



Government Gazette

REPUBLIC OF SOUTH AFRICA
IRIPHABLIKHI YOMZANTSI-AFRIKA

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Kaapstad,

THE PRESIDENCY

No. 1054 22 December 2014

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

Act No. 11 of 2014: Public Administration Management Act, 2014

IHHOVISI LIKAMONGAMELI

No. 1054 22 December 2014

Ngaloku kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelwa umphakathi:—

Ino. 11 Ka 2014: Umthetho Wokulawulwa Koburhulumente, ka-2014



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

*(English text signed by the President)
(Assented to 19 December 2014)*

ACT

To promote the basic values and principles governing the public administration referred to in section 195(1) of the Constitution; to provide for the transfer and secondment of employees in the public administration; to regulate conducting business with the State; to provide for capacity development and training; to provide for the establishment of the National School of Government; to provide for the use of information and communication technologies in the public administration; to establish the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit; to provide for the Minister to set minimum norms and standards for public administration; to establish the Office of Standards and Compliance to ensure compliance with minimum norms and standards; to empower the Minister to make regulations; and to provide for related matters.

PREAMBLE

We, the people of South Africa,

RECOGNISING THAT—

- the Constitution provides that the Republic is one, sovereign, democratic state and that the government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated;
- administration in every sphere of government is governed by the values and principles governing public administration in section 195(1) of the Constitution;
- the Constitution requires all spheres of government to provide effective, efficient, transparent, accountable and coherent government for the Republic to secure the well-being of the people and the progressive realisation of their constitutional rights;
- one of the most pervasive challenges facing our country is the need for government to redress poverty, marginalisation of people and communities and other legacies of apartheid and discrimination;
- this challenge is best addressed by providing for administrations in the three spheres of government to be organised and to function in ways that ensure efficient, quality, collaborative and accountable service delivery to alleviate poverty and promote social and economic development for the people of the Republic;
- section 195(5) and (6) of the Constitution permits legislation regulating public administration to differentiate between different sectors, administrations and institutions by taking into account their nature and functions;
- section 197(1) and (2) of the Constitution provides for a public service within the public administration, which must function and be structured, in terms of national legislation, and the terms and conditions of employment of which must be regulated by national legislation;

*(English text signed by the President)
(Assented to 19 December 2014)*

UMTHETHO

Injongo kukukhuthaza imigaqo esisiseko elawula uburhulumente ekuthethwe ngayo kwisiqendu 195(1) soMgaqo-siseko; kukulungiselela ukufuduselwa kwabasebenzi kwamanye amacandelo nokubolekwa kwabo ngamanye amacandelo eburhulumenteni; kukukulawula ukushishina norhulumente; kukuphucula abasebenzi nokubaqeqesha; kukulungiselela ukuba kubekho iSikolo sikaRhulumente; kukulungiselela ukusetyenziswa kobugcisa bengcombolo nonxibelelwano eburhulumenteni; kukwenza ukuba kubekho iZiko Lemigaqo Yokusebenza Eburhulumenteni Nelokuncedisa Kwintembeko Nolungiso-similo; kukwenza ukuba uMphathiswa aqingqe imilinganiselo eyeyona iphantsi eburhulumenteni; kukuseka iOfisi Yemigangatho Nokugcinwa Kwayo ukuqinisekisa ukuba kuyafikelelwa kwimilinganiselo eyeyona iphantsi emayifikelelwe; kukugunyaza uMphathiswa ukuba enze imimiselo; nokulungiselela imicimbi ehlobene nale.

INTSHAYELELO

Thina, bantu baseMzantsi-Afrika,

NGOKUQONDA UKUBA—

- uMgaqo-siseko uthi iRiphabliki ililizwe elinye elizimeleyo, lentando yesininzi, nokuthi urhulumente wahlulwa-hlulwe wangurhulumente wezwelonke, owamaphondo, nowasekuhlaleni, bonke bengoorhulumente abahlukileyo, kodwa abasebenzisanayo nabahlobeneyo;
- imisebenzi kwinqwanqwa ngalinye likarhulumente ilawulwa yimigaqo elawula umsebenzi waseburhulumenteni ekwisiqendu 195(1) soMgaqo-siseko;
- uMgaqo-siseko ufuna ukuba onke amanqwanqwa karhulumente abe nolawulo oluphumelelayo, olutyibilikayo, oluselubala, ekuphendulwayo ngalo, nolumentsebenziswano kwiRiphabliki ukuze kulungelwe abantu, kananjalo bawafumane ngokuthe ngcembe amalungelo abo akuMgaqo-siseko;
- omnye wemingeni emikhulu ilizwe lethu elijamelene nawo yimfuneko yokuba urhulumente alwe nobuhlwempu, nokwenziwa ikheswa kwabantu, alwe kananjalo namanye amashwa esiwashiyelwe lucalu-calulo;
- eyona ndlela ilungileyo yokuhlangabezana nalo mngeni kukwenza ukuba imisebenzi kumanqwanqwa omathathu karhulumente ilungelelaniswe kwaye ibe ngeendlela eziqinisekisa ukunikezelwa kweenkonzo okutyibilikayo, okusemgangathweni, okunentsebenziswano, nekuphendulwayo ngako ukuze kudanjiswe ubuhlwempu, kukhuthazwe ukuphuculwa kwabantu beRiphabliki entlalweni nakuqoqosho;
- isiqendu 195(5) nesesi-(6) soMgaqo-siseko sivumela ubukho bomthetho wepalamente olawula uburhulumente ukuba wenze umahluko phakathi kwamacandelo ahlukeneyo namasebe, namaziko, ngokuthabathel' ingqalelo ubunjani bawo nemisebenzi yawo;
- isiqendu 197(1) nesesi-(2) soMgaqo-siseko sithi makubekho abasebenzi ngaphakathi eburhulumenteni, abasebenza ngokomthetho wepalamente yezwelonke, nemiqathango yabo yokuqeshwa ilawulwe ngumthetho wepalamente wezwelonke.

THEREFORE, THIS ACT SEEKS TO GIVE EFFECT TO—

- section 195(3) of the Constitution which requires national legislation to ensure the promotion of those values and principles;

AND BEARING IN MIND THAT—

- section 197(4) of the Constitution provides that provincial governments are responsible for the recruitment, appointment, promotion, transfer and dismissal of members of the public service in their administrations within a framework of uniform norms and standards applying to the public service;
- sections 151(3) and 153 of the Constitution provide that a municipality has the right to govern, on its own initiative, the local government affairs of its community and to structure and manage its administration, subject to national and provincial legislation, as provided for in the Constitution;
- section 154(1) of the Constitution stipulates that the national government and provincial governments must, by legislative and other measures, support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions;
- section 164 of the Constitution provides that any matter concerning local government not dealt with in the Constitution may be prescribed by national legislation or by provincial legislation within the framework of national legislation;
- as required by section 163 of the Constitution, the Organised Local Government Act, 1997 (Act No. 52 of 1997), provides for the recognition of national and provincial organisations representing municipalities,

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

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NGOKO KE, LO MTHETHO UNENJONGO YOKUPHUMEZA—

- isiqendu 195(3) soMgaqo-siseko esifunisa ukuba umthetho wepalamente wezwelonke uqinisekise ukukhuthazwa kwaloo migaqo;

