

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 10 FEBRUARY 2022**

**QUESTION NO.: 216.**

**Ms R N Komane (EFF) to ask the Minister of Public Service and Administration:**

(1) What systems has she put in place to measure the performance of the Commissioners of the Public Service Commission;

(2) whether she has found that the (a) systems work and (b) Commissioners are doing what they are expected to do; if not, why not, in each case; if so, what are the further relevant details in each case? **NW220E**

**REPLY:**

1. Section 196 of the Constitution of the Republic of South Africa, 1996, (the Constitution), regulates the Public Service Commission (PSC). Key provisions relevant to the question at hand provide as follows:
2. Section 196(1) of the Constitution provides that there is a single PSC for the Republic.
3. Section 196 (4)(e) of the Constitution provides that the PSC must report on its activities and the performance of its functions, including any finding it may make and directions and advice it may give, and provide an evaluation of the extent to which the values and principles set out in Section 195 are complied with.
4. Section 196 (5) of the Constitution provides that the PSC is accountable to the National Assembly.
5. Section 196 (6) of the Constitution provides that the PSC must, in terms of subsection (4)(e), report at least once a year to the National Assembly, and in respect of its activities in a province, to the legislature of that province.
6. Section 196 (7) of the Constitution provides that PSC has the following 14 commissioners appointed by the President:
	1. five commissioners approved by the National Assembly; and
	2. one commissioner for each province nominated by the Premier of the province

Commissioners are envisaged to form part of a single PSC, and required to follow the same polices and decision making processes of the PSC. Given the above, the PSC reports annually to the National Assembly on its activities in terms of section 196 (4)(e) of the Constitution, 1996, as a single entity.

Commissioners are appointed in terms of section 196 (7) of the Constitution and not in terms of the Public Service Act and therefore not accountable to the Minister for the Public Service and Administration. The PSC’s budget is appropriated through the Minister. The National Assembly is regarded as the employer and responsible for the performance of the PSC.

It is also worth mentioning that during discussions on the legislative process around the Public Service Commission Amendment Act, 2019, the Portfolio Committee on Public Service and Administration/ Performance Monitoring & Evaluation agreed that Parliament should set the criteria for renewal and the assessment of the performance of Commissioners and that it is not a function of the PSC. The PSC did provide input on this to the Chairperson of the Portfolio Committee in November 2021.

1. Please refer to response above.

**End**