



## **NEGOTIATING MANDATE**

**TO:** The Chairperson of the Select Committee on Co-Operative Governance and Traditional Affairs

Hon. J Mohapi

**NAME OF BILL:** Public Service Commission Amendment Bill

**NUMBER OF BILL:** [B21B-2015]

**DATE OF DELIBERATION:** 8 JUNE 2018

**VOTE OF THE LEGISLATURE:** The Gauteng Provincial Legislature votes in favour of the Bill, with a proposed amendment and mandates the Permanent Delegate to the NCOP to negotiate in favour of the Bill.

**The proposed amendment is as follows:**

1. Clause 3 line 25

A commencement clause be inserted in clause 3 and thus be amended in the following manner:

“This Act is called the Public Service Commission Amendment Act, 2015[.] and comes into operation on a date fixed by the President by proclamation in the Gazette.”

Further, noting that the above proposed clause merges both the short title and commencement clause; the new heading must be amended to read:

"Short title and Commencement"

  
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Date: 08 June 2018

**HON. G. TSOTETSI**

Chairperson of Oversight Committee on the Premier's Office and Legislature

GAUTENG PROVINCIAL LEGISLATURE



**OVERSIGHT COMMITTEE ON PREMIER'S OFFICE AND THE LEGISLATURE  
(OCPOL)**

**NEGOTIATING MANDATE ON THE PUBLIC SERVICE COMMISSION AMENDMENT BILL  
[B21B-2015]**

**(Section 76)**

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**1. INTRODUCTION**

The Chairperson of the Oversight Committee on Premier's Office and the Legislature, Hon. G Tsotetsi, tables the Committee's Negotiating Mandate on the Public Service Commission Amendment Bill [ B21B-2015] Section 76 as follows:

**2. PROCESS FOLLOWED**

The Speaker formally referred the Public Service Commission Amendment Bill [ B21B-2015] Section 76, to the Oversight Committee on Premier's Office and the Legislature on Wednesday, 21 February 2018 for consideration and reporting in terms of GPL Rules 245(1) read with 246, 247 and 248.

On Thursday, 10<sup>th</sup> May 2018, the Oversight Committee on Premier's Office and the Legislature was briefed by the Department of Public Service and Administration (DPSA) on the intentions of the Bill. The Committee further received a presentation from the Office of the Premier on the views of the Executive on the Bill of the Gauteng Provincial Legislature followed by research analysis on the Bill.

In line with the Gauteng Provincial Legislature's constitutional mandate of promoting public participation during the law-making process, the Committee received verbal submissions from stakeholders on the Bill. The Committee furthermore upon receipt of legal advice requested further submissions from the public with a view to make the public participation process more meaningful.

On Thursday, 24<sup>th</sup> May 2018, the Committee sat to deliberate on the Negotiating Mandate on the Public Service Amendment Bill [B21B-2015]. The Committee in lieu of the above view to canvass more public inputs also requested more time from the NCOP Select Committee to factor the request for more public input in the processing of the Bill. On the 30<sup>th</sup> May 2018 the Committee sent out a media notices requesting public comments and inputs on the Bill.

### **3. OBJECTS OF THE BILL**

The Bill seeks to amend the PSC Act to-

- amend section 4 to provide for the process for the renewal of the term of a Commissioner; and
- amend section 5 to provide for the designation of an Acting Chairperson for the Public Service Commission in the absence of both the Chair and the Deputy Chair.

### **4. OVERVIEW OF SUBMISSIONS**

As part of its functions and obligation, the Committee invited stakeholders to submit comments during the consideration of the Public Service Commission Amendment Bill [B21B-2015]. The following stakeholders indicated that they support and welcomes the amendments on the Bill:

- Public Service Commission(PSC);
- Auditor General(AG);
- Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL);
- Financial Fiscal Commission(FSC); and
- Statistics South Africa (Stats SA)

## **5. FINANCIAL IMPLICATIONS AND SOCIO-ECONOMIC IMPACT ASSESSMENT OF THE BILL FOR THE PROVINCE**

### **5.1. FINANCIAL IMPLICATIONS OF THE BILL**

The Committee is of the view that there are no financial implications on the province.

### **5.2. SOCIAL IMPACT ASSESSMENT**

The proposed amendment will enhance the procedures within the Public Service Commission. The basis to this proposition is then to guarantee the assurance that the PSC will be able to retain skilled Commissioners in its effort to build a high standard of professional ethics and development oriented.

## **6. VIEW OF THE EXECUTIVE (OFFICE OF THE PREMIER)**

In light of the proposed amendments and upon consideration of its impact, the Office of the Premier:

- a) Supports the amendments to the PSC Amendment Bill;
- b) Is of the view that the proposed amendments are generic and will promote good corporate governance.

- c) Is of the view that process for the appointment of Commissioners will be better regulated with the procedures for the appointment of Commissioners by the President.
- d) Confirms that the proposed Bill complies with the provisions of the Parliament for the tabling of Bills.
- e) Supports the view that the Bill does not require to be tabled at the National House of Traditional Leaders since it does not contain provisions of customary law or customs of traditional leaders.

**7. NEGOTIATING POSITION ADOPTED BY COMMITTEE**

The Oversight Committee on Premier's Office and the Legislature supports the objects of the Public Service Commission Amendment Bill [B21B-2015].