KANANJALO NGOKUKHUMBULA UKUBA—

- isiqendu 197(4) soMgaqo-siseko sithi oorhulumente bamaphondo banomsebenzi wokugaya abasebenzi, babaqeshe, babanyusele ezikhundleni, babafudusele kwezinye iindawo, babagxotho, bekwenza oko ngokwemigaqo efanayo esebenza kubasebenzi baseburhulumenteni;
- isiqendu 151(3) nese-153 soMgaqo-siseko zithi umasipala unelungelo loku-yilawula ngokwakhe imicimbi karhulumente wasekuhlaleni, elawulwa yimithetho yepalamente yezwelonke neyephondo, njengoko kusitsho uMgaqo-siseko;
- isiqendu 154(1) soMgaqo-siseko sithi urhulumente wezwelonke noorhulumente bamaphondo mabathi, ngokusebenzisa imithetho yepalamente nezinye iindlela, baxhase kwaye bomeleze ukukwazi koomasipala ukuzisingathela imicimbi yabo, nokusebenzisa amagunya abo nokwenza imisebenzi yabo;
- isiqendu 164 soMgaqo-siseko sithi nawuphi na umcimbi ongorhulumente wasekuhlaleni ekungathethwanga ngawo kuMgaqo-siseko unokuthi ulawulwe ngumthetho wepalamente wezwelonke okanye ngumthetho wepalamente wephondo oxhomekeke kumthetho wepalamente wezwelonke;
- njengoko kufunwa sisiqendu 163 soMgaqo-siseko, i*Organised Local Government Act* 52 ka-1997 ithi mayamkelwe imibutho yezwelonke neyamaphondo emela oomasipala,

NGOKO KE KUWISW' UMTHETHO yiPalamente yeRiphabliki yoMzantsi-Afrika ngale ndlela ilabndelayo:—

OKUQULETHWEYO

Iziqendu

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CHAPTER 1

INTERPRETATION, APPLICATION AND OBJECTS OF ACT

Definitions 30

- 1. In this Act, unless the context otherwise indicates—
 - “**Constitution**” means the Constitution of the Republic of South Africa, 1996;
 - “**employee**” means a person appointed in the public administration, but excludes a person appointed as a special adviser in terms of section 12A of the Public Service Act and a person performing similar functions in a municipality; 35
 - “**entity**” includes any sole proprietorship, partnership, trust, company or association, irrespective of whether the entity is incorporated or registered under any law;
 - “**executive authority**”, in relation to—
 - (a) The Presidency or a national government component within the President’s portfolio, means the President; 40
 - (b) a national department or national government component within a Cabinet portfolio, means the Minister responsible for that portfolio;

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IMITHETHO ETSHITSHISWAYO OKANYE EYENZIWA UTSHINTSHO

ISAPHLUKO 1

UKUCHAZWA KWENTSINGISELO YALO MTHETHO, UKUSEBENZA KWAWO NEENJONGO ZAWO

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Ukuchazwa kwamagama

1. Kulo Mthetho, ngaphandle kokuba okunye okubhaliweyo kuwo kubonisa ngenye indlela—

- “uMgaqo-siseko” nguMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1996;
- “umqeshwa” ngumntu oqeshwe eburhulumenteni, kodwa ingenguye oqeshwe njengomcebisi okhethekileyo ngokwesiqendu 12A se*Public Service Act* nomntu owenza imisebenzi enjengaleyo kumasipala;
- “iqumrhu” liquka ishishini lomntu omnye, ishishini elidityanelweyo, itrasti, inkampani okanye umbutho, kungakhathaliseki ukuba iqumrhu elo libhalisiwe kusini na;

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- (c) the Public Service Commission, means the chairperson;
- (d) the Office of a Premier or a provincial government component within a Premier's portfolio, means the Premier of that province;
- (e) a provincial department or a provincial government component within an Executive Council portfolio, means the member of that Council responsible for that portfolio; and 5
- (f) a municipality means the Municipal Council of that municipality;
- "family member"**, in relation to any person, means his or her parent, sister, brother, child or spouse—
 - (a) including a person living with that person as if they were married to each other, namely a spouse or life partner; 10
 - (b) whether such relationship results from birth, marriage or adoption;
 - (c) including any other relative who resides permanently with that person; and
 - (d) including any other relative who is of necessity dependent on such person; 15
- "Head of the School"** means the Head of the National School of Government contemplated in section 11(1);
- "information and communication technologies"** means all aspects of technology which are used to manage and support the efficient gathering, processing, storing and dissemination of information;
- "institution"** means a national department, a provincial department, a municipality or a national or provincial government component; 20
- "Minister"** means the Minister responsible for the public service and administration, unless otherwise stated in this Act;
- "Municipal Council"** means a Municipal Council referred to in section 157(1) of the Constitution; 25
- "municipality"** means a municipality as defined in section 1 of the Municipal Structures Act, 1998 (Act No. 117 of 1998);
- "national department"** means a national department listed in Schedule 1 to the Public Service Act;
- "Office"** means the Office of Standards and Compliance established in section 17(1); 30
- "prescribed"** means prescribed by regulations made by the Minister in terms of this Act;
- "public administration"** means the public service, municipalities and their employees; 35
- "public service"** means all—
 - (a) national departments;
 - (b) national government components listed in Part A of Schedule 3 to the Public Service Act;
 - (c) provincial departments which means— 40
 - (i) the Office of a Premier listed in Schedule 1 to the Public Service Act; and
 - (ii) provincial departments listed in Schedule 2 to the Public Service Act; and
 - (d) provincial government components listed in Part B of Schedule 3 to the Public Service Act, and their employees; 45
- "Public Service Act"** means the Public Service Act, 1994 (Proclamation No. 103 of 1994);
- "School"** means the National School of Government contemplated in section 11(1);
- "Skills Development Act"** means the Skills Development Act, 1998 (Act No. 97 of 1998); 50
- "Skills Development Levies Act"** means the Skills Development Levies Act, 1999 (Act No. 9 of 1999);
- "this Act"** includes the regulations made in terms of this Act;
- "training institution"** means any training institution under the authority of— 55
 - (a) the national or a provincial government; or
 - (b) a Municipal Council; and
- "Unit"** means the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit contemplated in section 15(1).

Application of Act

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2. Unless otherwise provided, this Act applies to the public administration.

