

**Government Gazette**

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**BOARD NOTICE**

Board Notice 30 of 2000

**SECURITY OFFICERS' INTERIM BOARD****NOTICE OF REGULATIONS TO BE PROMULGATED UNDER SECTION 32 OF THE SECURITY OFFICERS ACT (ACT NO. 02 OF 1987)**

The Security Officers' Interim Board hereby gives notice under section 32(4) of the Security Officers Act, 1987 (Act No 92 of 1987), that the Board intends to issue under section 32 of that Act, the regulations contained in the Schedule hereto. All interested persons are hereby invited to submit to the Board within four weeks from the date of publication of this notice any objections to or representations concerning the proposed regulations to the following address:

The Chairperson  
Security Officers' Interim Board  
Private Bag X817  
Pretoria  
0001

**Prof PJ Viseer**  
Vice-chairperson: Security Officers' Interim Board

**SCHEDULE****REGULATIONS MADE UNDER THE SECURITY OFFICERS ACT, 1987 (ACT NO 92 OF 1987)**

The Security Officers' Interim Board has, with the concurrence of the Deputy Minister for Safety and Security, acting on behalf of and on assignment by the Minister for Safety and Security, under section 32 of the Security Officers Act, 1987 (Act No 92 of 1987), made the regulations set out in the Schedule hereto.

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**SCHEDULE****REGULATIONS MADE UNDER THE SECURITY OFFICERS ACT, 1987 (ACT NO 92 OF 1987)**

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**Code of Conduct for members of the Security Officers' Interim Board**

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**Preamble**

**Whereas** the Security Officers' Interim Board is a statutory organ of State in terms of the Constitution of the Republic of South Africa, Act 108 of 1996, and has been entrusted with the duty to regulate the private security industry and to advise the Minister for Safety and Security in terms of the Security Officers Act 92 of 1987 as amended;

**And whereas** it is of vital importance that members of the Board, who occupy positions of trust and responsibility, adhere to an acceptable standard of conduct and be worthy of the trust placed in them so that they can properly contribute to the Board's capacity to achieve its statutory objects;

**And whereas** section 3(k) of the Security Officers Act empowers the Board to perform any act which will in the opinion of the Board contribute towards the attainment of its objects;

**And whereas** section 32(1)(1) of the Security Officers Act empowers the Board to make regulations on any matter which it considers necessary or expedient to prescribe for the attainment of the objects of the said Act;

**And whereas** the Board has resolved that the conduct of its members should be governed by an enforceable code of conduct as this will contribute to the attainment of the objects of the Board and of the Security Officers Act -

**the provisions in this document have been duly approved and accepted as an enforceable Code of Conduct for all members of the Security Officers' Interim Board.**

## 1. Definitions

1.1 In this Code, unless the context otherwise indicates words and expressions have the same meaning as in the Security Officers Act 92 of 1987 as amended.

1.2 In this Code, unless the context otherwise indicates -

- a. **"Act"** means the Security Officers Act 92 of 1987 as amended;
- b. **"act"** includes an omission;
- c. **"Board"** means the Security Officers' Interim Board established in terms of section 2 of the Act, any committee of the Board appointed in terms of section 3(hB) of the Act, as well as any committee established by the Board to deal with allegations or complaints of illegal practices in the security industry;
- d. **"chairperson"** means the chairperson of the Board envisaged in section 4(1)(d) of the Act, the vice-chairperson of the Board referred to in section 7 of the Act, or a person acting as chairperson of the Board;
- e. **"Code"** means the code of conduct for Board members contained in this document and any amendment thereof;
- f. **"media"** includes all press and electronic media as well as the owner, publisher, reporter, correspondent or representative of any newspaper, magazine, or of any radio or television station;
- g. **"member"** means a member of the Board in terms of section 4 of the Act as well as any person co-opted by the Board as a member;
- h. **"misconduct"** means misconduct as defined in section 9 of the Code;
- i. **"Minister"** means the Minister for Safety and Security and includes the Deputy Minister for Safety and Security to the extent that he or she is authorised to act on behalf of the Minister in regard to the Board;
- j. **"official"** means any employee of the Board or any person with whom the Board has entered into a contract for the performance of any particular work.

