van die Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, openbaar maak; 50
- (b) versuim om aan artikel 23(3)(b) te voldoen;
- (c) 'n dekorasie of medalje dra terwyl hy of sy nie die persoon is aan wie dit toegeken is nie of, sonder die skriftelike toestemming van die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, gebruik maak van enige dekorasie of medalje wat kragtens hierdie Wet ingestel of bekendgestel is, of van die staaf, knip of lint daarvan, of enigets 55

- anything so closely resembling any such decoration, medal, bar, clasp or ribbon as to be calculated to deceive;
- (d) without the approval of the Minister, in connection with any activity carried on by him or her takes, assumes, uses or in any manner publishes any name, description, title or symbol that indicates or conveys or purports to indicate or which is likely to lead other persons to believe or infer that such activity is carried on under or by virtue of this Act or under the patronage of the Intelligence Services or the Academy or is in any manner associated or connected with the Intelligence Services or the Academy; 5
- (e) enters upon any premises in contravention of any prohibition or restriction under section 33; 10
- (f) being a former member—
- (i) discloses classified information or material without the permission of the Director-General concerned or the Chief Executive Officer;
 - (ii) renders security services in contravention of section 28; or 15
 - (iii) contravenes section 29;
- (g) being a member, discloses classified information or material without the permission of the Director-General concerned or the Chief Executive Officer, as the case may be.
- (2) Any person convicted of an offence in terms of this Act is liable, in the case of a contravention referred to in— 20
- (a) subsection (1)(a)(i) or (ii), to a fine, or to imprisonment for a period not exceeding six months;
 - (b) subsection (1)(a)(iii), to a fine or to imprisonment for a period not exceeding five years; 25
 - (c) subsection (1)(b) or (c), to a fine or to imprisonment for a period not exceeding one year;
 - (d) subsection (1)(d), to a fine or to imprisonment for a period not exceeding two years;
 - (e) subsection (1)(e), to a fine or to imprisonment for a period not exceeding 15 years; 30
 - (f) subsection (1)(f), to a fine or to imprisonment for a period not exceeding 10 years; or
 - (g) subsection (1)(g), to a fine or to imprisonment for a period not exceeding 10 years. 35

Disclosure of classified information or material by former members

27. (1) Subject to section 10(3)(a), a former member may not disclose in any form or any manner any information or material to any other person unless the Director-General concerned or the Chief Executive Officer, as the case may be, has granted permission for the disclosure of such information or material. 40

(2) Subsection (1) applies to any information or material received by the former member during, or subsequent to, the former member's employment or other service with the Intelligence Services or the Academy, as the case may be, that was marked as classified or that the former member knew or ought reasonably to have known was classified. 45

(3) For the purposes of subsection (1), the Director-General concerned or the Chief Executive Officer may consult any member or person to advise him or her on the consideration of applications by former members for permission to disclose classified information or material.

(4) The Minister may prescribe the manner in which applications for disclosure of classified information or material by former members must be processed. 50

Employment in private security industry

28. (1) A former member may not, for a period of three years after leaving the Intelligence Services or the Academy, render a security service unless he or she has obtained a clearance certificate from the Director-General concerned or the Chief Executive Officer, as the case may be. 55

- wat in so 'n mate met sodanige dekorasie, medalje, staaf, knip of lint ooreenstem dat die bedoeling is om te bedrieg;
- (d) sonder die goedkeuring van die Minister, in verband met enige optrede wat deur hom of haar verrig word, enige naam, beskrywing, titel of simbool neem, aanneem, gebruik of op enige wyse publiseer, wat aandui of te kenne gee of voorgee om aan te dui of wat waarskynlik sal veroorsaak dat ander persone glo of aflei dat sodanige aktiwiteit uitgevoer word kragtens of uit hoofde van hierdie Wet of onder die beskerming van die Intelligensiedienste of die Akademie of op enige wyse met of aan die Intelligensiedienste of Akademie geassosieer of gekoppel word;
- (e) enige perseel strydig met enige verbod of beperking kragtens artikel 33 betree;
- (f) synde 'n gewese lid—
- (i) geklassifiseerde inligting of materiaal openbaar maak sonder die toestemming van die betrokke Direkteur-generaal of die Hoof-Uitvoerende Beampte;
- (ii) sekuriteitsdienste strydig met artikel 28 lewer; of
- (iii) artikel 29 oortree;
- (g) synde 'n lid, geklassifiseerde inligting of materiaal openbaar maak sonder die toestemming van die betrokke Direkteur-generaal of die Hoof-Uitvoerende Beampte, na gelang van die geval.
- (2) Enige persoon wat skuldig bevind is aan 'n misdryf ingevolge hierdie Wet, is strafbaar, in die geval van 'n oortreding bedoel in—
- (a) subartikel (1)(a)(i) of (ii), met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens ses maande;
- (b) subartikel (1)(a)(iii), met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar;
- (c) subartikel (1)(b) of (c), met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens een jaar;
- (d) subartikel (1)(d), met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar;
- (e) subartikel (1)(e), met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 15 jaar;
- (f) subartikel (1)(f), met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 10 jaar; of
- (g) subartikel (1)(g), met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 10 jaar.

Openbaarmaking van geklassifiseerde inligting of materiaal deur gewese lede

27. (1) Behoudens artikel 10(3)(a) mag 'n gewese lid geen inligting of materiaal in enige vorm of op enige wyse aan enige ander persoon openbaar maak nie tensy die betrokke Direkteur-generaal of die Hoof-Uitvoerende Beampte, na gelang van die geval, toestemming vir die openbaarmaking van sodanige inligting of materiaal gegee het.

(2) Subartikel (1) is van toepassing op enige inligting of materiaal wat die gewese lid ontvang het tydens of na die lid se indienshouding of ander diens by die Intelligensiedienste of die Akademie, na gelang van die geval, wat as geklassifiseer gemerk is of wat die gewese lid geweet het of redelikerwys moes geweet het geklassifiseer was.