- “igunya eliphezulu”**, ngokumayela—
- (a) neOfisi kaMongameli okanye inxalenye karhulumente wezwelonke ngaphakathi kwiOfisi kaMongameli, nguMongameli;
 - (b) nesebe lezwelonke okanye inxalenye karhulumente wezwelonke ngaphakathi kwisebe leKhabhinethi, nguMphathiswa ophathiswe elo sebe; 5
 - (c) nePublic Service Commission, ngusihlalo wayo;
 - (d) neOfisi yeNkulumbuso okanye inxalenye karhulumente wephondo ngaphakathi kwiofisi yeNkulumbuso, yiNkulumbuso yelo phondo;
 - (e) nesebe lephondo okanye inxalenye karhulumente wephondo ngaphakathi kwisebe lomphathiswa wephondo, ngumphathiswa wephondo welo sebe; 10
 - (f) nomasipala, liBhunga likaMasipala laloo masipala;
- “ilungu losapho”** ngumzali womntu, okanye udade wabo, okanye umnakwabo, umntwana okanye iqabane lomtshato—
- (a) kuquka nomntu ohlala naloo mntu ngokungathi batshatile;
 - (b) enoba oko kuzalana kubekho ngenxa yokuzalwa, okanye ngenxa yomtshato okanye ngenxa yokukhuliswa ngabazali bambi; 15
 - (c) kuquka nasiphi na esinye isizalwana esihlala ngokusisigxina naloo mntu;
 - (d) kuquka nasiphi na isizalwana esixhomekeke kuloo mntu;
- “iNtloko yeSikolo”** yintloko yeSikolo sikaRhulumente esixelwe kwisiqendu 11(1); 20
- “ubugcisa bengcombolo nonxibelelwano”** bubo bonke ubugcisa obusetyenziswa ukulawula nokuncedisa ekulawulweni kokuqokelelwa kwengcombolo nokuyigcina ngokutyibilikayo;
- “iziko”** lisebe lezwelonke, isebe lephondo, umasipala okanye inxalenye karhulumente wezwelonke okanye wephondo; 25
- “uMphathiswa”** nguMphathiswa ophathiswe inkonzo karhulumente nolawulo, ngaphandle kokuba kuchazwe ngenye indlela kulo Mthetho;
- “iBhunga likaMasipala”** liBhunga likaMasipala ekuthethwe ngalo kwisiqendu 157(1) soMgaqo-siseko;
- “uMasipala”** ngumasipala ngendlela achazwe ngayo kwisiqendu 1 seMunicipal Structures Act, 1998 (Act No. 117 of 1998); 30
- “isebe lezwelonke”** lisebe lezwelonke elidweliswe kwiSchedule 1 yePublic Service Act;
- “iOfisi”** yiOfisi Yemilinganiselo Emayifikelelwe esekwe kwisiqendu 17(1);
- elithi “efunekayo”** lithetha efunwa yimimiselo eyenziwe nguMphathiswa ngokwalo Mthetho; 35
- “uburhulumente”** ngurhulumente, oomasipala nabaqeshwa;
- “urhulumente”**—
- (a) ngawo onke amasebe ezwelonke;
 - (b) zizo zonke iinxalenye zikarhulumente wezwelonke ezidweliswe kwiNxalenye A yeSchedule 3 yePublic Service Act; 40
 - (c) ngawo onke amasebe amaphondo, okuthetha ukuba—
 - (i) yiOfisi yeNkulumbuso edweliswe kwiSchedule 1 yePublic Servant Act;
 - (ii) namasebe amaphondo adweliswe kwiSchedule 2 yePublic Service Act;
 - (d) neenxalenye zikarhulumente zamaphondo ezidweliswe kwiNxalenye B yeSchedule 3 yePublic Service Act nabaqeshwa bazo; 45
- “iPublic Service Act”** yiPublic Service Act, 1994 (Proclamation No. 103 of 1994);
- “iSikolo”** siSikolo sikaRhulumente esixelwe kwisiqendu 11(1);
- “iSkills Development Act”** yiSkills Development Act, 1998 (Act No. 97 of 1998);
- “iSkills Development Levies Act”** yiSkills Development Act, 1999 (Act No. 9 of 1999); 50
- elithi “lo Mthetho”** liquka imimiselo eyenziwe ngokwalo Mthetho;
- “iziko loqeqesho”** lilo naliphi na iziko loqeqesho eliphantsi kwegunya—
- (a) lorhulumente wezwelonke okanye wephondo; okanye
 - (b) leBhunga likaMasipala; lize elithi 55
- “iZiko”** lithethe iZiko Lemigaqo Yokusebenza Eburhulumenteni Nelokuncedisa Kwintembeko Nolungiso-similo elixelwe kwisiqendu 15(1).

Ukusebenza kwalo Mthetho

2. Ngaphandle kokuba kuxelwe ngenye indlela, lo Mthetho usebenza eburhulumenteni.

Objects of Act

3. The objects of this Act are to—
- (a) promote and give effect to the values and principles in section 195(1) of the Constitution;
 - (b) provide for the transfer and secondment of employees; 5
 - (c) promote a high standard of professional ethics in the public administration;
 - (d) promote the use of information and communication technologies in the public administration;
 - (e) promote efficient service delivery in the public administration;
 - (f) facilitate the eradication and prevention of unethical practices in the public 10 administration; and
 - (g) provide for the setting of minimum norms and standards to give effect to the values and principles of section 195(1) of the Constitution.

CHAPTER 2

BASIC VALUES AND PRINCIPLES 15

Basic values and principles governing public administration

4. Each institution must—
- (a) promote and maintain a high standard of professional ethics;
 - (b) promote efficient, economic and effective use of resources;
 - (c) be development oriented; 20
 - (d) provide such services impartially, fairly, equitably and without bias;
 - (e) respond to people's needs and encourage public participation in policy-making;
 - (f) be accountable to the public;
 - (g) foster transparency by providing the public with timely, accessible and 25 accurate information;
 - (h) ensure good human resource management and career development practices to maximise human potential; and
 - (i) ensure broad representation of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and 30 the need to redress the imbalances of the past to achieve broad representation.

CHAPTER 3

EMPLOYMENT IN PUBLIC ADMINISTRATION

Individual transfers

5. (1) Any employee of the transferring institution may, subject to sections 151(3), 153 and 197(4) of the Constitution, be transferred within an institution or transferred to another institution in a manner and on such conditions as prescribed. 35
- (2) An employee may only be transferred—
- (a) where reasonable grounds exist;
 - (b) if the employee is suitably qualified, as envisaged in section 20(3) to (5) of the 40 Employment Equity Act, 1998 (Act No. 55 of 1998), for the intended position upon transfer;
 - (c) if the employee requests or consents in writing to the transfer; and

Iinjongo zalo Mthetho

3. Iinjongo zalo Mthetho—

- (a) kukukhuthaza nokuphumeza imigaqo ekwisiqendu 195(1) soMgaqo-siseko;
- (b) kukulungiselela ukufuduselwa kwabasebenzi kwezinye iindawo nokubolekwa kwabo; 5
- (c) kukukhuthaza ukuxhonywa komgangatho ekwenziweni komsebenzi wawarhulumente;
- (d) kukukhuthaza ukusetyenziswa kobugcisa nengcombolo nonxibelelwano eburhulumenteni;
- (e) kukukhuthaza ukunikezelwa kweenkonzo okutyibilikayo eburhulumenteni; 10
- (f) kukwenza lula ukupheliswa nokuthintelwa kwemikhuba engafanelekanga eburhulumenteni;
- (g) nokwenza ukuba kubekho imilinganiselo eyeyona iphantsi emayifikelelwe kuze kuphunyezwe imigaqo yesiqendu 195(1) soMgaqo-siseko.

ISAHLUKO 2

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IMIGAQO ESISISEKO

Imigaqo esisiseko elawula uburhulumente

4. Iziko ngalinye—

- (a) malikhuthaze umgangatho weendlela zokusebenza lize liwugcine uphakamile; 20
- (b) malikhuthaze ukusetyenziswa kobuncwane ngokutyibilikayo, ngendlela eqoqoshayo nenempumelelo;
- (c) malicinge ngophuculo;
- (d) malisebenzele uluntu lingakhethi buso, ngendlela engakhwinisiyo;
- (e) malisabele kwiintswelo zabantu lize likhuthaze ukuba nenxaxheba koluntu ekuqulunqweni kweenkqubo; 25
- (f) maliphendule kuluntu;
- (g) malikhuthaze ukusebenzela elubala ngokunika uluntu ingcombolo esexesheni, olunokuyifumana xa luyifuna, kwaye;
- (h) maliqinisekise ukuba abasebenzi baphathwa ngendlela elungileyo kwaye bayaphuculwa kwimisebenzi yabo ukuze bafikelele kwelona nqanaba liphezulu loko banokukwenza; kananjalo 30
- (i) maliqinisekise ukumelwa ngokubanzi kwabantu baseMzantsi-Afrika, kusetyenziswa iindlela zokuqeshwa nezokuphathwa kwabasebenzi ezisekelwe kubuchule, kubulungisa nakwimfuneko yokulungisa iintswelabulungisa zexesha elidlulileyo ukuze kumelwe abantu abaninzi kangangokunokwenzeka. 35

ISAHLUKO 3

UKUQESHWA EBURHULUMENTENI

Ukufuduswa komqeshwa ngamnye

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5. (1) Nawuphi na umqeshwa weziko elifudusayo unokuthi, ngokulawulwa sisiqendu 151(3), 153 nese-197(4) soMgaqo-siseko, afuduselwe komnye umsebenzi ngaphandle kwiziko okanye afuduselwe kwelinye iziko ngendlela nangemiqathango eya kuthi ixelwe.

