*[The following report replaces the Report of the Portfolio Committee on Public Service and Administration / Planning , Monitoring and Evaluation, which was published on page 32 of the Announments, Tablings and Committee Reports of 31 October 2017]*

**1. REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION AS WELL AS PLANNING, MONITORING AND EVALUATION ON THE PUBLIC SERVICE COMMISSION AMENDMENT BILL [B 21-2015], DATED 25 OCTOBER 2017**

The Portfolio Committee on Public Service and Administration as well as Monitoring and Evaluation, having considered the Public Service Commission Amendment Bill [B21-2015] referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 76 Bill, the Committee report as follows:

1. **INTRODUCTION**

On 26 August 2015, the Speaker of the National Assembly had through the ATC No 105-2015 referred the Public Service Commission Amendment Bill [B 21-2015] to the Committee for processing the legislation and as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

1. **OBJECTIVE OF THE BILL**

The Public Service Commission Amendment Bill seeks to amend the Public Service Commission Act of 1997 in order to ensure efficiency and certainty with regard to the process of renewal of the term of a Commissioner. The Bill aimed to provide continuity in the PSC, with respect to the retention of commissioners with experience and having regard to the execution of the mandate of the Public Service Commission.

Furthermore, the Bill seeks to amend section 5 of the Act by empowering the Chairperson to designate an Acting Chairperson whenever both the Chairperson and the Deputy Chairperson are absent.

1. **LEGISLATIVE PROCESS**

The Minister of the Public Service and Administration introduced the Bill to the Committee on 24 February 2016. The Committee advertised the Bill on the 04 March 2016 in the national newspapers, inviting members of the public and organised groups to submit written submissions. The advert for the Bill closed on 23 March 2016. There were no written submissions received on the Bill from members of the public and organised groups.

The Parliament Legal Services was involved throughout the entire process of the Bill. The Committee deliberated on the amendments of the Bill, the following were noted that:

* 1. The principal Act talks about the renewable term, but does not provide a process to renew it. The recruitment process must start all over again, even for the extension or renewal of the term of an incumbent commissioner.
	2. The recruitment process takes place after term has expired and it procedurally takes longer to fill the vacancy again. This situation had sometimes resulted in instability in the Commission.

Having deliberated on the Bill, the Committee agreed to the following amendments:

 **CLAUSE 1**

1. On page 2, from line 11, to omit “after consultation with” and to substitute “on the recommendation of”
2. On page 2, from line 13, to omit “after consultation with” and to substitute “on the recommendation of”
3. On page 2, after line 15, to insert the following subsection:

“(7) The renewal must be based on criteria approved by the National Assembly or the Provincial Legislature, as the case may be.”.

**CLAUSE 2**

1. On page 2, from line 19, to substitute for subsection (3) the following:

“(3) If both the chairperson and the deputy chairperson are absent, or for any reason unable to act as chairperson, the President shall designate one commissioner to act as the chairperson of the Commission.”.

1. **RECOMMENDATION**

Having deliberated on the Public Service Commission Amendments Bill [B 21-2015] extensively, the Committee recommends that the House adopt the amendments to the Bill.

**Report to be considered**