(3) Vir doeleindes van subartikel (1) kan die betrokke Direkteur-generaal of die Hoof-Uitvoerende Beampte enige lid of persoon raadpleeg om hom of haar te adviseer oor die oorweging van aansoeke deur voormalige lede vir toestemming om geklassifiseerde inligting of materiaal openbaar te maak.

(4) Die Minister kan die wyse voorskryf waarop aansoeke om openbaarmaking van geklassifiseerde inligting of materiaal deur gewese lede verwerk moet word.

Diens in private sekuriteitsbedryf

28. (1) 'n Gewese lid mag nie, vir 'n tydperk van drie jaar nadat hy of sy die Intelligensiedienste of die Akademie verlaat het, 'n sekuriteitsdiens lewer nie tensy hy of sy 'n klaringsertifikaat van die betrokke Direkteur-generaal of die Hoof-Uitvoerende Beampte, na gelang van die geval, verkry het.

(2) The Minister may prescribe the manner in which any former member may apply for a clearance certificate referred to in subsection (1).

Prohibited communications by former members

29. No former member may communicate in the Republic or elsewhere in a manner that is likely to be detrimental to the security of the Republic with any person— 5

(a) who is or was a member, representative or associate of the Intelligence Services or the Academy or a foreign intelligence service;

(b) who co-operates or has co-operated with the Intelligence Services or the Academy in respect of matters concerning the security of the Republic.

Appeals 10

30. (1) A former member may appeal to the Minister against a decision of the Director-General concerned or the Chief Executive Officer in terms of section 27(1) or 28(1).

(2) The Minister may establish a panel of appeal to advise him or her on the appeal process by a former member: Provided that— 15

- (a) persons appointed to the panel of appeal have a security clearance certificate issued by the Agency;
- (b) the remuneration and allowances to be paid to such persons be determined by the Minister with the concurrence of the Minister of Finance.

(3) The Minister may prescribe the procedure of appeal by former members. 20

Conduct of former members

31. The Minister may prescribe the manner in which former members must conduct themselves in order to protect the security of the Republic and the interests of the Intelligence Services and the Academy.

Extra-territorial application of Act and jurisdiction 25

32. (1) Any act constituting an offence or misconduct under this Act and which is committed outside the Republic by any South African citizen or any person domiciled in the Republic is deemed to have been committed also in the Republic.

(2) Any offence or misconduct contemplated in subsection (1) may be tried by the appropriate court or board of enquiry at the place in the Republic where the accused or person concerned happens to be despite any law regarding jurisdiction. 30

Prohibition of access to premises

33. (1) The Minister may by notice in the *Gazette* and in any other appropriate manner prohibit or restrict access to any premises under the control of the Intelligence Services or the Academy. 35

(2) The Minister may take or cause to be taken such measures as are necessary for the security of, or for the enforcement of a prohibition of or a restriction on access to, such premises, and may in connection with any measures so taken cause such notices to be published or such warning notices to be made as may in each particular case be necessary. 40

Canteens

34. (1) Notwithstanding anything to the contrary contained in any other law, the Minister may establish canteens for the Intelligence Services or the Academy and for the organisational components thereof.

(2) The production of an official document signed by the Minister and indicating that he or she has established a canteen for the purposes of this section, is conclusive proof that it is a canteen falling under this section. 45

(3) For the purposes of this section “canteen” includes any mess, pub or institution of the Intelligence Services or the Academy, as the case may be, or any premises temporarily or permanently used for providing recreation, refreshments or necessities 50

(2) Die Minister kan die wyse voorskryf waarop enige gewese lid kan aansoek doen om 'n klaringsertifikaat in subartikel (1) bedoel.

Verbode kommunikasie deur gewese lede

29. Geen gewese lid mag in die Republiek of elders op 'n wyse wat waarskynlik vir die veiligheid van die Republiek nadelig sal wees, kommunikeer nie met enige persoon— 5

- (a) wat 'n lid, verteenwoordiger of medewerker van die Intelligensiedienste of die Akademie of 'n buitelandse intelligensiediens is of was;
- (b) wat ten opsigte van aangeleenthede rakende die veiligheid van die Republiek met die Intelligensiedienste of die Akademie saamwerk of saamgewerk het. 10

Appèlle

30. (1) 'n Gewese lid kan na die Minister appelleer teen 'n besluit van die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte ingevolge artikel 27(1) of 28(1).

(2) Die Minister kan 'n appèlpaneel instel om hom of haar te adviseer oor die appèlproses deur 'n gewese lid: Met dien verstande dat— 15

- (a) persone wat in die appèlpaneel aangestel word, moet beskik oor 'n veiligheidsklaringsertifikaat deur die Agentskap uitgereik;
- (b) die besoldiging en toelaes wat aan sodanige persone betaal moet word, met die instemming van die Minister van Finansies deur die Minister bepaal moet word. 20

(3) Die Minister kan die prosedure vir appèl deur gewese lede voorskryf.

Gedrag van gewese lede

31. Die Minister kan die wyse voorskryf waarop gewese lede hulle moet gedra ten einde die veiligheid van die Republiek en die belange van die Intelligensiedienste en die Akademie te beskerm. 25

Ekstraterritoriale toepassing van Wet en jurisdiksie

32. (1) Enige daad wat 'n misdryf of wangedrag kragtens hierdie Wet uitmaak en wat buite die Republiek gepleeg is deur enige Suid-Afrikaanse burger of enige persoon wat permanent in die Republiek woonagtig is, word geag ook in die Republiek gepleeg te gewees het. 30

(2) Enige misdryf of wangedrag in subartikel (1) beoog, kan verhoor word deur die gepaste hof of raad van ondersoek op die plek in die Republiek waar die beskuldigde of betrokke persoon hom of haar bevind, ondanks enige wet betreffende jurisdiksie.