(2) Umqeshwa unokuthi afuduswe kuphela—

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- (a) xa kukho izizathu ezivakalayo;
- (b) ukuba umqeshwa lowo uyawufanelekela umsebenzi ekufunwa ukuba afuduselwe kuwo, ngendlela echazwe kwisiqendu 20(3) ukuya kwese-(5) *se-Employment Equity Act 55 ka-1998*;
- (c) ukuba umqeshwa uzicelela ngokwakhe ngokubhala ukuba afuduswe okanye ukuba uyavuma ngokubhala ukuba afuduswe; 50

- (d) within that institution by the relevant authority, or to another institution with the concurrence of the relevant executive authorities of the transferring and recipient institutions.
- (3) If an employee is transferred within an institution, or from one national or provincial institution to another national or provincial institution the— 5
 - (a) transfer does not interrupt the employee's continuity of employment; and
 - (b) employee may not upon the transfer suffer any reduction in remuneration and conditions of service, unless the employee consents.
- (4) (a) If an employee is transferred between a national or provincial institution and a municipal institution or from one provincial or municipal institution to another provincial or municipal institution, the remuneration and conditions of service of the employee upon the transfer are as agreed between the executive authorities of the transferring and recipient institutions. 10
 - (b) If an employee is transferred in terms of paragraph (a) and unless the employee consents, the remuneration and conditions of service may not be less favourable than those on which the employee was employed immediately before the transfer. 15

Secondments

6. (1) Any employee of an institution may be seconded to another institution or to any other organ of state in such manner, and on such terms and conditions as may be prescribed. 20
- (2) An employee may be seconded in terms of subsection (1)—
 - (a) if the employee possesses the necessary skills and knowledge for the intended position at the time of the secondment; and
 - (b) if the employee requests or consents to the secondment; or
 - (c) in the absence of consent, after due consideration of any representations by the employee, if the secondment is justified. 25
- (3) Any employee of an institution may only be seconded in terms of subsection (1) to—
 - (a) another institution in consultation with the relevant executive authorities of the seconding and recipient institutions; or 30
 - (b) an organ of state other than an institution, on request of the organ of state and in consultation with the relevant authority of the seconding institution.
- (4) (a) If an employee is seconded between a national or provincial institution and a municipal institution or from one provincial or municipal institution to another provincial or municipal institution, the remuneration and conditions of service of the employee upon the secondment are as agreed between the executive authorities of the transferring and recipient institutions. 35
 - (b) If an employee is seconded in terms of subsection (1) and unless the employee consents, the remuneration and conditions of service may not be less favourable than those on which the employee was employed immediately before the secondment. 40

Transfer of employees upon transfer or assignment of function

7. If a function is transferred or assigned from one institution, namely the old institution, to another institution, namely the new institution, as a result of an action envisaged in section 97, 99, 126 or 137 of the Constitution, the provisions of section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), apply. 45

Conducting business with State

8. (1) In this section and in section 9, "employee" includes persons contemplated in section 12A of the Public Service Act and a person performing similar functions in a municipality.
- (2) An employee may not— 50
 - (a) conduct business with the State; or
 - (b) be a director of a public or private company conducting business with the State.

- (d) efuduselwa komnye umsebenzi kwalapho ngaphakathi kwelo ziko efuduswa ligunya elifanelekileyo, okanye afuduselwe kwelinye iziko ngokuvuma kwamagunya aphezulu achaphazelekayo elo ziko afuduswa lilo nawamkelwa lilo.
- (3) Ukuba umqeshwa ufuduselwa kumsebenzi okwangaphakathi kwiziko, okanye ufuduswa esuswa kwelinye iziko lezwelonke okanye lephondo esisiwa kwelinye iziko lezwelonke okanye lephondo—
- (a) oko kufuduswa akukuphazamisi ukuqhubeka kwengqesho yaloo mqeshwa; kwaye
- (b) loo mqeshwa akanakuthi akuba efudusiwe aphungulelwe umvuzo neemeko abesebenza kuzo, ngaphandle kokuba umqeshwa uyavuma.
- (4) (a) Ukuba umqeshwa ufuduswa esuswa kwiziko lezwelonke okanye lephondo esisiwa kwiziko likamasipala okanye esuswa kwiziko lephondo okanye likamasipala esisiwa kwelinye iziko lephondo okanye likamasipala, umvuzo womqeshwa neemeko asebenza kuzo zinjengokuba kuvunyelwene ngamagunya aphezulu eziko elifudusayo nelamkelayo.
- (b) Ukuba umqeshwa ufuduswa ngokwesiqendu (a) kwaye ngaphandle kokuba umqeshwa uyavuma, umvuzo womqeshwa neemeko asebenza kuzo azinakuba ngaphantsi kwezo abeqeshwe kuzo ngaphambi kokuba afuduswe.

Ukubolekwa kwabasebenzi

6. (1) Nawuphi na umqeshwa weziko unokuthi abolekwe lelinye iziko okanye icandelo likarhulumente ngendlela nangemiqathango enokuthi ixelwe.
- (2) Umqeshwa unokubolekwa ngokwesiqendwana (1)—
- (a) ukuba umqeshwa unezakhono eziyimfuneko nolwazi lomsebenzi ekujongwe ukuba awenze ngexesha lokubolekwa kwakhe; kananjalo
- (b) ukuba umqeshwa uyazicelela okanye uyavuma ukubolekwa; okanye
- (c) xa engavumi, ukuba ukubolekwa kwakhe kuyathetheleleka emva kokuqwalasela ngokufanelekileyo nakuphi na okutshiwo ngumqeshwa.
- (3) Nawuphi na umqeshwa weziko unokubolekwa kuphela ngokwesiqendwana (1) esiwa—
- (a) kwelinye iziko ngokubonisana namagunya aphezulu achaphazelekayo eziko elibolekiswa ngokubolekwa; okanye
- (b) kwicandelo likarhulumente elingelilo iziko, esakucelwa licandelo likarhulumente nangokubonisana negunya elifanelekileyo leziko elibolekisa ngaye.
- (4) (a) Ukuba umqeshwa kubolekiswa ngaye phakathi kweziko lezwelonke okanye lephondo neziko likamasipala okanye kubolekiswa ngaye ukusuka kwelinye iziko lephondo okanye likamasipala esiwa kwelinye iziko lephondo okanye likamasipala, iimeko zokusebenza zomqeshwa akuba kubolekiswa ngaye zinjengokuba kuvunyelwene phakathi kwamagunya aphezulu neziko elibolekisa ngaye nelimbolekayo.
- (b) Ukuba umqeshwa kubolekiswa ngaye ngokwesiqendwana (1) kwaye ngaphandle kokuba umqeshwa uyavuma, umvuzo wakhe neemeko abesebenza kuzo azinakuba ngaphantsi kwezo abeqeshwe kuzo ngaphambi kokuba afuduswe.

Ukufuduswa kwabaqeshwa xa kufuduswa umsebenzi abebewenza

7. Ukuba umsebenzi uyafuduswa ukusuka kwelinye iziko, esingathi liziko elidala, ukuya kwelinye iziko, esingathi liziko elitsha, ngenxa yesenzo esixelwe kwisiqendu 97, 99, 126 okanye 137 soMgaqo-siseko, okutshiwo sisiqendu 197 se*Labour Relations Act* 66 ka-1995 kuyasebenza.

Ukushishina norhulumente

8. (1) Kwesi siqendu nakwisiqendu 9, igama elithi “umqeshwa” liquka abantu abaxelwe kwisiqendu 12A se*Public Service Act* nomntu owenza imisebenzi enjengaleyo kumasipala.
- (2) Umqeshwa akavumelekanga ukuba—
- (a) ashishine norhulumente; okanye
- (b) abe ngumlawuli wenkampani karhulumente okanye yomntu othile eshishina norhulumente.

