



NEGOTIATING MANDATE

TO: HON MH MOKGOBI, MP
CHAIRPERSON OF SELECT COMMITTEE ON
COOPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS

NAME OF BILL: PUBLIC ADMINISTRATION
MANAGEMENT BILL

NUMBER OF BILL: B55 – 2013

DATE OF DELIBERATION: FRIDAY, 7 FEBRUARY 2014

VOTE OF THE LEGISLATURE:

The Portfolio Committee for the Premier & Royal Household met today, Friday, the 7th of February 2014 to consider the **Public Administration Management Bill [B55-2013]**,

The following comments and amendments were proposed and considered on the Bill and are attached hereto as Annexure A.

The Committee agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Bill provided that the above comments and proposed amendments are considered and consolidated in the Bill.


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HON Z MLABA
CHAIRPERSON: PORTFOLIO COMMITTEE
FOR PREMIER & ROYAL HOUSEHOLD

7.2.2014
.....
DATE

ANNEXURE A

The following are proposed amendments to the Bill:

[A] CLAUSE 8: CONDUCTING BUSINESS WITH THE STATE

1.

The provisions of clause 8 are to be welcomed and will certainly go some way in addressing the problem of public servants conducting unauthorised private remunerative work contrary to section 30 of the Public Service Act, 1994 (Proclamation No. 103 of 1994) ("the Act").

2.

However, it is submitted that the provisions of the Bill do not go far enough. Accordingly, it is proposed that:

- (a) clause 8 should be expanded; and
the Bill should include additional amendments to sections 30 & 31 of the Public Service Act, 1994.

3.

The following amendments to clause 8 are proposed:

- 3.1 The provisions of clause 8(2)(b) should be extended to include prohibited financial interests in entities other than directorships in private or public companies, as follows:

"8. (1)

(2) An employee may not –

(a) conduct business with the State; or

(b) be a director of a public or private company or have a controlling interest as a member, shareholder or otherwise in an entity conducting business with the State."

Alternatively:-

"8. (1)

(2) An employee may not –

(a) conduct business with the State; or

(b) be a director of a public or private company or have any interest of ten percent or more as a member, shareholder or otherwise in an entity conducting business with the State."

Alternatively:-

"8. (1)

(2) An employee may not –

(a) conduct business with the State; or

(b) **[be a director of a public or private company]** have, either directly or through a third party, a controlling interest in any entity conducting business with the State."

Alternatively:-

"8. (1)

(2) An employee may not –

(a) conduct business with the State; or

(b) **[be a director of a public or private company]** have, either directly or through a third party, any interest of ten percent or more in any entity conducting business with the State."

3.2 The general legal principle is that, unless the contrary is indicated, anything done in contravention of a statutory prohibition is void. A new sub-clause (4) should therefore be inserted, not only to strengthen the prohibition but also to avoid any uncertainty as to whether a contract concluded contrary to the statutory prohibition may indeed be set aside:

"(4) A contract concluded in contravention of subsection (2) may be cancelled, at the option of the State."

[B] NEW CLAUSES TO BE INSERTED: AMENDMENT OF SECTIONS 30 & 31 OF THE PUBLIC SERVICE ACT, 1994 (the "ACT")

4.

Section 30 of the Act permits public servants to perform outside remunerative work, as long as they have permission to do so. However, the frequency and ease with which the authorisation requirement is circumvented, as is evidenced by the audit reports for 2012/13 and earlier, is alarming. To make matters worse, frequently the unauthorised "work" is performed through contracts concluded between an employee and his or her own department. Departments clearly do not have a handle on this. Although an outright prohibition against contracts between the State and public servants, as contemplated in clause 8 of the Bill will address the problem in some way, the core problem extends beyond that. Hence it is proposed that the legislative provisions be extended.

5.

An outright prohibition against private remunerative work by public servants is therefore proposed. The current section 30 of the Act should therefore be deleted in its entirety and replaced with the following:

“30. Other remunerative work by employees

An employee may not perform or engage in remunerative work or conduct business outside his or her employment in the relevant department.”

6.

Section 31 of the Act, which provides for the recovery of any unauthorised “remuneration, allowance or reward”, should therefore be deleted consequentially.