Verbod op toegang tot perseel

33. (1) Die Minister kan by kennisgewing in die *Staatskoerant* en op enige ander gepaste wyse toegang tot enige perseel onder die beheer van die Intelligensiedienste of die Akademie verbied of beperk. 35

(2) Die Minister kan die maatreëls tref of laat tref wat nodig is vir die sekuriteit van, of vir die afdwinging van 'n verbod of beperking op toegang tot, sodanige perseel, en kan in verband met enige maatreëls aldus getref, die kennisgewings laat publiseer of die waarskuwingskennisgewings laat maak wat in elke bepaalde geval nodig is. 40

Verversingslokale

34. (1) Ondanks enige andersluidende bepaling vervat in enige ander wet kan die Minister verversingslokale vir die Intelligensiedienste of die Akademie en vir die organisasiekomponente daarvan instel. 45

(2) Die voorlegging van 'n amptelike dokument wat deur die Minister geteken is en wat toon dat hy of sy 'n verversingslokaal met die oog op hierdie artikel ingestel het, is afdoende bewys dat dit 'n verversingslokaal is wat onder hierdie artikel val.

(3) By die toepassing van hierdie artikel sluit "verversingslokaal" in enige menasie, kroeg of instelling van die Intelligensiedienste of die Akademie, na gelang van die geval, of enige perseel wat tydelik of permanent gebruik word vir die verskaffing van 50

mainly for members or retired members or for the families of such members or retired members or for persons employed in any work in or in connection with any such mess, pub, institution or premises.

Missing members

35. (1) If a member is missing and the Director-General concerned or the Chief Executive Officer, as the case may be, is satisfied that his or her absence arose from the performance of his or her functions in terms of this Act, such member shall for all purposes be deemed to be still employed by the Intelligence Services or the Academy, as the case may be, until the day on which he or she again reports for duty or until the day on which a competent court issues an order whereby the death of such member is presumed. 5 10

(2) The salary or wages and allowances accruing to a member during his or her absence as contemplated in subsection (1) must, subject to subsection (4), be paid to his or her spouse or, if he or she has no spouse, to his or her other dependants, or to any person who is competent to receive and administer such salary or wages and allowances on behalf of his or her spouse or such other dependants. 15

(3) Payment of any salary or wages and allowances in terms of subsection (2) must for all purposes be deemed to be payment thereof to the member concerned, and an amount so paid shall not be recoverable by the State from any person.

(4) Notwithstanding subsection (2), the Director-General concerned or the Chief Executive Officer may in a prescribed manner direct that only a portion of the salary or wages and allowances of a member be paid or that no portion thereof be so paid. 20

Training and service in South African National Defence Force and South African Police Service

36. (1) The Minister may, in the event of war or when a state of emergency exists and having regard to the requirements of the Intelligence Services or the Academy, second any member for service or training in the South African National Defence Force or the South African Police Service. 25

(2) A member is, while so seconded for service or training, subject to the discipline, command and control applicable to the South African National Defence Force or the South African Police Service, as the case may be, but is not thereby exempted from the application of this Act. 30

Regulations

37. (1) The Minister may, after consultation with the Joint Standing Committee on Intelligence, make regulations as to— 35

- (a) the employment, training, promotion, posting, transfer, leave of absence, resignation, discharge, dismissal, suspension or demotion of members and the personnel management of those members in general;
- (b) the provision of medical aid to, the standard of physical and mental fitness of and the medical examination of members, and the medical, dental and hospital treatment of members and their families; 40
- (c) the provision of medical aid to and dental and hospital treatment of members who have retired, and their families, and the families of members who have died;
- (d) the numerical establishment of the Intelligence Services and the Academy, the conditions of service of the members thereof, the salaries, salary scales, wages and allowances of members and the systems relating to the administration and determination thereof and the various divisions, branches, grades, ranks and designations in the Academy or the Intelligence Services; 45
- (e) the establishment and maintenance of training institutions or centres for members or any other persons and the instruction, training, security, discipline and control of such members at such institutions or centres; 50
- (f) all matters relating to discipline, command and control of members of the Intelligence Services and the Academy, the suspension of members and the establishment of boards of inquiry into the conduct and discipline of members; 55

ontspanning, verversings of noodsaaklikhede hoofsaaklik vir lede of afgetrede lede of vir die gesinne van sodanige lede of afgetrede lede of vir persone in diens in enige werk in of in verband met enige sodanige menasie, kroeg, instelling of perseel.

Vermiste lede

35. (1) Indien 'n lid vermis word en die betrokke Direkteur-generaal of die Hoof- 5
Uitvoerende Beampte, na gelang van die geval, oortuig is dat sy of haar afwesigheid uit die verrigting van sy of haar werksaamhede ingevolge hierdie Wet voortspruit, word sodanige lid in alle opsigte geag steeds in diens van die Intelligensiedienste of die Akademie, na gelang van die geval, te wees tot die dag waarop hy of sy weer vir diens 10
aanmeld of tot die dag waarop 'n bevoegde hof 'n bevel uitreik waarvolgens die dood van sodanige lid vermoed word.

(2) Die salaris of loon en toelaes wat aan 'n lid toekom tydens sy of haar afwesigheid soos in subartikel (1) beoog, moet, behoudens subartikel (4), betaal word aan sy of haar gade of, indien hy of sy geen gade het nie, aan sy of haar ander afhanklikes, of aan 'n persoon wat bevoeg is om sodanige salaris of loon en toelaes te ontvang en te 15
administreer ten behoeve van sy of haar gade of sodanige ander afhanklikes.

(3) Die betaling van enige salaris of loon en toelaes ingevolge subartikel (2) word in alle opsigte geag betaling daarvan aan die betrokke lid te wees, en 'n bedrag wat aldus betaal is, kan nie deur die Staat van enige persoon verhaal word nie.