## 2. Binding nature and application

2.1 The Code shall be binding on all members of the Board from the date of commencement determined in terms of section 13 of the Code.

2.2 The fact that the misconduct or alleged misconduct of a member may subject, or has subjected, him or her to any other legal proceedings, penalty or sanction, or that any other legal proceedings are pending, does not effect any investigation or enquiry or any consequences as a result thereof in terms of the Code.

## 3. General duties and standard of conduct of members

Every member of the Board must -

3.1 perform all his or her functions and duties as a member in a trustworthy, sensible and reasonable manner;

3.2 act in a manner which will ensure and assist the Board to achieve its objects, perform its functions and comply with its duties in terms of the Act;

3.3 conduct himself or herself in a manner which is consistent with the status, position and

responsibilities of a member of the Board;

**3.4** not commit any act which is likely to bring the Board, its members, its officials, its policies, its decisions or its functioning or administration into disrepute or contempt;

**3.5** not commit any act which will or is likely to expose the Board to any legal action of any nature;

**3.6** not commit any act which is calculated to unduly influence, incite or assist any other member to commit misconduct;

**3.7** not commit any act which is calculated to hinder, obstruct or undermine the Board or any member or official in the performance of its or his or her functions or duties, as the case may be;

**3.8** not commit any act which is calculated to unduly or improperly influence another member in making a decision or performing a function or duty as such a member;

**3.9** not commit any act calculated to hinder or impede any investigation or enquiry proceedings as described in the Code;

**3.10** comply with, or act in accordance with, any decision, resolution or policy of the Board;

**3.11** be truthful and honest in his or her dealings with the Board, its members or officials;

**3.12** not publish, disclose, or facilitate the publication or disclosure, of any false or materially incorrect statement or information (including, but not limited to, any statement or information which is likely to mislead, or any unsubstantiated allegation) to any person concerning the Board, its members, its officials, its policies, its decisions, its functioning or its administration;

**3.13** not assist any person in any manner in legal proceedings or intended legal proceedings against the Board or a member or an official of the Board, unless such assistance is mandated in terms of a resolution of the Board, or, in urgent instances, mandated by the chairperson, or if it occurs in terms of a legal provision obliging the rendering of such assistance;

**3.14** when representing the Board in any meeting, forum or body refrain from any conduct which is calculated to, or likely to, undermine, discredit or impede the functions or objects of the Board.

## **4. Board meetings**

Every member must -

**4.1** attend all meetings of the Board which he or she should in principle attend for their full duration, unless he or she has a valid reason for not attending a meeting or any part of a meeting and proper notice thereof has been given to the person chairing the meeting: Provided that this obligation does not apply to a member who is suspended in terms of section 12 of the Code or to a member who is barred from attending a meeting or part thereof due to a conflict of interest as envisaged in section 4.8 of the Code;

**4.2** conduct himself or herself at all meetings of the Board in a manner which is likely to contribute to the dignity and lawful functions of the proceedings;

**4.3** whilst attending any meeting of the Board conduct himself or herself in terms of the recognised general principles governing the procedure at meetings, as well as all the directives and decisions of the person chairing the meeting;

**4.4** perform any function which he or she must perform at a meeting of the Board with the necessary skill and diligence;

**4.5** not commit any act which is calculated to obstruct, delay or impede the lawful proceedings at a meeting of the Board;

**4.6** not make any statement to a meeting of the Board which is calculated to misrepresent the factual position regarding any issue of relevance to the Board;

**4.7** not participate in any Board meeting for the duration of the discussion and decision-making on any matter, with the exception of matters envisaged in section 3(hA) and section 5(3) of the Act, in which

the member has a personal interest.

## **5. Financial affairs**

Every member of the Board must -

**5.1** display honesty and integrity in dealing with or making decisions concerning the Board's financial affairs, money, property, credit cards, negotiable instruments or any other object or asset in which the Board has a financial interest;

**5.2** not commit any act which will or may cause the financial resources of the Board to be wasted, misused or dealt with contrary to Board policy;

**5.3** not use his or her position as a member in order to obtain any improper, illegal or undeserved financial benefit or allow or assist any other person to obtain such a benefit at the expense of the Board;

**5.4** comply with all the applicable Board policies, requirements and procedures regarding payments envisaged in section 3(hA) and section 5(3) of the Act to him or her.

