

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 04 NOVEMBER 2022**

**QUESTION NO.: 4000**

**Dr M M Gondwe (DA) to ask the Minister of Public Service and Administration:**

(1) Whether his department has been monitoring the implementation of Regulation 13(c) of the Public Service Regulations and Regulation 8 of the Public Administration Management Act, Act 11 of 2014; if not, why not; if so, what has been the outcome of the specified monitoring;

(2) what (a)(i) total number of public servants were found to be conducting business with the State as at 1 October 2022 and (ii) is the breakdown of the specified number for each national and provincial department and (b) is the salary level and position of each of the employees;

(3) what (a) number of public servants have been subjected to disciplinary action for conducting business with the State to date and (b) has been the outcome of the disciplinary action taken in each case with regard to each of the national and provincial departments;

(4) what (a) number of public servants are currently being investigated by the SA Police Service for conducting business with the State and (b) is the status of the investigations;

(5) what number of public servants have been convicted for conducting business with the State as at the latest specified date for which information is available? **NW4900E**

**REPLY:**

1. The Department of Public Service and Administration (DPSA) has been monitoring the implementation of Regulation 13(c) of the Public Service Regulations and Regulation 8 of the Public Administration Management Act, Act 11 of 2014 since 2019. Since then, the DPSA is monitoring public service employees who are allegedly conducting business with the State, through the Central Supplier Database (CSD), on a monthly basis. The following were the outcomes of the monitoring process[[1]](#footnote-1):
   * As at the end of March 2019, **1068** public service employees were flagged on the CSD to be allegedly conducting business with the State. Out of the 1068, **270** employees were from the national departments while **798** were from provincial departments.
   * As at the end of April 2020, **1539** public service employees were flagged on the CSD to be allegedly conducting business with the State. Out of 1539, **428** were from national departments, whilst **1111** emanated from provincial departments.
   * As at end of January 2021, **484** employees were flagged on the CSD to be allegedly conducting business with the State. Out of this number, **126** were from national departments, whilest **358** came from the provincial departments.
   * As at the end of January 2022, **181** employee were flagged on the CSD to be allegedly conducting business with the State. A total of **44** employees were from national departments, whilst **137** were from provincial departments.
2. a.(i) As at 1 October 2022, a total number of **113** public servants were flagged to be allegedly conducting business with the State. When flagged by the DPSA, the information is shared with departments to verify if the identified employees are still in the Public Service and for departments to investigate if these employees are indeed conducting business with the State. As per the feedback received from departments, three (**3**) of these public servants are representing government in an official capacity in accordance to Regulation 13(c) of the Public Service Regulations, 2016 and one (**1**) individual was a part time political advisor (see Table with information obtained from PERSAL and the respective departments). Thus, only **109** public servants are considered to be allegedly conducting business with the State.

(ii) the breakdown of the specified number for each national and provincial department and salary level of each employee (position is not tracked on PERSAL) is shown on the table below:

