

IFAISA CONSTITUTIONAL AMENDMENT TO ESTABLISH AN  
ANTI-CORRUPTION COMMISSION

CHAPTER 9: STATE INSTITUTIONS SUPPORTING CONSTITUTIONAL  
DEMOCRACY

**A AMENDMENT TO EXISTING CLAUSES:**

**Establishment and governing principles**

181. (1) ...

*[(g) The Anti Corruption Commission.]*

**GENERAL PROVISIONS**

**Appointments**

193. ...

(4) (b) the Commission for Gender Equality; [ ]

(c) the Electoral Commission; *[and*

*(d) the Anti Corruption Commission.]*

(5) ...

(b) ...

(i) of at least 60 per cent of the members of the Assembly, if the recommendation concerns the appointment of the Public Protector, *[ a member of the Anti Corruption Commission and]* [ ] the Auditor General; or

(ii) of a majority of the members of the Assembly, if the recommendation concerns the appointment of a member of a Commission, *[ excluding the Anti Corruption Commission.]*

...

*[(7) Due regard to knowledge of or experience in advising on the prevention of, investigations into, and the education of the public with*

*regard to, corrupt practices, must be given when appointing the members of the Anti Corruption Commission.]*

{It is also possible to reconfigure the Judicial Services Commission so as to give it powers in relation to the appointments in the Anti-Corruption Commission and senior appointments in the National Prosecuting Authority, as has been suggested by the Deputy President, when he was President, as regards the National Prosecuting Authority.}

### **Removal from office**

194. ...

(2) ...

- (a) the Public Protector *[, a member of the Anti Corruption Commission]* or the Auditor-General must be adopted with a supporting vote of at least two thirds of the members of the Assembly; or
- (b) a member of a commission *[, excluding the Anti Corruption Commission,]* must be adopted...

**B ESTABLISHMENT OF THE ANTI CORRUPTION COMMISSION:**

192 bis Anti Corruption Commission

**Functions of Anti Corruption Commission**

- (1) The Anti Corruption Commission must, and as regulated by national legislation has the power to, monitor, investigate, research, educate, lobby, advise and report on issues concerning corruption in the Republic of South Africa.
- (2) The Anti Corruption Commission must be accessible to all persons and communities.
- (3) The Anti Corruption Commission must submit its reports to any entity that has direct interest in the audit, and to any other authority prescribed by national legislation.
- (4) Any report issued by the Anti Corruption Commission shall be open to the public.
- (5) Each year, the Anti Corruption Commission must require all organs of state to provide the Commission with information on the measures that they have taken towards the eradication of corruption.
- (6) The Anti Corruption Commission has the additional powers and functions prescribed by national legislation.

**Tenure**

The members of the Anti Corruption Commission are appointed for a non-renewable period of seven years.