## **6. Board information**

**6.1** The provisions of this section do not exclude any Board policy or resolution prescribing the manner in which members or officials must or are entitled to deal with any Board information, or particular types of Board information.

**6.2** No member must commit an act which constitutes a contravention of section 34 of the Act regarding the protection of information: Provided that for the purposes of the Code, a contravention may be established in terms of the procedures provided for in section 10 of the Code.

**6.3** For the purposes of this section, but without limiting the generality of the said expression, "confidential information" includes any information or document in the possession of the Board which in terms of a resolution of the Board, or a decision of the chairperson, is to be regarded as confidential.

**6.4** A member of the Board may not -

- a. publish or communicate to anyone, or facilitate such publication or communication, any confidential information or documentation referred to in section 6.3 of the Code which he or she has obtained in the carrying out of his or her functions as a member unless the law allows or prescribes such publication or communication, or unless the Board by resolution, or the chairperson in urgent instances, has mandated such publication or communication;
- b. use or facilitate the use by anyone of any information or documentation of the Board which he or she has obtained in the carrying out of his or her functions as a member for any improper purpose or with any improper motive.

## **7. Statements to and communication with the media**

**7.1** The provisions of section 6 of the Code apply, with the necessary changes, to the making of statements to or disclosure of information to the media.

**7.2** The provisions of this section do not exclude the application of any Board policy or resolution prescribing the manner in which members or officials are to deal with the media or manage media relations.

**7.3** No member may make statements to the media or furnish information to the media or facilitate the furnishing of information to the media concerning the Board, its members, its officials, its policies, its decisions, its functioning or its administration, unless mandated to do so by a resolution of the Board or by the chairperson.

**7.4** This section does not prevent the chairperson to provide information referred to in section 7.3 of the Code to the media or to make statements to the media or to conduct a media interview, or to authorise any member or official to do so, if the chairperson is of the opinion that this would promote the achievement of the objects of the Board or the performance of the functions of the Board.

## **8. Interaction with Board officials**

A member of the Board may not -

**8.1** misuse an official for any personal or private purpose;

**8.2** commit any act which is calculated to hinder or interfere with an official, or subject an official to undue influence, in the lawful exercise of his or her functions or duties as an official;

**8.3** commit an act which constitutes a violation of the dignity or any other fundamental right of an official;

**8.4** require, demand or incite an official to perform any act which is contrary to law or an act which such an official is not entitled or authorised to perform.

## **9. Misconduct**

A member will be guilty of misconduct if he or she -

**9.1** contravenes or fails to comply with any provision of the Code or attempts or conspires with anyone to contravene such a provision;

**9.2** commits any statutory or common law offence, or contravenes any provision of the Act, the regulations made in terms of section 32 of the Act or the code of conduct for security officers made in terms of section 19 of the Act, if such a contravention will or may negatively impact on his or her ability to function as a member, or will or may bring the Board, a member or the functioning of the Board into disrepute or contempt, or will or may hinder the Board in the achievement of its statutory objects.

## **10. Procedures in the case of alleged misconduct**

**10.1** An allegation of misconduct regarding a member must be submitted to the chairperson who, where necessary, must as soon as possible thereafter investigate or cause the allegation to be investigated into.

**10.2** The chairperson must as soon as may be expedient in his or her opinion report to a meeting of the Board on the nature of the allegation submitted, the basic facts ascertained during any investigation, as well as his or her recommendation regarding the necessity for an enquiry into the said allegation.

**10.3** The Board may, after considering the report in terms of subsection 10.2 of the Code, direct that the matter be further investigated, or that an enquiry be held into the allegation, or that any other appropriate steps be taken, or that no further steps be taken in regard to the allegation.

**10.4** After any further investigation referred to in subsection 10.3 of the Code, the chairperson must again submit a report to the Board as aforesaid whereupon the Board may exercise the functions listed in that subsection.