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- (3) A contravention of subsection (2)—
- (a) is an offence, and any person found guilty of the offence is liable to a fine or imprisonment for a period not exceeding 5 years or both such fine and imprisonment; and
 - (b) constitute serious misconduct which may result in the termination of employment by the employer. 5

Disclosure of financial interest

9. (1) An employee must, in the prescribed manner, disclose to the relevant head of the institution all his or her financial interests and the financial interests of his or her spouse and a person living with that person as if they were married to each other, including all— 10

- (a) shares and other financial interests in an entity;
- (b) sponsorships;
- (c) gifts above the prescribed value, other than gifts received from a family member; 15
- (d) benefits; and
- (e) immovable property.

(2) Failure by an employee to comply with the obligation referred to in subsection (1) constitutes misconduct.

CHAPTER 4

20

CAPACITY DEVELOPMENT AND TRAINING

Capacity development by institutions

10. (1) The head of an institution must—
- (a) through the education and training of its employees develop its human resource capacity to a level that enables it to perform its functions in an efficient, quality, collaborative and accountable manner; and 25
 - (b) for the purpose referred to in paragraph (a) comply with the Higher Education Act, 1997 (Act No. 101 of 1997), Skills Development Act and the Skills Development Levies Act.
- (2) In addition to the education and training budget requirements in terms of the Skills Development Act or provision for a training levy in terms of the Skills Development Levies Act, an institution— 30
- (a) must make appropriate provision within the available resources in its budget for the education and training of its employees; and
 - (b) may apply to any applicable sector education and training authority established in terms of the Skills Development Act for additional funds for training. 35

National School of Government

11. (1) The National School of Government will, in consultation with the Minister responsible for higher education and training, be established as a higher education institution contemplated in the Higher Education Act, 1997 (Act No. 101 of 1997). 40

(2) The School must, through education and training, promote the progressive realisation of the values and principles governing public administration and enhance the quality, extent and impact of the development of human resource capacity in institutions. 45

- (3) The School must give effect to subsection (2) by—
- (a) subject to the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), providing such education and training or causing such education and training to be provided or conducting or cause to be conducted such examinations or tests as the Head of the School determines; 50
 - (b) interacting with and fostering collaboration, in consultation with the Minister responsible for higher education and training, among training institutions, higher education institutions, further education and training institutions and private sector training providers in furtherance of such education and training; and
 - (c) performing any other function or exercising any other power as prescribed. 55
- (4) The provisions of this section do not affect institution or sector specific training.

(3) Ukwaphula isiqendwana (2)—

- (a) kukwaphul' umthetho, kwaye nawuphi na umntu ofunyaniswe enetyala lokwaphula lo mthetho uya kugwetywa ifayini okanye avalelwe entolongweni ixesha elingagqithiyo kwiminyaka emihlanu okanye agwetywe kokubini loo fayini nokuvallelwa entolongweni; kwaye 5
- (b) kukona okukhulu okungazala ukugxothwa ngumqeshi.

Ukudizwa kwento ayincwasileyo umntu ngokwasemalini

9. (1) Umqeshwa makathi, ngendlela efunekayo, adize kwintloko efanelekileyo yeziko zonke izinto azincwasileyo ngokwasemalini kunye nezinto ezincwaswe liqabane lakhe lomtshato nangumntu ohlala nomqeshwa ngokungathi batshatile, kuquka— 10
- (a) zonke izabelo nazo zonke iimali ezikwiqumrhu;
 - (b) bonke abaxhasi;
 - (c) zonke izipho ezixabiso lingaphaya kwemali exeliweyo, ngaphandle kwezipho ezifunyenwe zivela kwilungu losapho;
 - (d) onke amaqithiqithi; kwaye 15
 - (e) nayo yonke impahla engenakufuduswa.
- (2) Ukusilela komqeshwa ukwenza okufunwa sisiqendwana (1) kukona.

ISAHLUKO 4

UKUPHUCULWA NOKUQEQUESHA KWABASEBENZI

Ukuphuculwa kwabasebenzi ngamaziko 20

10. (1) Intloko yeziko mayithi—
- (a) ngokubafundisa nokubaqeqesha abaqeshwa bayo, ibaphucule kude kufike kwinqanaba elenza ukuba iziko likwazi ukwenza imisebenzi yalo ngendlela etyibilkikayo esemgangathweni, enentsebenziswano, nelingakwazi ukuphendula ngayo; 25
 - (b) ngenjongo ekuthethwe ngayo kwisiqendu (a), ikwenze okufunwa yi *Higher Education Act, 1997 (Act No. 101 of 1997)*, nasi *Skills Development Levies Act*.
- (2) Ukongezelela kwiimfuno zesabelo-mali semfundo noqeqesho ngokwe *Skills Development Act* okanye ukunikwa imali yoqeqesho ngokwe *Skills Development Levies Act*, iziko— 30
- (a) malenze ilungiselelo elifanelekileyo ngokweemali elinazo lokufundisa nokuqeqesha abaqeshwa balo; kananjalo
 - (b) linokwenz' isicelo semali ethe kratya yoqeqesho lisibhekisa kwigunya lemfundo noqeqesho elisekwe ngokwe *Skills Development Act*. 35

ISikolo sikaRhulumente

11. (1) ISikolo sikaRhulumente siza kuthi, ngokubonisana noMphathiswa ophathiswe imfundo ephakamileyo noqeqesho, sisekwe njengeziko lemfundo ephakamileyo elixelwe kwi *Higher Education Act, 1997 (Act No. 101 of 1997)*.
- (2) Ngokusebenzisa imfundo noqeqesho, esi Sikolo masikhuthaze ukuphumelelisa ngokuthe ngcembe kwemigaqo elawula uburhulumente size siphakamise umgangatho, ubungakanani nokuba nempumelelo kokuphuculwa kwabasebenzi kumaziko. 40
- (3) Esi Sikolo masiphumeze isiqendwana (2)—
- (a) ngokuthi, ngokulawulwa yi *National Qualifications Framework Act* 67 ka-2008 sinike imfundo noqeqesho okanye senze ukuba kufunyanwe imfundo noqeqesho okanye siqhube iimviwo okanye iimvavanyo ngendlela egqitywe yiNtloko yeSikolo; 45
 - (b) ngokukhuthaza intsebenziswano, ngokubonisana noMphathiswa ophathiswe imfundo ephakamileyo noqeqesho, phakathi kwamaziko oqeqesho, amaziko emfundo ephakamileyo, amaziko emfundo ethe kratya noqeqesho, nabaniki-luqeqesho beenkampani ezizimeleyo ngenjongo yokuqhubela phambili loo mfundo noqeqesho; kwaye 50
 - (c) nangokwenza nawuphi na omnye umsebenzi okanye ngokusebenzisa naliphi na elinye igunya elifunekayo.
- (4) Okutshiwo sesi siqendu akuluchaphazeli uqeqesho oluthile lweziko okanye lwecandelo. 55

Directive by Minister relating to education

12. (1) The Minister, in consultation with the Minister responsible for higher education and training, may direct the School to provide qualifications, part-qualifications and non-formal education as recognised by the National Qualifications Framework or the South African Qualifications Authority. 5

(2) Insofar as a directive under subsection (1) applies to municipalities, the Minister must act in consultation with the Minister responsible for local government and after consultation with organised local government.

Compulsory educational requirements for employment

13. (1) The Minister may, after approval by the Cabinet, direct that the successful completion of specified education, training, examinations or tests is— 10

- (a) a prerequisite for specified appointments or transfers; and
- (b) compulsory in order to meet development needs of any category of employees.