(4) Ondanks subartikel (2) kan die betrokke Direkteur-generaal of die Hoof- 20
Uitvoerende Beampte op 'n voorgeskrewe wyse gelas dat net 'n gedeelte van die salaris of loon en toelaes van 'n lid betaal word of dat geen gedeelte daarvan aldus betaal word nie.

Opleiding en diens in Suid-Afrikaanse Nasionale Weermag en Suid-Afrikaanse 25 Polisiediens

36. (1) Die Minister kan, in die geval van oorlog of wanneer daar 'n noodtoestand heers, en met inagneming van die vereistes van die Intelligensiedienste of die Akademie, enige lid vir diens of opleiding in die Suid-Afrikaanse Nasionale Weermag of die Suid-Afrikaanse Polisiediens sekondeer.

(2) Terwyl 'n lid aldus gesekondeer is vir diens of opleiding, is hy of sy onderworpe 30
aan die dissipline, bevel en beheer van toepassing op die Suid-Afrikaanse Nasionale Weermag of die Suid-Afrikaanse Polisiediens, na gelang van die geval, maar is nie daardeur vrygestel van die toepassing van hierdie Wet nie.

Regulasies

37. (1) Die Minister kan, na oorleg met die Gesamentlike Staande Komitee oor 35
Intelligensie, regulasies uitvaardig rakende—

- (a) die indiensneming, opleiding, bevordering, pos, oorplasing, afwesigheidsverlof, bedanking, ontslag, afdanking, skorsing of demovering van lede en die personeelbestuur van daardie lede in die algemeen;
- (b) die verskaffing van mediese bystand aan, die standaard van liggaamlike en 40
geestelike fiksheid van en die mediese ondersoek van lede, en die mediese, tandheelkundige en hospitaalbehandeling van lede en hulle gesinne;
- (c) die verskaffing van mediese bystand aan en tandheelkundige en hospitaalbehandeling van lede wat afgetree het, en hulle gesinne, en van die gesinne 45
van lede wat gesterf het;
- (d) die numeriese diensstaat van die Intelligensiedienste en die Akademie, die diensvoorwaardes van die lede daarvan, die salarisse, salarisskale, lone en toelaes van lede en die stelsels rakende die administrasie en bepaling daarvan, en die verskillende afdelings, takke, grade, range en benamings in die 50
Akademie of die Intelligensiedienste;
- (e) die instelling en instandhouding van opleidingsinstellings of -sentrums vir lede of enige ander persone en die onderrig, opleiding, sekuriteit, dissipline en beheer van sodanige lede by sodanige instellings of sentrums;
- (f) alle aangeleenthede rakende dissipline, bevel en beheer van lede van die 55
Intelligensiedienste en die Akademie, die skorsing van lede en die instelling van rade van ondersoek na die gedrag en dissipline van lede;

- (g) the deductions to be made from the salaries, wages or allowances of members;
- (h) the assembly of boards of inquiry appointed under this Act, the procedure at the proceedings of such boards and the attendance of witnesses thereat;
- (i) procedures to be followed in respect of cases of alleged medical unfitness and the constitution of hearings into the alleged ill-health of members; 5
- (j) procedures to be followed in respect of cases of presumed poor performance and the constitution of hearings into the alleged poor performance of members;
- (k) the recovery from a member of any deficit, loss, damage or expense which he or she has unlawfully caused to the State; 10
- (l) the retention of rank on retirement or resignation from the Academy or the Intelligence Services, and the award of honorary ranks;
- (m) the control over and administration of funds appropriated to the Academy or the Intelligence Services in order to bring about the systematic and orderly management thereof and to promote efficiency and economy in the utilisation thereof; 15
- (n) all matters relating to representivity and equity not inconsistent with the objectives and principles of the Employment Equity Act, 1998 (Act No. 55 of 1998);
- (o) the conditions for and procedures regarding the permission of access to any premises under the control of the Intelligence Services or the Academy, as the case may be, and matters relating thereto; 20
- (p) any matter relating to the information, communications, computer and physical security of the Intelligence Services and the Academy;
- (q) the functioning of the Intelligence Services Council; 25
- (r) a code of conduct to be adhered to by members;
- (s) security screening investigations of members and persons to be employed in the Intelligence Services or the Academy, as the case may be;
- (t) any matter which in terms of this Act must or may be prescribed.

(2) Regulations contemplated in paragraphs (b) and (c) of subsection (1) must be made in consultation with the Minister responsible for the administration of the Medical Schemes Act, 1998 (Act No. 131 of 1998). 30

(3) Regulations made under this Act may provide that any person who contravenes a provision thereof, or fails to comply therewith, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years. 35

(4) Different regulations may be made with reference to different categories of members.

(5) A regulation made in terms of this section with reference to members need not be published in the *Gazette*, but must be notified to members to whom it applies in such manner as the Minister may determine. 40

Discoveries, inventions and improvements by members

38. (1) The rights in respect of all discoveries and inventions and all improvements in respect of processes, apparatus and machinery made by a member resulting from research undertaken by such member in the course of his or her employment as a member vest in the Intelligence Services or the Academy, as the case may be. 45

(2) The Minister may make the discoveries, inventions and improvements referred to in subsection (1) available for use in the public interest subject to such conditions and the payment of such fees or royalties as the Minister may determine.