7.

Alternatively, if section 30 is not amended as proposed, the following amendments are proposed:-

7.1 To add a new sub-clause [2A] to section 30 as follows:

“[2A] The executive authority must refuse a request from an employee for permission to perform remunerative work as contemplated in subsection (1) where, in the opinion of that authority:-

- (i) the interests of the State so require; or
- (ii) an actual or potential conflict of interests exists.”

7.2 To amend subsection (3) (a) & (b) of section 30 as follows:

“(3) [(a)] The executive authority [shall] must¹ decide whether or not to grant permission, contemplated in subsection (1), within [30] 60² days after the receipt of the request from the employee in question.

¹ The use of the word “shall” has become outdated. “Must” is preferred.

[(b) If the executive authority fails to make a decision within the 30 day period, it would be deemed that such permission was given.]]³

7.3 To add a new sub-clause (1A) to section 31 as follows:

“[1A] For the purpose of subsection (1)-

(a) ‘remuneration, allowance or other reward’ includes any financial benefit, payment or receipt of any nature whatsoever; and

(b) where the remuneration, allowance or reward is received by an entity in which the employee holds a financial interest, the amount to be paid into revenue is a percentage of the total amount received by the entity equal to the interest held by the employee in the entity, as a percentage.”

Motivation: The current provisions of section 31 are not effective. The list of what is recoverable is too narrow and furthermore, gives rise to interpretational difficulties, particularly where the employee does business in the form of a corporate entity. Determining what is recoverable in such an instance becomes problematic, perhaps even impossible. More than one legal opinion has been expressed in this regard. The dilemma faced by the KZN Department of Education demonstrates the difficulties faced when attempting to make a recovery against employees who have been conducting business as corporate entities.

² The period should be extended to a more realistic/reasonable time frame.

³ The deeming provision is unwarranted and provides an unfair advantage to the employee at the expense of the State, where, for example, the relevant authority has not yet had time to consider the matter or where further information is required or called for to enable the authority to make a proper decision. The employee has remedies available under the Promotion of Administrative Justice Act, 2000 (section 6) where the authority fails to deal with the matter timeously or at all or fails to make a decision.

This legal uncertainty may assist errant employees in escaping liability altogether if they can show that no cash payment was received from the corporate entity under which they traded, e.g. where dividends/profits were not declared or distributed, even though they have benefitted financially by virtue of the interest they hold in the entity. This problem is compounded where the employee is one of two or more shareholders/partners, where it may be impossible to determine who contributed what to the earnings of the entity.

Furthermore, the recovery provision in section 31 is directed at the individual concerned and does not establish a claim against a corporate entity which is used by the individual to earn money or to derive some form of financial benefit. This makes it fairly easy, yet perfectly legal, to circumvent the provisions of section 30 & 31. This cannot be the intention of the drafters of the legislation and is perhaps an unintended consequence. The proposals are aimed at correcting this apparent *lacuna*.

[C] CLAUSE 9: DISCLOSURE OF FINANCIAL INTERESTS

8.

The compulsory disclosure of financial interests is an important tool in avoiding a conflict of interests and in combatting corruption, but only if the disclosure is extensive and is updated regularly.

9.

To make the disclosure of financial interests more effective, the following amendments are accordingly proposed:

“9. (1) An employee must, in the prescribed manner, at least annually and within 30 days of discovering or acquiring a financial interest, 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 and those of a dependent child and any other person who is either wholly or partially dependent on the employee for financial support, including all-

- (a) **[shares]** shareholdings, company directorships, partnerships and other financial interests in an entity;
- (b) sponsorships, including sponsored or reimbursed travel;
- (c) gifts above the prescribed value, other than gifts received from a family member;
- (d) income, remuneration or financial benefits, including salaries, fees, honoraria and royalties, except where payment is received from:-
 - (i) the State in respect of the employment of the employee or of any person whose financial interests the employee is required to disclose; or
 - (ii) investment vehicles in which the employee or any person whose financial interests the employee is required to disclose does not directly control investment decisions; and
- (e) interests held in immovable property.

(2) Failure by an employee to comply with the obligation referred to in section subsection(1) constitutes serious misconduct which may result in the termination of employment by the employer."