(2) The Minister must consult organised local government and obtain the concurrence of the Minister responsible for local government before seeking the approval of the Cabinet contemplated in subsection (1) in respect of a directive to be applicable to municipalities. 15

CHAPTER 5

INFORMATION AND COMMUNICATION TECHNOLOGIES 20

Use of information and communication technologies in public administration

14. The head of an institution must—

- (a) acquire and use information and communication technologies in a manner which—
 - (i) leverages economies of scale to provide for cost effective service; 25
 - (ii) ensures the interoperability of its information systems with information systems of other institutions to enhance internal efficiency or service delivery;
 - (iii) eliminates unnecessary duplication of information and communication technologies in the public administration; and 30
 - (iv) ensures security of its information systems;
- (b) use information and communication technologies to develop and enhance the delivery of its services in the public administration;
- (c) align the use by staff of information and communication technologies to achieve optimal service delivery; and 35
- (d) promote the access to public services through the use of information and communication technologies.

CHAPTER 6

ETHICS, INTEGRITY AND DISCIPLINE

Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit 40

15. (1) The Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit is hereby established.

(2) The organisational form of the Unit must be determined in terms of applicable legislation.

(3) The head of the Unit and all its personnel must be appointed in terms of the Public Service Act. 45

(4) The Unit has the following functions:

Umyalelo woMphathiswa omayela nemfundo

12. (1) UMphathiswa, ngokubonisana noMphathiswa ophathiswe imfundo ephakamileyo noqeqesho, usengayalela iSikolo ukuba sibe nemfundo yamabanga athile, imfundo yamabanga engaphelelanga, nemfundo engeyiyo eyamabanga eyamkelwa yiNational Qualifications Framework okanye yiSouth African Qualifications Authority. 5

(2) Ngokwendlela umyalelo ongokwesiqendwana (1) osebenza ngayo koomasipala, uMphathiswa makenze ngokubonisana noMphathiswa ophathiswe oorhulumente basekuhlaleni nasemva kokubonisana noorhulumente abasekuhlaleni abalungelelanisiweyo.

Imfundo efunekayo esisinyanzelo ukuze umntu aqeshwe 10

13. (1) Emva kokuba kuvume iKhabhinethi, uMphathiswa usengayalela ukuba ukuphunyelelwa kwemfundo ethile okanye uqeqesho okanye iimviwo okanye iimvavanyo—

- (a) kuyimfuneko ukuze umntu aqeshwe kwimisebenzi ethile okanye afuduselwe kwimisebenzi ethile; nokuthi 15
- (b) imfundo ethile isisinyanzelo ukuze kubekho ukuphuculwa kwicandelo elithile labaqeshwa.

(2) UMphathiswa makabonisane noorhulumente basekuhlaleni abalungelelanisiweyo kwaye afumane ukunqwala koMphathiswa ophathiswe oorhulumente basekuhlaleni ngaphambi kokuba afune ukunqwala kweKhabhinethi okuxelwe kwisiqendwana (1) mayela nomyalelo omawusebenze koomasipala. 20

ISIAHLUKO 5

UBUGCISA BENGCOMBOLO NONXIBELELWANO

Ukusetyenziswa kobugcisa bengcombolo nonxibelelwano eburhulumenteni

14. Intloko yeziko— 25

- (a) mayizuze ubugcisa bengcombolo nonxibelelwano ize ibusebenzise ngendlela—
 - (i) eyenza ukuba inkonzo eyenziwayo ingabi ziindleko;
 - (ii) eqinisekisa ukusebenzisana kobuxhakaxhaka bengcombolo nobuxhakaxhaka bengcombolo bamanye amaziko ukuphucula umgangatho wenkonzo enikezelwayo; 30
 - (iii) ephelisa ukuphindwa okungeyomfuneko kobugcisa bengcombolo nonxibelelwano eburhulumenteni; kwaye
 - (iv) neqinisekisa ukukhuseleka kobuxhakaxhaka bayo bengcombolo;
- (b) mayibusebenzise ubugcisa bengcombolo nonxibelelwano ukuphucula nokunyusa umgangatho wokunikezelwa kweenkonzo zayo eburhulumenteni; 35
- (c) elungelelanisa ukusetyenziswa kobugcisa bengcombolo nonxibelelwano ngabasebenzi ukuze kunikezelwe iinkonzo ngeyona ndlela;
- (d) nekhuthaza ukufunyanwa kweenkonzo zikarhulumente ngokusetyenziswa kobugcisa bengcombolo nonxibelelwano. 40

ISIAHLUKO 6

IMIGAQO YOKUZIPHATHA, INTEMBEKO NOLUNGISO-SIMILO

IZiko Lemigaqo Yokusebenza Eburhulumenteni Nokuncedisa Kwintembeko Nolungiso-similo

15. (1) Ngokwenjenje kusekwa iZiko Lemigaqo Yokuziphatha Eburhulumenteni, Nentembeko, Noncedo Kulungiso-similo. 45

- (2) Indlela eliza kuma ngayo eli Ziko mayigqitywe ngokwemithetho yepalamente.
- (3) Intloko yeli Ziko nabo bonke abasebenzi balo mabaqeshwe ngokwe*Public Service Act*.
- (4) Eli Ziko linale misebenzi ilandelayo: 50

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- (a) To provide technical assistance and support to institutions in all spheres of government regarding the management of ethics, integrity and disciplinary matters relating to misconduct in the public administration;
 - (b) to develop the norms and standards on integrity, ethics, conduct and discipline in the public administration; 5
 - (c) to build capacity within institutions to initiate and institute disciplinary proceedings into misconduct;
 - (d) to strengthen government oversight of ethics, integrity and discipline, and where necessary, in cases where systemic weaknesses are identified, to intervene; 10
 - (e) to promote and enhance good ethics and integrity within the public administration; and
 - (f) to cooperate with other institutions and organs of state to fulfill its functions under this section.
- (5) (a) When an institution discovers an act of corruption, such corruption must immediately be reported to the police for investigation in terms of any applicable law, including the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004). 15
- (b) Issues of misconduct emanating from criminal investigations must be reported to the Unit and the relevant head of institution for initiation and institution of disciplinary proceedings. 20
- (6) (a) Notwithstanding subsection (5)(b), every institution has the responsibility to ensure that it deals with matters relating to misconduct without undue delay.
- (b) The head of the institution must report to the Unit on steps taken in respect of subsection (5)(b). 25
- (7) The Unit may perform its functions in subsection (4) in respect of—
- (a) a national department or national government component, in consultation with the executive authority of such department or component, or upon the request of the relevant executive authority;
 - (b) an Office of the Premier, provincial department or provincial government component with the concurrence of the Premier, or upon the request of the relevant Premier; and 30
 - (c) a municipality with the concurrence of the Municipal Council or upon the request of the relevant Municipal Council, or upon the request of the relevant Member of the Executive Council in respect of an investigation contemplated in section 106(5) of the Municipal Systems Act, 2000 (Act No. 32 of 2000). 35
- (8) The Minister must report to Parliament twice a year on the activities of the Unit.