(3) If the rights in respect of any discovery, invention or improvement vest in the Intelligence Services or the Academy in terms of subsection (1), the Minister may award to the person responsible for the discovery, invention or improvement such bonus as he or she deems fit, or make provision for financial participation by such person in the profits derived from the discovery, invention or improvement to such extent as the Minister may determine with the concurrence of the Minister of Finance. 50

(4) The Minister may apply for a patent in the name of the Intelligence Services or the Academy, as the case may be, in respect of any discovery, invention or improvement 55

- (g) die aftrekkings wat van die salarisse, lone of toelaes van lede gedoen moet word;
- (h) die samestelling van rade van ondersoek wat kragtens hierdie Wet aangestel word, die prosedure by die verrigtinge van sodanige rade en die bywoning daarvan deur getuies; 5
- (i) prosedures wat gevolg moet word ten opsigte van gevalle van beweerde mediese ongeskiktheid en die oprigting van verhore oor die beweerde swak gesondheid van lede;
- (j) prosedures wat gevolg moet word ten opsigte van gevalle van vermeende swak prestasie en die oprigting van verhore oor die beweerde swak prestasie van lede; 10
- (k) die verhaal van 'n lid van enige tekort, verlies, skade of onkoste wat hy of sy onregmatig vir die Staat veroorsaak het;
- (l) die behoud van rang by aftrede of bedanking uit die Akademie of die Intelligensiedienste, en die toekenning van ererange; 15
- (m) die beheer oor en administrasie van fondse wat vir die Akademie of die Intelligensiedienste bewillig is ten einde die stelselmatige en ordelike bestuur daarvan teweeg te bring en om doeltreffendheid en spaarsamigheid by die aanwending daarvan te bevorder;
- (n) alle aangeleenthede rakende verteenwoordigendheid en billikheid wat nie strydig met die oogmerke en beginsels van die "Employment Equity Act, 1998" (Wet No. 55 van 1998), is nie; 20
- (o) die voorwaardes vir en prosedures rakende die toelating van toegang tot enige perseel onder die beheer van die Intelligensiedienste of die Akademie, na gelang van die geval, en aangeleenthede wat daarmee in verband staan; 25
- (p) enige aangeleentheid rakende inligting-, kommunikasie-, rekenaar- en fisiese veiligheid van die Intelligensiedienste en die Akademie;
- (q) die funksionering van die Intelligensiediensteraad;
- (r) 'n gedragskode wat deur lede nagekom moet word;
- (s) veiligheidsiftingsondersoeke van lede en persone vir indiensneming deur die Intelligensiedienste of die Akademie, na gelang van die geval; 30
- (t) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word.
- (2) Regulasies in paragrawe (b) en (c) van subartikel (1) beoog, moet uitgevaardig word in ooreenstemming met die Minister verantwoordelik vir die administrasie van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998). 35
- (3) Regulasies wat kragtens hierdie Wet uitgevaardig is, kan bepaal dat enige persoon wat 'n bepaling daarvan oortree of versuim om daaraan te voldoen, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar. 40
- (4) Verskillende regulasies kan met betrekking tot verskillende kategorieë lede uitgevaardig word.
- (5) 'n Regulasie wat kragtens hierdie artikel met betrekking tot lede uitgevaardig is, hoef nie in die *Staatskoerant* gepubliseer te word nie, maar moet aan lede op wie dit van toepassing is, bekend gemaak word op die wyse wat die Minister bepaal. 45

Ontdekkings, uitvindings en verbeterings deur lede

38. (1) Die regte ten opsigte van alle ontdekkings en uitvindings en alle verbeterings ten opsigte van prosesse, apparaat en masjinerie wat deur 'n lid gemaak word voortspruitend uit navorsing deur sodanige lid gedoen in die loop van sy of haar diens as lid, berus by die Intelligensiedienste of die Akademie, na gelang van die geval. 50
- (2) Die Minister kan die ontdekkings, uitvindings en verbeterings in subartikel (1) bedoel, beskikbaar stel vir gebruik in openbare belang, behoudens die voorwaardes en die betaling van die gelde of tantieme wat die Minister bepaal.
- (3) Indien die regte op enige ontdekking, uitvinding of verbetering ingevolge subartikel (1) by die Intelligensiedienste of die Akademie berus, kan die Minister aan die persoon verantwoordelik vir die ontdekking, uitvinding of verbetering die bonus toeken wat hy of sy geskik ag, of voorsiening maak vir finansiële deelname deur sodanige persoon aan die winste verkry uit die ontdekking, uitvinding of verbetering in die mate wat die Minister met die instemming van die Minister van Finansies bepaal. 55
- (4) Die Minister kan aansoek doen om 'n patent op naam van die Intelligensiedienste of die Akademie, na gelang van die geval, ten opsigte van enige ontdekking, uitvinding 60

referred to in subsection (1), and the Intelligence Services or the Academy, as the case may be, must for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the assignee of the discoverer or inventor concerned.

Validation of misconduct proceedings

39. Despite the repeal of the Bureau for State Security Act, 1978 (Act No. 104 of 1978), and the regulations made thereunder, the procedure followed by the Director-General in terms of the said regulations to—

(a) charge members with misconduct; and

(b) constitute a board of enquiry,

which was provided for in section 15 of the Intelligence Services Act, 1994 (Act No. 38 of 1994), at any time from 1 January 1995 to 1 July 2001, that would have been lawful if the Bureau for State Security Act, 1978, and those regulations had been in force at the time when it was done, is hereby validated and declared to have been lawfully done.

Repeal of laws and savings

40. (1) The laws mentioned in the Schedule are hereby repealed or amended to the extent indicated in the third column thereof.

(2) All assets, liabilities, rights and duties including funds, resources and administrative records of the Agency with respect to training must be transferred to the Academy within six months after the commencement of this Act, and must vest in and be deemed to have been acquired or incurred by the Academy.

(3) A registrar of deeds must, upon the production to him or her of a certificate by the Minister that immovable property described in the certificate vests in the Academy in terms of subsection (2), make such entries and endorsements as he or she may deem necessary in or on any relevant register, title deed or other document in his or her office, so as to give effect to subsection (2).

(4) No duty, office fee or other charge is payable in respect of any entry or endorsement in terms of subsection (3).

(5) If an inquiry into alleged improper conduct instituted in terms of a law repealed by subsection (1) has not been concluded at the commencement of this Act, such proceedings must be continued and concluded in accordance with the law in terms of which the inquiry was instituted, as if such law had not been repealed.