A. General Comments:

A general matter of concern, however, is that a number of matters will be addressed in subsequent legislation and in regulations and not the principal act. SALGA is of the view that a single all-encompassing piece of legislation needs to be developed and that the matters addressed in the Bill should not be introduced piecemeal in a number of different pieces of legislation. In addition, although the Bill provides for consultation with

the Minister of COGTA and organised local government prior to the publication of regulations, it is trusted that regulations will not attempt to regulate local government through the backdoor, as it were, because of the 'lesser' consultation requirements attaching to regulations. The view of SALGA is that any determination made in terms of the Bill as well as any regulations published by the Minister in terms of the Bill, as far as it relates to local government, must be determined and published **in concurrence** with the Minister of COGTA and organised local government.

The Bill gives the Minister of DPSA as well as the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit and the Office of Standards and Compliance regulatory and oversight powers over local government, with the result that local government will now be accountable to both the Ministry of COGTA and DPSA. If the relationship in this regard is not clarified properly, it will result in an IGR nightmare and undermine the intention behind establishing a Ministry for Cooperative Governance. In addition, the dual accountability (in addition to the reporting requirements of national Treasury) might result in more reporting by local government, and not a reduction in reporting requirements for local government as stipulated in Outcome 9. It is therefore propose that the Minister of COGTA be entrusted with **all** regulatory powers over local government. As far as norms and standards are concerned this should be done in concurrence with the Minister of DPSA.

There has not been any indication of the costing done for the implementation of the Bill and the costing remains a concern to local government, especially the costing of compliance with the Information and Communication Technologies requirements set out in the Bill. In less capacitated municipalities there is also a concern regarding the capacity of municipalities to implement the requirements with regard to ITC. A clear costs analysis of the Bill needs to be made and an indication should also be given on who will carry the cost of implementation of the Bill by municipalities.

B. Specific comments on the Bill:

1. Chapter 1: Interpretation, application and objects

The Bill includes a definition for the “**public administration**”, which is defined as the public service and municipalities. This now clarifies the view of government that there is a public administration consisting of two components, of which local government is one, but also indicates that local government is not part of the public service. The clarity provided is welcomed.

The definition of the executive authority of the three spheres still remains as it was in the first version of the 2013 Bill, in that at National and Provincial level, the Executive is the President, Ministers, the Premier and MECs, but at local level it is the municipal council and not the Executive Mayor or Executive Committee.

As stated in its comments on the first draft of the Bill, SALGA is of the opinion that the Bill should state expressly that it also applied to state owned entities as well as municipal entities, to ensure that norms and standards are applied equally through the whole public administration.

2. Chapter 2: Basic values and principles

The basic values and principles underlying the Bill are supported by local government as a sphere.

3. Chapter 3: Employment in the public administration

Clause 5: Individual transfers:

The current section is an improvement to previous versions.

Clause 6: Secondments:

A secondment of an employee without the consent of such an employee is still provided for, if such a secondment is justified and after consideration of representations made by the employee affected.

SALGA is of the view that secondments must be in agreement with the employee seconded, as the current version may lead to employees aggrieved by a secondment leaving the sector and thus increasing skill shortages.

The Bill does not indicate when a secondment without consent will be justified, and this may result in contestation. It is therefore proposed that the Bill specify the circumstances under which such a secondment would be justified, if the prior recommendation regarding agreement with the affected employee is not supported.

The cost of a transfer / secondment is also a concern as a less capacitated and financially challenged municipality might not have the financial ability to afford the salary of a transferred / seconded individual even though the skills are required by such a municipality. This aspect needs to be addressed in the Bill.

The aspect of security clearances in the case of transfers/secondments also needs to be addressed.

Clause 7: Transfer of employees upon transfer or assignment of functions:

The Bill does not indicate on which basis staff will be assigned to recipient institutions in the event of the function being assigned to more than one institution.

Clause 8: Conducting business with the state:

The prohibition on doing business with the state which is extended to employees in all three spheres of government and this principle is strongly supported. This provision should however be extended to employees of state owned entities as well.

The Department should also consider including a section in the Bill providing for a prohibition of doing business with the state within a period of 6 or 12 months after leaving the employment of the state “cooling-off period” by inserting a restraint of trade clause in its employment contracts as it is done in the private sector.