CHAPTER 7

NORMS AND STANDARDS

Minimum norms and standards 40

16. (1) The Minister may prescribe minimum norms and standards regarding—
- (a) the promotion of values and principles referred to in section 195(1) of the Constitution;
 - (b) capacity development and training;
 - (c) information and communication technologies in the public administration; 45
 - (d) integrity, ethics and discipline;
 - (e) the disclosure of financial interests;
 - (f) measures to improve the effectiveness and efficiency of institutions;
 - (g) disclosure of information relating to pending disciplinary action and concluded disciplinary proceedings where the employee was found guilty; 50 and
 - (h) any other matter necessary to give effect to the administration or implementation of this Act.
- (2) The Minister must prescribe minimum norms and standards in terms of subsection (1)(a) in consultation with the relevant executive authority. 55

- (a) ukuncedisa kuwo onke amaqanqanwa karhulumente mayela nemigaqo yokuziphatha, intembeko nemicimbi yolungiso-similo eburhulumenteni;
- (b) ukuphucula imilinganiselo nentembeko, imigaqo yokuziphatha, nolungiso-similo eburhulumenteni;
- (c) kukwenza ukuba kukwazeke ngaphakathi kumaziko ukuqalisa iinkqubo zolungiso-similo kwabonileyo; 5
- (d) kukomeleza imigaqo yokuziphatha ekumbeken' esweni urhulumente, intembeko nolungiso-similo, apho kuyimfuneko khona nalapho kubonakala ubuthathaka khona;
- (e) kukukhuthaza imigaqo emihle yokuziphatha nentembeko eburhulumenteni; 10 kwaye
- (f) nokusebenzisana namanye amaziko namacandelo karhulumente ukufezekisa imisebenzi yabo engokwesiqendu.
- (5) (a) Xa iziko libhaqa isenzo sorhwaphilizo, olo rhwaphiliso malubikwe ngoko nangoko emapoliseni ukuze luphandwe ngokomthetho osebenza kwimeko enjalo, 15 kuquka ne*Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)*.
- (b) Ukona okutyhileke ngenxa yokuphandwa kolwaphulo-mthetho makubikwe kwiZiko nakwintloko efanelekileyo yeziko ukuze kuqaliswe inkqubo yolungiso-similo.
- (6) (a) Nangona sisitsho oku esikutshoyo isiqendu 5(b), iziko ngalinye limele 20 liqinisekise ukuba liyisingatha imicimbi yokona ngaphandle kokuphozisa amaseko.
- (b) Intloko yeziko mayenze ingxelo kwiZiko ngamanyathelo athatyathiweyo amayela nesiqendwana (5)(b).
- (7) IZiko linokuyenza imisebenzi yalo ekwisiqendwana (4)—
- (a) xa kulisebe lezwelonke okanye inxalenye karhulumente wezwelonke, 25 linokuyenza ngokubonisana negunya eliphetheyo lelo sebe okanye inxalenye, okanye linokuyenza lisakucelwa ligunya eliphezulu elichaphazelekayo;
- (b) xa kuyiOfisi yeNkulumbuso, okanye yesebe lephondo okanye yenxalenye karhulumente wephondo, linokuyenza ngokuvumelana neNkulumbuso, 30 okanye lisakucelwa yiNkulumbuso; kuze kuthi
- (c) xa kungumasipala, linokuyenza ngokuvumelana neBhunga likaMasipala okanye lisakucelwa liBhunga likaMasipala elichaphazelekayo, okanye lisakucelwa ngumphathiswa wephondo ochaphazelekayo, xa kumayela nophando oluxelwe kwisiqendu 106(5) se*Municipal Systems Act, 2000 (Act No. 32 of 2000)*.
- (8) UMphathiswa makenz' ingxelo ePalamente kabini ngonyaka ngezinto ezenziwe 35 liZiko.

ISAHLUKO 7

IMILINGANISELO

Imilinganiselo eyeyona iphantsi emayifikelelwe

- 16. (1) UMphathiswa usengabeka imilinganiselo eyeyona iphantsi emayifikelelwe— 40
 - (a) ngokukhuthazwa kwemigaqo ekuthethwe ngayo kwisiqendu 195(1) soMgaqo-siseko;
 - (b) ngokuphuculwa nokuqeqeshwa kwabasebenzi;
 - (c) ngobugcisa bengcombolo nonxibelelwano eburhulumenteni; 45
 - (d) ngentembeko, imigaqo yokuziphatha nolungiso-similo;
 - (e) ngokudizwa kwezinto ezincwaswe ngumntu ngokwasemalini;
 - (f) ngamanyathelo okuphucula ukusebenza ngempumelelo nangokutyibilikayo kwamaziko;
 - (g) ngokudizwa kwengcombolo engeniyathelo elingekathathwa lolungiso-similo 50 neenkqubo zolungiso-similo esezigqityiwe xa umqeshwa efunyaniswe enetyala; kwaye
 - (h) nangawo nawuphi na omnye umcimbi oyimfuneko ukuze kuphunyezwe ukusebenza kwalo Mthetho.
- (2) UMphathiswa makaxele imilinganiselo eyeyona iphantsi enokufikelelwa ngokwisiqendwana (1)(a) ngokubonisana negunya eliphezulu elichaphazelekayo.

CHAPTER 8

COMPLIANCE WITH MINIMUM NORMS AND STANDARDS IN PUBLIC ADMINISTRATION

Office of Standards and Compliance

17. (1) The Office of Standards and Compliance is hereby established. 5
- (2) The organisational form of the Office must be determined in terms of applicable legislation.
- (3) The head of the Office and all its personnel must be appointed in terms of the Public Service Act.
- (4) The functions of the Office are to— 10
- (a) evaluate the appropriateness of norms and standards and their basis of measurement as determined by institutions in relation to public administration and management;
 - (b) promote and monitor compliance with minimum norms and standards determined by the Minister in relation to public administration management; 15
 - (c) advise the Minister on the execution of his or her duties with regard to—
 - (i) the determination of minimum norms and standards contemplated in section 16; and
 - (ii) enforcing compliance with the minimum norms and standards;
 - (d) conduct capacity and functionality audits of skills, systems, processes and advise on capacity building initiatives; 20
 - (e) develop and implement an early warning system to detect public administration non-compliance; and
 - (f) report in writing—
 - (i) at least once every quarter to the Minister on the performance of the Office's functions; and 25
 - (ii) as directed by the Minister on the progress made in the investigation and finalisation of matters brought before the Office.
- (5) Every head of an institution must cooperate with the Office in the performance of its functions and ensure that the employees in the institution do so. 30
- (6) The objects of the Office are to ensure compliance with the minimum norms and standards set by the Minister in section 16, taking into account that the spheres of government are distinctive, inter-dependent and interrelated, by—
- (a) monitoring compliance by institutions with the minimum norms and standards in the public administration; 35
 - (b) submitting a report to the Minister and the relevant head of institution;
 - (c) directing in that report, if necessary, steps to be taken by the head of institution to comply with the applicable minimum norms and standards and assisting the institution in taking those steps;
 - (d) reporting to the Minister at least once a year or at the request of the Minister on the performance of the Office's functions, the effectiveness of the minimum norms and standards, or any other matter related to the Office's functions which may be requested by the Minister; and 40
 - (e) performing any other prescribed role in the promotion, monitoring and enforcement of the minimum norms and standards. 45
- (7) The Minister must prescribe the powers of the Office and its members including those necessary to achieve the objects referred to in subsection (6).

