

**EASTERN CAPE PROVINCIAL LEGISLATURE**  
**OFFICE OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE**  
**OFFICE OF THE PREMIER**

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Date: 24 May 2018

Reference: PSC Amendment Bill



**NEGOTIATING MANDATE**

**To:** The Chairperson:  
Select Committee on Co-operative Governance and Traditional Affairs

**Name of Bill:** Public Service Commission Amendment Bill

**Number of Bill:** [B21B-2015]

**Date of Deliberation:** 24 May 2018

**1. Vote of the Legislature**

The province votes in favour of the Bill and mandates the Eastern Cape delegate to the NCOP to negotiate within the following parameters:

**1.1 Clause 1 of the Bill**

- (a) The criteria for renewal must be subjected to some form of public participation before approval by the National Assembly or the provincial legislature.
- (b) The renewal criteria must include performance as the main basis for the renewal of the term.

**1.2 We therefore propose the amendment of the Bill as follows:**

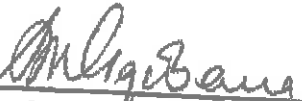
By the insertion of the following words in clause 1 subsection 7 after the words "as the case may be"

"and such renewal criteria shall include –

- (i) good performance of the said Commissioner; and
- (ii) a public participation process by the National Assembly or the provincial legislature".

2. General Comments

- (a) The report of the Portfolio Committee attached hereto highlights other issues raised by the stakeholders, relating to the Bill before the Portfolio Committee and are matters that ought to be given consideration by the Department of Public Service and Administration.

  
HON S. GQOBANA (MPL)

CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON OFFICE OF THE PREMIER

24/05/18  
DATE

Report of the Portfolio Committee on Office of the Premier dated 24<sup>th</sup> May 2018, as follows:

**1. Terms of reference**

The Public Service Commission Amendment Bill (B21B-2015) (the Bill) was referred to the Portfolio Committee on Office of the Premier (herein after referred to as the Committee) by the Honourable Speaker. The terms of reference of the Committee were to consider the Bill, conduct public hearings on the Bill in order to solicit the views of the people of the Eastern Cape Province and report to the House.

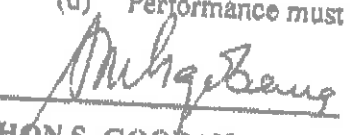
**2. Method of work**

The Chairperson attended a briefing at the NCOP on the 17<sup>th</sup> April 2018. The Portfolio Committee was briefed on the contents of Bill by the NCOP permanent delegate at Dolly Mzaidume Committee Room on the 21<sup>st</sup> May 2018. The Portfolio Committee conducted a Public Hearing at the Raymond Mhlaba Chamber on the 24<sup>th</sup> May 2018.

**3. Submissions on the Bill**

The following submissions were made:

- (a) The criteria for renewal but must subjected to some form of public participation before approval by the National Assembly or the provincial legislature.
- (b) The elimination of the process currently followed, that is of an open advert poses a risk that the Commission may miss an opportunity to have a more experienced person who might perform better than the incumbent whose terms is renewed.
- (c) It is necessary to have a strict and transparent performance management system of the Commissioner and the renewal must be based on performance.
- (d) Performance must be one of the criterion for the renewal.

  
HON. S. GQOBANA (MPL)

CHAIRPERSON: PORTFOLIO COMMITTEE ON OFFICE OF THE PREMIER