It must be emphasized that the restraint of trade clause in the employment contract must prohibit employees in the public service who leave employment of the state and subsequently join private sector and still continue doing business with the same state department in which they were employed and have advantage of knowing the internal trading secrets (Committee's emphasis).

Clause 9: Disclosure of financial interest:

The principle is also supported, provided that it is extended to state owned entities as well. However in practical terms, it might place a huge administrative burden on municipalities and in order to alleviate this, it should be applicable to all senior managers and staff members that have control over budgets and are involved in the procurement of goods and services on behalf of the municipality.

The interests of employees will, however, have to be available to the whole public administration in order to ensure that the provisions of section 8 are being complied with and for institutions to be able to cross reference its supplier database with the declarations of interest.

4. Chapter 4: Capacity building and training:

Clause 10: Capacity development by institutions:

Heads of institutions are required to develop the human resource capacity in each institution. Municipalities are, in terms of this section, obliged to budget for the training

and education of its staff members. The operational budget will therefore have to provide for this specific line item and thus it will also have to be included in the IDP of the municipality.

Clause 12: Directive by Minister relating to education

Insofar as such a directive made in terms of this section applies to local government, the Minister is required to act in consultation with the Minister of COGTA and also consult organised local government. It is the SALGA view that the Minister of COGTA should not only be consulted but that directives should be issued with the concurrence of the Minister of COGTA and organised local government, to ensure that the training provided to local government is appropriate for the needs of the sector.

Clause 13: Compulsory educational requirements for employment

The Minister must consult organised local government and obtain the concurrence of the Minister responsible for local government before seeking the approval of Cabinet. The SALGA view is that the concurrence of organised local government is also required. No reference is made to the Minister of Finance or National Treasury and the status of the National Treasury Minimum Competency Regulations in local government will remain a challenge.

The clause in its current version will also result in extensive over-regulation of the qualification requirements for local government, as three ministries will now be able to set qualification requirements, being COGTA, DPSA and National Treasury. The aspect will have to be managed properly in order to prevent a plethora of national departments setting minimum competencies for the local government sector.

No reference is made to the involvement of or recognition of professional bodies relating to specific disciplines. The Bill should also address how professional bodies and its requirements will be accommodated in the Bill.

5. Chapter 5: Information and Communication Technologies

Clause 14: Use of information and communication technologies in public administration

The Bill requires that ICT is to be used in a manner that leverage economies of scale and ensure the inter-operability of IT systems across the public administration and ensures security. Access of people to electronic services also needs be promoted. The **cost** aspect of this requirement is a concern to local government and it is proposed that the approach be phased in over a prolonged period as and when municipalities need to review its current systems. The use of ICT will also have to be informed by the current review of the communications policy by the Department of Communication, which will in all probability only be finalised by the end of 2014.

The section also does not take into account the limited electronic connectivity of the remote areas of the country that currently impair the connectivity of rural municipalities.

6. Chapter 6: Ethics, Integrity and Discipline:

Clause 15: Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit.

The Bill provides that the organisational form of the unit will be determined in terms of applicable national legislation. This is not supported, as the Public Administration cannot be dealt with piece meal and it is proposed that all aspects of the public administration be addressed in a single piece of legislation.

The unit **may** perform its functions as set out above with the concurrence of the municipal council or upon the request of the municipal council, or the MEC in the case

of a section 106 investigation. The sub-section should be rephrased to state that the unit **must** obtain the concurrence of the municipality before it can act.

This section will also lead to over-regulation in the local government sphere as financial misconduct and corruption will now need to be reported to the Department of cooperative Governance, National Treasury as well as the Unit, and the proposal is not supported. The unit should through existing IGR structures obtain the relevant information from the national department set out above.

From the reading of the Bill it appears as though the technical unit will be able to develop norms and standards additional to those prescribed by the Minister in term of section 16. This will lead to duplication and creates the possibility for conflicting norms and standards. It is proposed that the section be amended to read that the unit may develop draft norms and standards to be submitted to the Minister to be prescribed in terms of section 16.