ISAHLUKO 8

UKUSEBENZA NGOKWEMILINGANISELO EYEYONA IPHANTSI EMAYIFIKELELWE EBURHULUMENTENI

IOfisi Yemilinganiselo Nokugcinwa Kwayo

17. (1) Ngokwenjenje kusekwa iOfisi Yemilinganiselo Nokugcinwa Kwayo. 5
- (2) Ubume bale Ofisi mabugqitywe ngokwemithetho yepalamente esebenza kule meko.
- (3) Intloko yale Ofisi nabo bonke abasebenzi bayo mabaqeshwe ngokwe*Public Service Act*.
- (4) Imisebenzi yale Ofisi— 10
- (a) kukuphonononga ukufaneleka kwemilinganiselo nesiseko sayo njengoko igqitywe ngamaziko ngokumayela noburhulumente nokuphathwa kwabo;
 - (b) kukukhuthaza nokukubek' esweni ukugcinwa kwemilinganiselo eyeyona iphantsi emayifikelelwe egqitywe nguMphathiswa ngokumayela noburhulumente nokuphathwa kwabo; 15
 - (c) kukecebisa uMphathiswa ngokwenziwa kwemisebenzi yakhe ngokumayela—
 - (i) nokwenziwa kwesigqibo ngemilinganiselo eyeyona iphantsi emayifikelelwe exelwe kwisiqendu 16;
 - (ii) nokunyanzelisa ukugcinwa kwemilinganiselo eyeyona iphantsi emayifikelelwe; 20
 - (d) kukuhlola ukuba ziphumelela kangakanani na ukusebenza izakhono, neenkqubo, ize icebise ngamanyathelo okwakha ubuchule bokusebeza;
 - (e) kukuthi gqi nendlela yokubona izilumkiso kwangexesha zokungenziwa kokufuneka eburhulumenteni; 25
 - (f) nokwenza ingxelo ebhaliweyo—
 - (i) ubuncinane kanye kwikota nganye eya kuMphathiswa ngokwenziwa kwemisebenzi yeOfisi;
 - (ii) ngokuyalelwa nguMphathiswa, yenze ingxelo ngenkqubela eyenziweyo ekuphandweni nasekuqosheliseni ethe yaziswa phambi kwayo iOfisi. 30
- (5) Intloko nganye yeziko mayisebenzisane neOfisi ekwenzeni imisebenzi yayo ize iqinisekise ukuba abasebenzi kwiziko benza njalo.
- (6) Iinjongo zeOfisi kukuqinisekisa ukuba kwenziwa ngokwemilinganiselo eyeyona iphantsi emayifikelelwe ebekwe nguMphathiswa kwisiqendu 16, kucingelwa into yokuba amanqwanqwa karhulumente ngamanqwanqwa ahlukeneyo, kodwa axhokeke elinye kwelinye, nahlobeneyo,— 35
- (a) ngokukubek' esweni ukwenziwa kokufunekayo ngamaziko ngemilinganiselo eyeyona iphantsi emayifikelelwe eburhulumenteni;
 - (b) ngokungenisa ingxelo kuMphathiswa nakwintloko yeziko elichaphazelekayo;
 - (c) ngokuyalela kuloo ngxelo, ukuba kuyimfuneko, amanyathelo amakathatyathwe yintloko yeziko ukuze kwenziwe ngokwemilinganiselo eyeyona iphantsi emayifikelelwe kuze kuncediswe iziko ekuthabatheni loo manyathelo; 40
 - (d) ngokwenz' ingxelo kuMphathiswa ubuncinane kanye ngonyaka okanye xa kuthe kwacelwa nguMphathiswa, kuyingxelo engokwenziwa kwemisebenzi yeOfisi, nangokuphumelela kwemilinganiselo eyeyona iphantsi emayifikelelwe, okanye ingxelo ngawo nawuphi na omnye umcimbi ohlobene nemisebenzi yeOfisi enokuthi icelwe nguMphathiswa; 45
 - (e) nangokufeza nayiphi na enye indima efunekayo ekukhuthazweni, nasekubekweni esweni nasekunyanzelisweni kwemilinganiselo eyeyona iphantsi emayifikelelwe. 50
- (7) UMphathiswa makaxele amagunya eOfisi kunye namalungu ayo, kuquka nalawo ayimfuneko ukuze kufezeke iinjongo ekuthethwe ngazo kwisiqendwana (6).

CHAPTER 9

GENERAL

Regulations

- 18.** (1) The Minister may make regulations regarding—
- (a) any matter required or permitted by this Act to be prescribed; 5
 - (b) a framework for the establishment, promotion and maintenance of service centres to enhance service delivery of services to the public; and
 - (c) any matter necessary to prescribe for the proper implementation or administration of this Act.
- (2) The Minister must make regulations insofar as they apply to municipalities in consultation with the Minister responsible for local government, Minister responsible for Finance and organised local government. 10
- (3) (a) Different regulations may be made to suit the varying requirements of particular categories of institutions or of particular categories of employees.
- (b) When making regulations, the Minister must take into account the nature and functions of different institutions or categories of institutions, as envisaged in section 195(6) of the Constitution and any public comments contemplated in subsection (4). 15
- (4) The Minister must publish a proposed regulation for public comment for a period of not less than 30 days in the *Gazette*.

Repeal and amendment of laws 20

19. The laws mentioned in the Schedule are hereby amended to the extent indicated in the third column thereof.

Short title and commencement

- 20.** (1) This Act is called the Public Administration Management Act, 2014, and takes effect on a date determined by the President by proclamation in the *Gazette*. 25
- (2) Different dates may be so determined in respect of different—
- (a) provisions of this Act; and
 - (b) categories of institutions.

ISAHLUKO 9

GABALALA

Imimiselo

18. (1) UMphathiswa usenokwenza imimiselo—
- (a) ngawo nawuphi na umcimbi ekufunwa ngulo Mthetho okanye eku- 5
vumelekileyo ngokwalo Mthetho ukuba ayenze;
 - (b) ngokwakhiwa nokulondolozwa kwamaziko okunikezelwa kweenkonzo
okwenza bhelele ukunikezelwa kweenkonzo eluntwini; kwaye
 - (c) nangawo nawuphi na umcimbi ekuyimfuneko ukwenza imimiselo ngawo
ukuze lo Mthetho usetyenziswe ngokufanelekileyo. 10
- (2) UMphathiswa makenze imimiselo esebenza koomasipala ngokubonisana
noMphathiswa ophathiswe oorhulumente basekuhlaleni, noMphathiswa ophathiswe
iziMali noorhulumente basekuhlaleni abalungelelanisiweyo.
- (3) (a) Kunokwenziwa imimiselo engafaniyo yokuba ilungelane neemfuneko
ezahlukahlukeneyo zeendidi ngeendidi zamaziko okanye zeendidi zabaqeshwa. 15
- (b) Xa esenza imimiselo, uMphathiswa makacingele ubunjani nemisebenzi yamaziko
angafaniyo okanye iindidi zamaziko, njengoko kuxelwe kwisiqendu 195(6) soMgaqo-
siseko kwakunye naluphi na uluvo loluntu njengoko kuxelwe kwisiqendwana (4).
- (4) UMphathiswa makawupapashe ummiselo ocetywayo ku*Shicilelo-Mithetho* ukuze
uluntu luvakalise uluvo ngawo, kube lithuba elingekho ngaphantsi kweentsuku 20
ezingama-30.

Imithetho etshitshiswayo neyenziwa utshintsho

19. Imithetho ekhankanywe kwiSihlomelo iyatshintshwa, kwaye ubungakanani
botshintsho bubonise kumhlathi wesithathu weSihlomelo.

Igama lawo nokuqalisa kwawo ukusebenza 25

20. (1) Lo Mthetho ubizwa ngokuba nguMthetho Wokulawulwa Koburhulumente
ka-2014, kwaye uqalisa ukusebenza ngomhla ogqitywe nguMongameli ngesihlokomiso
ku*Shicilelo-Mithetho*.

- (2) Isengangafani imihla yokuqalisa kwawo ukusebenza—
- (a) ngokweenxalenye ezithile zalo Mthetho; kwaye 30
 - (b) nangokweendidi zamaziko.

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SCHEDULE***LAWS REPEALED OR AMENDED******(Section 19)***

No. and year of Act	Short title	Extent of repeal or amendment
Proclamation No. 103 of 1994	Public Service Act, 1994	The repeal of sections 4, 14 and 15.
Act No. 17 of 1998	Transfer of Staff to Municipalities Act, 1998	The repeal of the Act.

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ISIHLOMELO

IMITHETHO ETSHITSHISWAYO OKANYE EYENZIWA UTSHINTSHO

(Isiqendu 19)

Inombolo yoMthetho nonyaka wawo	Igama lawo	Indawo etshitshiswayo okanye eyenziwa utshintsho
iSihlokomiso 103 sika-1994	i <i>Public Service Act</i> ka-1994	Kutshitshiswa isiqendu 4, 14 nese-15.
uMthetho 17 ka-1998	i <i>Transfer of Staff to Municipalities Act</i> ka-1998	Utshitshiswa wonke.