**10.5** Where the Board directs that an allegation of misconduct must be enquired into, the Board may give any directions which it may deem to be expedient and appropriate regarding the manner in which the enquiry is to be held.

**10.6** An enquiry into an allegation of misconduct in terms of section 1 O.S of the Code must be conducted in a manner which is consistent with the provisions on fair administrative procedures as contained in section 3 of the Promotion of Administrative Justice Act 3 of 2000. Without limiting the generality of the said section 3, a member has the right -

- a. to receive adequate particulars concerning an allegation of misconduct for the purposes of preparing for an enquiry;
- b. to receive adequate notice of the date, time and venue of an enquiry;
- c. that an enquiry be conducted by an impartial person or tribunal;
- d. to present and dispute information, arguments and representations;
- e. to call a witness or produce any other admissible evidence;
- f. to cross-examine any witness in support of an allegation of misconduct;
- g. to obtain legal assistance in a serious or complex case.

**10.7** Any person or tribunal conducting an enquiry as aforesaid must as soon as possible after conclusion of the proceedings, submit a report to the chairperson containing the findings as well as a recommendation regarding an appropriate penalty where there is a finding of guilt.

**10.8** After receipt of the report as aforesaid, the chairperson must submit it within a reasonable time to a meeting of the Board. After such consideration of the report as the Board may deem necessary, the Board may confirm, set aside or vary the findings as well as the recommendations and inform the member involved accordingly.

**10.9** If the Board, after consideration of the report referred to in subsection 10.8 of the Code is of the opinion that there is a sound reason for a member to be removed from office, it must submit the report as well as its own views and recommendations to the Minister as soon as possible.

**10.10** Nothing in section 10 prevents the Board from referring any allegations and/or evidence of misconduct by a member to the Minister for the purposes of exercising his or her powers in terms of section 6(2) of the Act.

**10.11** The procedures described in section 10 apply unless the Board for reasonable and justifiable reasons determines otherwise, whether generally or in a particular case.

**10.12** The Board may delegate any of its functions provided for in section 10 to a committee of the Board appointed by it for this purpose, or to the executive committee of the Board.

**10.13** A member who has been found guilty of misconduct in respect of which a penalty of suspension from Board meetings or activities has been imposed, may, within seven (7) days after he or she has been notified of the decision referred to in section 10.8, appeal against such decision to the Minister: Provided that the provisions of section 21 of the Act and regulation 10 of the Regulations published in Government Gazette No 12413 dated 2 April 1990 will, with the necessary changes, apply to an appeal under this section: Provided further that the lodging of an appeal does not lift or bar any suspension in terms of section 12 of the Code.

## **11. Penalties for, and steps in regard to, misconduct of a member**

**11.1** Where a member has been found guilty of misconduct in terms of section 10 of the Code, the Board may -

**11.1.1** reprimand or warn the member;

**11.1.2** suspend the member from meetings and/or any other defined activities of the Board for a period not exceeding three (3) months;

**11.1.3** cause information regarding the findings to be published or communicated in a manner determined by the Board;

**11.1.4** refer the matter to the Minister for the purposes of the exercise of his or her powers in terms of section 6(2) of the Act.

**11.2** The penalties referred to in sections 11.1.1, 11.1.2 and 11.1.3 of the Code may be imposed collectively in respect of every instance of misconduct.

## **12. Suspension**

**12.1** The Board may suspend a member from attending any meeting or participating in any activities of the Board pending the investigation into alleged misconduct or for the duration of an enquiry referred to in section 10 of the Code (including any appeal proceedings) if there is a sound reason for such a step.

**12.2** The chairperson may exercise the function referred to in subsection 12.1 of the Code if in his or her opinion any delay in submitting the matter to the Board may cause serious prejudice to the Board in any manner whatsoever.

## **13. General**

The Code will come into operation on a date fixed by the Board. The Code will apply to all misconduct defined in section 9.2 irrespective of whether it has been committed before or after the commencement

of the Code: Provided that in the case of misconduct as defined in section 9.2 of the Code, the misconduct must have been committed after the member in question has been appointed as a member of the Board.

**end**

----- **Security Officers Board** -----