7. Chapter 7: Norms and standards

Clause 16: Minimum norms and standards

The Bill provides that the Minister must prescribe the minimum norms and standards in consultation with the relevant executive authority. The introduction of norms and standards are supported.

Certain matters such as the disclosure of financial interest and disclosure on disciplinary proceedings are already addressed in local government legislation and to ensure alignment with existing legislation and regulations,

SALGA proposes that norms and standard for local government should be prescribed in concurrence with the Minister responsible for local government and organised local government.

8. Chapter 8: Compliance with minimum norms and standards in the Public Administration

Clause 17: Office of Standards and Compliance

An Office of Standards and Compliance is established. The organisational form of the office will be determined in terms of applicable legislation. In accordance with the comments rendered with regard to section 15, it is proposed that all aspects relating to the office be dealt with in the current Bill in order to avoid fragmentation.

There is a clear duplication of functions between the office and the Technical support unit, and this reinforces the argument that the full functioning and organisational form needs to be incorporated in the Bill. In addition, the conducting of capacity and functionality audits of skills, systems, processes as well as capacity building requirements and initiatives are already attended to in terms of the oversight over municipalities by provincial and national departments responsible for local government. It is the view that the section is in conflict with Section 105 of the Local Government: Municipal Systems Act, 2000, (the Systems Act) which provides for provincial oversight over municipalities. In addition, section 46 of the Systems Act, read with section 121, 122, 123, 124, 125 and 130 already addresses the requirement for an annual report and the oversight report over the annual report where the majority of the management aspects of a municipality is already addressed. The office can, therefore, use the current information to do its assessment, if required.

9. Chapter 9: Regulatory powers of the Minister:

Clause 18: Regulations

The Bill provides for wide regulatory powers of the Minister, including the regulation of a framework for service centres.

It is proposed that any regulations affecting local government must be done in concurrence with the Minister of responsible for local government and organised local government and not merely be consulted.

10. Additional proposals

It is proposed that the limitation of political rights of the municipal manager and senior managers in municipalities be extended to senior managers in the public service and state owned entities.

1. CHIEF STATE LAW ADVIOSOR'S PROPOSAL TO DPSA re Declaration for Short-listed Candidates

Clause 1 below envisages that any prospective candidate, recruited for appointment in the public service and short-listed for an interview, must complete and sign a declaration to assist with the appropriate screening and vetting of the candidate. The proposed declaration, sets out in Schedule 1 to the Bill, is comprehensive and will ensure that the State, as employer, receives more useful and critical information up front from prospective employees than is currently the case with Form Z.83.

It would be appreciated if this proposal would be considered for incorporation into the **Public Administration Management Bill** or, in due course, in Regulations published in terms of that Bill when enacted.

1.(1) All prospective candidates recruited for appointment in the public service must be appropriately screened and vetted.

(2) Any prospective candidate short-listed for an interview must, immediately after the completion of the interview, complete and sign a declaration substantially in the format as set out in Schedule 1.

(3) The Minister may, by notice in the *Gazette* and with effect from a date to be specified in such notice –

(a) amend; or

(b) substitute,

Schedule 1.

SCHEDULE 1

Declaration by short-listed candidate

(Section 1(2))

DECLARATION BY SHORT-LISTED CANDIDATE

INSTRUCTIONS:

1. Each Short-listed CANDIDATE attending the Interview MUST, immediately after the Interview –

(a) complete this DECLARATION fully in respect of each question (by drawing a cross over either the “Yes” or No” in the appropriate box relating to the question);

(b) initial each page of this DECLARATION;

(c) sign the last page of this DECLARATION; and

(d) receive a signed copy of this DECLARATION.

2. Where written details are required, the CANDIDATE must submit these to the Panel within 5 days of the date of the Interview. If the CANDIDATE fails to submit such written details to the Panel within the stated period of 5 days, such failure or omission on the part of the CANDIDATE may result in the Panel recommending that the CANDIDATE is not suitable for appointment regardless of the outcome of the interview.

3. If the CANDIDATE is ultimately employed and it is subsequently found that the CANDIDATE provided a false or deceptive answer to any question referred to below, such dishonesty or deception constitutes fraud and a breach of trust in the relationship between the employer and employee and may be used as a basis for the institution of disciplinary proceedings which could lead to a dismissal or any other appropriate sanction in terms of the Disciplinary Code and Procedures for the Public Service.