(6) Notwithstanding subsection (1), disciplinary proceedings may be instituted and concluded in terms of this Act against any person who at any time prior to the commencement of this Act is alleged to have committed an act which may have constituted improper conduct in terms of a law repealed by subsection (1) or any regulation or rule made thereunder: Provided that no proceedings may be so instituted unless the act concerned is substantially the same as an act constituting improper conduct in terms of this Act.

(7) Any subordinate legislation issued in terms of the Intelligence Services Act, 1994 (Act No. 38 of 1994), shall remain in force for a period of six months after the date of commencement of this Act unless it is inconsistent with this Act.

Short title and commencement

41. This Act is called the Intelligence Services Act, 2002, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

of verbetering in subartikel (1) bedoel, en die Intelligensiedienste of die Akademie, na gelang van die geval, moet by die toepassing van die Wet op Patente, 1978 (Wet No. 57 van 1978), beskou word as die regsverkrygende van die betrokke ontdekker of uitvinder.

Bekragtiging van wangedragverrigtinge

39. Nieteenstaande die herroeping van die Wet op die Buro vir Staatsveiligheid, 1978 (Wet No. 104 van 1978), en die regulasies daarkragtens uitgevaardig, word die procedure deur die Direkteur-generaal ingevolge die bedoelde regulasies gevolg om—

- (a) lede weens wangedrag aan te kla; en
- (b) 'n raad van ondersoek aan te stel,

waarvoor voorsiening gemaak is in artikel 15 van die Wet op Intelligensiedienste, 1994 (Wet No. 38 van 1994), op enige tydstip vanaf 1 Januarie 1995 tot 1 Julie 2001, wat wettig sou wees indien die Wet op die Buro vir Staatsveiligheid, 1978, en daardie regulasies van krag was op die tydstip toe dit gedoen is, hiermee bekragtig en verklaar wettig gedoen te gewees het.

Herroeping van wette, en voorbehoudsbepalings

40. (1) Die wette in die Bylae genoem, word hierby herroep of gewysig in die mate in die derde kolom daarvan aangedui.

(2) Alle bates, laste, regte en belastings, met inbegrip van fondse, hulpbronne en administratiewe rekords van die Agentskap met betrekking tot opleiding, moet na die Akademie oorgeplaas word binne ses maande na die inwerkingtreding van hierdie Wet, en berus by en word geag deur die Akademie verkry of aangegaan te wees.

(3) 'n Registrateur van aktes moet, by voorlegging aan hom of haar van 'n sertifikaat deur die Minister dat onroerende eiendom in die sertifikaat beskryf, ingevolge subartikel (2) by die Akademie berus, die inskrywings en endossemente in of op enige tersaaklike register, titelakte of ander dokument in sy of haar kantoor maak wat hy of sy nodig ag ten einde aan subartikel (2) uitvoering te gee.

(4) Geen belasting, kantoorgelde of ander vordering is ten opsigte van enige inskrywing of endossement ingevolge subartikel (3) betaalbaar nie.

(5) Indien 'n ondersoek na beweerde onbehoorlike gedrag wat ingestel is ingevolge 'n wet wat by subartikel (1) herroep is, nog nie by die inwerkingtreding van hierdie Wet afgehandel is nie, moet sodanige verrigtinge voortgesit en afgehandel word in ooreenstemming met die wet ingevolge waarvan die ondersoek ingestel is, asof sodanige wet nie herroep is nie.

(6) Ondanks subartikel (1) kan dissiplinêre verrigtinge kragtens hierdie Wet ingestel en afgehandel word teen enige persoon wat op enige tydstip voor die inwerkingtreding van hierdie Wet na bewering 'n handeling uitgevoer het wat onbehoorlike gedrag kon uitmaak het ingevolge 'n wet wat by subartikel (1) herroep is of enige regulasie of reël wat daarkragtens uitgevaardig is: Met dien verstande dat geen verrigtinge aldus ingestel mag word nie tensy die betrokke handeling weselik dieselfde is as 'n handeling wat ingevolge hierdie Wet onbehoorlike gedrag uitmaak.

(7) Enige ondergeskikte wetgewing wat uitgereik is ingevolge die Wet op Intelligensiedienste, 1994 (Wet No. 38 van 1994), bly van krag vir 'n tydperk van ses maande na die datum van inwerkingtreding van hierdie Wet, tensy dit met hierdie Wet strydig is.

Kort titel en inwerkingtreding

41. Hierdie Wet heet die Wet op Intelligensiedienste, 2002, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

SCHEDULE

LAWS REPEALED OR AMENDED

No. and year of Act	Short title	Extent of repeal or amendment
Act No. 81 of 1969	Security Services Special Account Act, 1969	<p>1. The substitution for section 2 of the following section:</p> <p style="padding-left: 2em;">“Payments from account</p> <p style="padding-left: 2em;">2. The moneys in the account shall be utilised for the defraying of expenses in connection with—</p> <p style="padding-left: 2em;">(a) the performance of the function and the duty of the National Intelligence Agency and the South African Secret Service as referred to in the National Strategic Intelligence Act, 1994; and</p> <p style="padding-left: 2em;">(b) the organisation of, the exercising of the powers and the performance of the duties and functions of any member of, the exercising of the powers of the President [or the responsible Executive Deputy President] or the Minister in relation to the superintendence and control of, and the action by and functioning of, the [Agency and the Service] <u>Intelligence Services and the Academy</u> as defined in section 1 of the Intelligence Services Act, [1994] 2002,</p> <p style="padding-left: 2em;">and matters in connection therewith which the said President, [Executive Deputy President] or Minister, as the case may be, may from time to time approve as being in the national interest, and shall be paid out subject to the directions of the said President, [Executive Deputy President] or Minister, as the case may be.”.</p> <p>2. The substitution for section 5 of the following section:</p> <p style="padding-left: 2em;">“Investment of balances</p> <p style="padding-left: 2em;">5. Moneys standing to the credit of the account which are not required for immediate use or as a reasonable working balance, may be invested in such manner as</p>