4. The CANDIDATE must, within 5 days of the date of the interview, submit to the Panel a written declaration of any business, commercial or financial interest or activity undertaken by the CANDIDATE for financial gain that may raise a possible conflict of interest with the employment of the

candidate in the Public Service, generally, or specifically within the relevant employer Department.

| CANDIDATE | POST | INTERVIEW DATE |
|---|-------|----------------|
| Name: ID Number: | | |

1. Have you ever been found guilty of any criminal offence?

| Yes | No |
|---|----|
| <p>If so, full written details pertaining to the facts and circumstances and the decision of the court must be submitted to the Panel within 5 days of the date of the interview.</p> | |

2. Are you currently –

(a) facing; or

(b) subject to,

any criminal charge?

| | |
|-----|----|
| Yes | No |
|-----|----|

If so, full written details pertaining to the facts and circumstances in respect of the criminal charge must be submitted to the Panel within 5 days of the date of the interview.

3. Have you ever been found guilty of misconduct by your current or any previous employer?

| | |
|-----|----|
| Yes | No |
|-----|----|

If so, full written details pertaining to the facts and circumstances and the decision of the chairperson/ presiding officer of the disciplinary enquiry/ hearing must be submitted to the Panel within 5 days of the date of the interview.

4. Are you currently –

(a) under suspension;

(b) facing disciplinary action; or

(c) subject to disciplinary action,

with your current employer?

| | |
|-----|----|
| Yes | No |
|-----|----|

If so, full written details pertaining to the facts and circumstances in respect of the suspension or disciplinary action must be submitted to the Panel within 5 days of the date of the interview.

5. Have you ever been dismissed from employment for –

(a) a criminal offence;

(b) misconduct relating to –

(i) *insubordination*;

(ii) *maladministration*;

(iii) *theft*;

(iv) *fraud*; or

(v) *corruption*; or

(c) *any other charge, including, but not limited to –*

(i) *dishonesty*;

(ii) *alcohol, drug or substance abuse*; or

(iii) *assault or violence*?

| | |
|-----|----|
| Yes | No |
|-----|----|

If so, full written details pertaining to the facts and circumstances and the decision of the court, or the decision of the chairperson/ presiding officer

of the disciplinary enquiry/ hearing, as the case may be, must be submitted to the Panel within 5 days of the date of the interview.

6. Have you ever resigned from employment after any allegation of –

(a) a criminal offence; or

(b) misconduct relating to –

(i) *insubordination*;

(ii) *maladministration*;

(iii) *theft*;

(iv) *fraud*; or

(v) *corruption*; or

(c) any other charge, including, but not limited to –

(i) *dishonesty*;

(ii) *alcohol, drug or substance abuse*; or

(iii) *assault or violence*,

was made against you?

| Yes | No |
|-----|----|
|-----|----|

If so, full written details pertaining to the facts, circumstances and allegations must be submitted to the Panel within 5 days of the date of the interview.

| |
|--|
| |
|--|

7. Do you currently, or may you imminently, hold a private interest or share in any contract, agreement, tender, asset or investment emanating from, or connected with, the State, any national or provincial Government department, any municipality or any public entity?

| | |
|-----|----|
| Yes | No |
|-----|----|

If so, full written details pertaining to such interest or share must be submitted to the Panel within 5 days of the date of the interview.

8. Have you in the past five years –

(a) received any money or benefit from; or

(b) held a private interest or share in,

any contract, agreement, tender, asset or investment emanating from, or connected with, the State, any national or provincial Government department, any municipality or any public entity?

| | |
|-----|----|
| Yes | No |
|-----|----|

If so, full written details pertaining to such money, benefit, interest or share must be submitted to the Panel within 5 days of the date of the interview.

9. Are you currently, or may you imminently become, a director, member or partner in any company, close corporation or partnership?

| | |
|-----|----|
| Yes | No |
|-----|----|

If so, full written details pertaining to such directorship, membership or partnership (including a written declaration of whether or not such company, close corporation or partnership is currently, or imminently may be, involved in any contractual or business relationship with the State, any national or provincial Government department, any municipality or any public entity) must be submitted to the Panel within 5 days of the date of the interview.