BYLAE

WETTE HERROEP OF GEWYSIG

No. en jaar van Wet	Kort titel	Mate waarin herroep of gewysig
Wet No. 81 van 1969	Wet op die Spesiale Rekening vir Veiligheidsdienste, 1969	<p>1. Die vervanging van artikel 2 deur die volgende artikel:</p> <p>“Betalings uit rekening</p> <p>2. Die gelde in die rekening word aangewend ter bestryding van uitgawes wat in verband staan met—</p> <p>(a) die verrigting van die funksie en die plig van die Nasionale Intelligensie-agentskap en die Suid-Afrikaanse Geheime diens soos bedoel in die Wet op Nasionale Strategiese Intelligensie, 1994; en</p> <p>(b) die organisasie van, die uitoefening van die bevoegdhede en die verrigting van die pligte en werksaamhede van ’n lid van, die uitoefening van die bevoegdhede van die President [of die verantwoordelike Uitvoerende Adjunkpresident] of die Minister met betrekking tot die toesig en beheer oor, en die optrede en funksionering van, die [Agentskap en die Diens] Intelligensiedienste en die Akademie soos omskryf in artikel 1 van die Wet op Intelligensiedienste, [1994] 2002, en aangeleentheid wat daarmee in verband staan wat genoemde President, [Uitvoerende Adjunkpresident] of Minister, na gelang van die geval, van tyd tot tyd in die nasionale belang goedkeur, en word onderworpe aan die voorskrifte van die genoemde President, [Uitvoerende Adjunkpresident] of Minister, na gelang van die geval, uitbetaal.”</p> <p>2. Die vervanging van artikel 5 deur die volgende artikel:</p> <p>“Belegging van saldo’s</p> <p>5. Gelde waarmee die rekening gekrediteer is en wat nie vir onmiddellike gebruik of as ’n redelike bedryfsaldo benodig word nie, kan op die wyse wat die President,</p>

Act No. 65, 2002

INTELLIGENCE SERVICES ACT, 2002

No. and year of Act	Short title	Extent of repeal or amendment
		may be determined by the President, [Executive Deputy President] or Minister responsible for the National Intelligence Agency, [or] the South African Secret Service or the South African National Academy of Intelligence with the concurrence of the Minister of Finance.”.
Act No. 84 of 1982	Protection of Information Act, 1982	The amendment of section 1 by the substitution for the definition of “security matter” of the following definition: “ ‘security matter’ includes any matter which is dealt with by the [Agency or the Service] Intelligence Services or the Academy as defined in section 1 of the Intelligence Services Act, [1994] 2002, or which relates to the functions of [that Agency or Service] such Intelligence Services or Academy or to the relationship existing between any person and that [that Agency or Service] such Intelligence Services or Academy.”.
Act No. 38 of 1994	Intelligence Services Act, 1994	The repeal of the whole.
Proclamation No. 103 of 1994	Public Service Act, 1994	1. The amendment of section 1 by the insertion in subsection (1) before the definition of “Agency” of the following definition: “ ‘Academy’ means the South African National Academy of Intelligence as defined in section 1 of the Intelligence Services Act, 2002;”. 2. The amendment of section 2 by the substitution for subsection (3) of the following subsection: “(3) Where persons employed in the [Agency or the Service] Intelligence Services or the Academy are not excluded from the provisions of this Act, those provisions shall apply only in so far as they are not contrary to the laws governing their service, and those provisions shall

No. en jaar van Wet	Kort titel	Mate waarin herroep of gewysig
		<p>[Uitvoerende Adjunk-president] of Minister verantwoordelik vir die Nasionale Intelligensie-agentskap, [of] die Suid-Afrikaanse Geheimeiens of die Suid-Afrikaanse Nasionale Akademie van Intelligensie met die instemming van die Minister van Finansies bepaal, belê word.”.</p>
Wet No. 84 van 1982	Wet op die Beveiliging van Inligting, 1982	<p>Die wysiging van artikel 1 deur die omskrywing van “veiligheidsaangeleentheid” deur die volgende omskrywing te vervang:</p> <p>“ ‘veiligheidsaangeleentheid’ ook ’n aangeleentheid waarmee die [Agentskap of die Diens] Intelligensiedienste of die Akademie soos omskryf in artikel 1 van die Wet op Intelligensiedienste, [1994] 2002, handel of wat in verband staan met die werksaamhede van [daardie Agentskap of Diens] sodanige Intelligensiedienste of die Akademie of met die verhouding wat tussen iemand en [daardie Agentskap of Diens] sodanige Intelligensiediens of die Akademie bestaan”.</p>
Wet No. 38 van 1994	Wet op Intelligensiedienste, 1994	Herroeping van die geheel.
Proklamasie No. 103 van 1994	Staatsdienswet, 1994	<p>1. Die wysiging van artikel 1 deur die invoeging in subartikel (1) voor die omskrywing van “beampte” van die volgende omskrywing:</p> <p>“ ‘Akademie’ die Suid-Afrikaanse Nasionale Akademie van Intelligensie omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002;”.</p> <p>2. Die wysiging van artikel 2 deur subartikel (3) deur die volgende subartikel te vervang:</p> <p>“(3) Waar persone in diens van die [Agentskap of die Diens] Intelligensiedienste of die Akademie nie van die bepalings van hierdie Wet uitgesluit is nie, is daardie bepalings van toepassing slegs vir sover dit nie in stryd is met die wette wat hulle diens reël nie, en word daardie bepalings nie uitgelê as sou dit afbreuk doen aan die bevoegdheids of</p>