10. Are you currently receiving, or have you made application for –

(a) a social grant; or

(b) a low income housing subsidy?

| | |
|-----|----|
| Yes | No |
|-----|----|

If so, full written details pertaining to such social grant or low income housing subsidy must be submitted to the Panel within 5 days of the date of the interview.

11. Are you currently registered with SARS as a taxpayer?

| | |
|-----|----|
| Yes | No |
|-----|----|

If not, full written details pertaining to your non-registration as a taxpayer must be submitted to the Panel within 5 days of the date of the interview.

12. Are you currently –

(a) facing; or

(b) subject to,

any civil claim or court order for any –

(i) debt;

(ii) damages; or

(iii) maintenance for a former (ex) spouse (partner) or child?

| | |
|-----|----|
| Yes | No |
|-----|----|

If so, full written details pertaining to the civil claim or court order (including the amount of the debt, damages or maintenance) must be submitted to the Panel within 5 days of the date of the interview.

13. Is there anything relating to –

(a) your application (including details pertaining to your qualifications and experience); or

(b) your personal circumstances,

you, in your opinion, feel legally, ethically or morally bound to disclose to the Panel?

| Yes | No |
|---|----|
| <p>If so, full written details pertaining to the facts and circumstances must be submitted to the Panel within 5 days of the date of the interview.</p> | |

14. Do you currently have an issue with –

(a) alcohol, drug or substance abuse; or

(b) violence (domestic or otherwise),

you, in your opinion, feel you would want to disclose to the Panel?

| Yes | No |
|---|----|
| <p>If so, full written details pertaining to the issue must be submitted to the Panel within 5 days of the date of the interview. <i>The Panel may subsequently request you for a report from a medical or other professional practitioner, counselor or social worker.</i></p> | |

15. Do you currently have a disability or impairment (whether physical, mental, emotional or psychological), you, in your opinion, feel you would want to disclose to the Panel, for purposes of –

(a) employment equity; or

(b) enabling an employer to take reasonable steps to accommodate you in the workplace or working environment?

| Yes | No |
|--|----|
| <p>If so, full written details pertaining to the disability or impairment must be submitted to the Panel within 5 days of the date of the interview. <i>The Panel may subsequently request you for a report from a medical or other professional practitioner.</i></p> | |

16. Are you satisfied –

(a) with the composition and representivity of the Panel; and

(b) that your interview was, in your opinion, handled fairly and reasonably by the Panel?

| Yes | No |
|---|----|
| <p>If you are, for any reason, not satisfied with the Panel or the interview full written details outlining your dissatisfaction must be submitted to the Panel within 5 days of the date of the interview.</p> | |

17. I acknowledge and understand: that –

(a) if I have provided a false or deceptive answer to any question referred to above, such dishonesty or deception constitutes fraud and renders me liable to possible prosecution on a criminal charge;

(b) if I am ultimately appointed and employed and it is subsequently found that I have provided a false or deceptive answer to any question referred to above, such dishonesty or deception constitutes fraud and a breach of trust in the relationship between the employer and employee and may be used as a basis for the institution of disciplinary proceedings which could lead to a dismissal or any other appropriate sanction in terms of the Disciplinary Code and Procedures for the Public Service;

(c) I must, within 5 days of the date of the interview, submit to the Panel a written declaration of any business, commercial or financial interest or activity undertaken by me for financial gain that may raise a possible conflict of interest with my employment in the Public Service, generally, or specifically within the employer Department;

(d) if I do not submit any written details as may be required by any answer or indication given by me in this DECLARATION to the Panel within the stated period of 5 days of the date of the interview, such failure or omission on my part may result in the Panel recommending that I am not suitable for appointment regardless of the outcome of the interview;

(e) if I refuse or neglect to complete and sign this DECLARATION, such refusal or neglect on my part may result in the Panel recommending that I am not suitable for appointment regardless of the outcome of the interview; and

(f) I must receive a signed copy of this DECLARATION for my records.

SIGNED AT ON THIS DAY OF 20

AS WITNESSES:

1.
.....

CANDIDATE

2.