No. and year of Act	Short title	Extent of repeal or amendment
		<p>not be construed as derogating from the powers or duties conferred or imposed upon the <u>[Agency or the Service] Intelligence Services or the Academy.</u>”.</p> <p>3. The amendment of section 8 by the substitution in subsection (1)(a) for subparagraph (iii) of the following subparagraph: “(iii) in the <u>[Agency or the Service] Intelligence Services or the Academy;</u> and”.</p>
Act No. 66 of 1995	Labour Relations Act, 1995	<p>1. Amendment of section 2 by the insertion after paragraph (c) of the following paragraph: “(d) <u>the South African National Academy of Intelligence.</u>”.</p>
Act No. 75 of 1997	Basic Conditions of Employment Act, 1997	<p>1. Amendment of section 1 by the insertion in the definition of “public service” of the following paragraph: “(d) <u>the South African National Academy of Intelligence;</u>”.</p> <p>2. Amendment of section 3 by the substitution for paragraph (a) of subsection (1) of the following paragraph: “(a) members of the National Intelligence Agency, [and] <u>the South African Secret Service and the South African National Academy of Intelligence;</u> and”.</p>
Act No. 55 of 1998	Employment Equity Act, 1998	<p>1. Amendment of section 1 by the insertion in the definition of “public service” of the following paragraph: “(d) <u>the South African National Academy of Intelligence;</u>”.</p> <p>2. Amendment of section 4 by the substitution for subsection (3) of the following subsection: “<u>This Act does not apply to members of the National Defence Force, the National Intelligence Agency, [or] the South African Secret Service or the South African National Academy of Intelligence.</u>”.</p>

No. en jaar van Wet	Kort titel	Mate waarin herroep of gewysig
		<p>pligte wat aan die [Agentskap of die Diens] <u>Intelligensiedienste of die Akademie</u> verleen of opgedra is nie.”.</p> <p>3. Die wysiging van artikel 8 deur in subartikel (1)(a) subparagraaf (iii) deur die volgende subparagraaf te vervang: “(iii) in die [Agentskap of die Diens] <u>Intelligensiedienste of die Akademie</u>; en”.</p>
Wet No. 66 van 1995	Wet op Arbeidsverhoudinge, 1995	<p>1. Wysiging van artikel 2 deur die volgende paragraaf na paragraaf (c) in te voeg: “(d) die <u>Suid-Afrikaanse Nasionale Akademie van Intelligensie</u>.”.</p>
Wet No. 75 van 1997	Wet op Basiese Diensvoorwaardes, 1997	<p>1. Wysiging van artikel 1 deur die volgende paragraaf in die omskrywing van “staatsdiens” in te voeg: “(d) die <u>Suid-Afrikaanse Nasionale Akademie van Intelligensie</u>.”.</p> <p>2. Wysiging van artikel 3 deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang: “(a) lede van die Nasionale Intelligensie-agentskap, [en] die <u>Suid-Afrikaanse Geheimeiens en die Suid-Afrikaanse Nasionale Akademie van Intelligensie</u>; en</p>
Wet No. 55 van 1998	Nawu wa Ndzingano wa Mintirho, 1998	<p>1. Wysiging van artikel 1 van die Xitsonga-teks deur die invoeging in die omskrywing van “Ntirho wa mfumo” van die volgende paragraaf: “(d) <u>Vandla ra Vuhlori ra Akhademi ya Rixaka ra Afrika Dzonga</u>.”.</p> <p>2. Wysiging van artikel 4 deur die vervanging van subartikel (3) deur die volgende subartikel: “(3) Nawu lowu a wu khumbi lava nga swirho swa Vuthu ra Vusirhelelo bya Rixaka, Nhlango wa Vuhlori bya Rixaka, [kumbe] Ntirho wa Swihundla eAfrika Dzonga <u>kumbe Vandla ra Vuhlori ra Akhademi ya Rixaka ra Afrika Dzonga</u>.”.</p>

No. and year of Act	Short title	Extent of repeal or amendment
Act No. 131 of 1998	Medical Schemes Act, 1998	<p>1. Amendment of section 1 by—</p> <p>(a) the insertion before the definition of “actuary” of the following definition: “ ‘Academy’ means the Academy as defined in section 1 of the Intelligence Services Act, 2002;”;</p> <p>(b) the insertion after the definition of “administrator” of the following definition: “ ‘Agency’ means the Agency as defined in section 1 of the Intelligence Services Act, 2002;”;</p> <p>(c) the insertion after the definition of “rules” of the following definition: “ ‘Service’ means the South African Secret Service as defined in section 1 of the Intelligence Services Act, 2002;”.</p> <p>2. Amendment of section 2 by the insertion after subsection (2) of the following subsection: “(3) Notwithstanding the provisions of subsections (1) and (2), this Act shall not apply to the Agency, the Academy and the Service.”.</p>

No. en jaar van Wet	Kort titel	Mate waarin herroep of gewysig
Wet No. 131 van 1998	Wet op Mediese Skemas, 1998	<p>1. Wysiging van artikel 1 deur—</p> <p>(a) die invoeging na die omskrywing van “afhanklike” van die volgende omskrywing: “ ‘Agentskap’ die <u>Agentskap soos omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002;</u>”;</p> <p>(b) die invoeging na die omskrywing van “afhanklike” van die volgende omskrywing: “ ‘Akademie’ die <u>Akademie soos omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002;</u>”;</p> <p>(c) die invoeging van die volgende omskrywing na die omskrywing van “boekjaar”: “ ‘Diens’ die <u>Suid-Afrikaanse Geheime diens soos omskryf in die Wet op Intelligensiedienste, 2002;</u>”.</p> <p>2. Wysiging van artikel 2 deur die invoeging van die volgende subartikel na subartikel (2): “(3) <u>Ondanks die bepalings van subartikels (1) en (2) is hierdie Wet nie op die Agentskap, die Akademie en die Diens van toepassing nie.</u>”.</p>