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|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **National Department** | **(b) SALARY LEVEL** | | | | | | | | | | | | | | | **Total** |
| **Department** | **02** | **03** | **04** | **05** | **06** | **07** | **08** | **09** | **10** | **11** | **12** | **13** | **14** | **15** | **16** | **35** |
| Trade Industry and Competition |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 |  | **1**  Status provided: The employee represents the department at the COEGA. |
| Agriculture, Land Reform, and Rural Development |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | **4** The employee’s salary levels are not specified. |
| Public Service and Administration |  |  |  |  |  |  |  |  |  |  |  | 1 |  |  |  | **2**  Status provided: One (1) employee was part-time Special Adviser to the previous MPSA with the contract linked to the term of office. |
| Water and Sanitation |  |  |  |  |  |  |  |  | 1 |  |  | 1 |  |  |  | **2** |
| Higher Education and Training |  |  |  | 2 |  | 1 |  | 1 | 1 |  | 1 | 1 |  |  |  | **8**  The salary level of one (1) employee was not specified. |
| Correctional Services |  |  |  |  |  |  | 3 | 1 |  |  |  | 2 |  | 1 |  | **8**  The salary level of one (1) employee was not specified. |
| Transport |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 |  | **1** |
| Sport Arts and Culture |  |  |  |  |  |  |  |  |  |  |  | 1 |  |  |  | **1** |
| Justice and Constitutional Development |  |  |  |  |  |  |  |  |  | 1 |  |  |  |  |  | **1** |
| Statistical South Africa |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | **1** The salary level of one (1) employee was not specified. |
| Basic Education |  |  |  |  |  |  |  |  |  |  | 1 |  |  |  |  | **1** |
| Science and Innovation |  |  |  |  |  |  |  |  |  |  |  | 1 |  |  |  | **3**  Status report:Two (2) of the employees were appointed as Board members of the Biological and Vaccines Institute of SA (BIOVAC). |
| Government Communication and Information |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | **1** The salary level of one (1) employee was not specified. |
| Environment, Forestry and Fisheries |  |  |  |  |  |  |  |  |  |  |  |  |  | 1 |  | **1** |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Provincial Department** | **SALARY LEVEL** | | | | | | | | | | | | | | | **Total** |
| **Department** | **02** | **03** | **04** | **05** | **06** | **07** | **08** | **09** | **10** | **11** | **12** | **13** | **14** | **15** | **16** | **78** |
| **Eastern Cape (10)** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Cooperative Governance & Traditional Affairs |  |  |  |  |  |  | 1 |  | 1 |  |  |  |  |  |  | **2** |
| Education |  |  |  |  |  |  |  |  |  | 1 |  |  |  |  |  | **2**  The salary level of one (1) employee was not specified. |
| Health |  |  |  |  |  |  |  |  |  |  | 1 | 2 |  |  |  | **3** |
| Office of the Premier |  |  |  |  |  |  |  |  |  |  |  |  |  |  | **1** | **1** |
| Provincial Treasury |  |  |  |  |  |  |  |  |  |  |  | 1 |  |  |  | **1** |
| Roads and Public Works |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | **1** The salary level of one (1) employee was not specified. |
| **Free State (4)** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Health |  |  |  | 1 |  |  |  |  |  |  | 1 |  |  |  |  | **2** |
| Provincial Treasury |  |  |  |  |  |  |  |  |  |  |  | 1 |  |  |  | **1** |
| Education |  |  |  |  |  |  | 1 |  |  |  |  |  |  |  |  | 1 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Gauteng (3)** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Education |  |  |  |  |  |  |  | 1 |  | 1 |  |  |  |  |  | **2** |
| Health |  | 1 |  |  |  |  |  |  |  |  |  |  |  |  |  | **1** |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **KwaZulu-Natal (17)** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Corporate Governance and Traditional Affairs |  |  |  |  |  |  | 1 |  |  |  |  |  |  |  |  | **2** The salary level of one (1) employee was not specified. |
| Education |  |  |  |  | 1 |  |  |  | 1 |  |  |  |  |  |  | **4** The salary level of two (2) employees were not specified. |
| Health | 1 |  |  |  |  |  |  | 1 |  |  | 2 |  |  |  |  | **4** |
| Transport |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | **5** The salary level of five (5) employee were not specified. |
| Office of the Premier |  |  |  |  |  |  |  |  |  |  |  | 1 |  |  |  | **1** |
| Social Development |  |  |  |  |  |  | 1 |  |  |  |  |  |  |  |  | **1** |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Western Cape (1)** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Transport and Public Works |  |  |  |  |  |  |  |  |  |  | 1 |  |  |  |  | **1** |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Northern Cape (16)** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Education |  |  |  |  | 1 | 1 | 1 |  |  | 1 |  |  |  |  |  | **9** The salary level of five (5) employee were not specified. |
| Health |  | 1 |  |  | 1 |  |  |  |  |  |  |  |  |  |  | **2** |
| Corporate Governance Human Settlements and Traditional Affairs |  |  |  |  |  |  | 2 |  |  | 1 |  |  |  |  |  | **4** The salary level of one (1) employee was not specified. |
| Agriculture Environmental Affairs Rural Development and Rural Reform |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | **1** The salary level of one (1) employee was not specified. |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Limpopo (7)** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Education |  |  |  |  |  | 1 |  |  | 1 | 1 |  |  |  |  |  | **3** |
| Corporate Governance Human Settlements and Traditional Affairs |  |  |  |  |  |  | 1 |  |  |  |  |  |  |  |  | **2** The salary level of one (1) employee was not specified. |
| Health |  |  |  | 1 |  |  |  |  |  |  | 1 |  |  |  |  | **2** |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Mpumalanga (19)** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Education |  |  |  | 2 | 1 | 2 | 1 |  |  | 1 |  |  |  |  |  | **7** |
| Health |  |  |  | 1 |  |  |  |  |  |  |  |  |  |  |  | **10** The salary level of nine (9) employees were not specified. |
| Provincial Treasury |  |  |  |  |  |  |  |  |  |  | 1 |  |  |  |  | **1** |
| Public Works Roads and Transport |  |  |  |  |  |  |  | 1 |  |  |  |  |  |  |  | **1** |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **North West (1)** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Health |  |  |  |  |  | 1 |  |  |  |  |  |  |  |  |  | **1** |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

1. (a) 35 public servants from national departments and 126 from provincial departments were subjected to disciplinary action (based on information provided by departments to the DPSA).
2. The outcome of the disciplinary action taken in each case with regard to each of the national and provincial departments are as follows[[2]](#footnote-2):

Nationally:

* 18 final written warnings
* 4 one month suspension without pay
* 2 two months suspension without pay
* 1 deceased
* 4 under investigation
* 4 not guilty
* 1 awaiting the outcome of a hearing
* 1 hearing scheduled

Provinces:

* 1 written warning
* 5 final written warning
* 1 contract terminated
* 2 indicated as in another department
* 12 not charging
* 28 out of service
* 14 letters of intention to charge issued
* 2 deceased
* 4 not guilty
* 33 pending
* 8 withdrawn
* 4 resignations
* 1 dismissal
* 2 appointing chairpersons
* 8 under investigation
* 1 retirement

(4)(a) Six (06) public servants are currently being investigated by the South African Police Service (SAPS) for conducting business with the State[[3]](#footnote-3).

(b) Status of investigations:

* One (1) case - 1st court appearance will be held on 24 November 2022.
* Two (2) cases were postponed to 18 November 2022 and 16 January 2023, respectively.
* One (1) case is with the Director for Public Prosecutions for decision.
* In two (2) cases, investigating officers were tasked to source more information as per the Court.

(5) A total of seven (07) public servants have been convicted for conducting business with the State as at the latest date. One of the employees were convicted on two separate cases[[4]](#footnote-4).

1. Information obtained by matching PERSAL and the Central Supplier Database. [↑](#footnote-ref-1)
2. Information were provided to the DPSA by the implicated departments. [↑](#footnote-ref-2)
3. Information provided to the DPSA by the SAPS. [↑](#footnote-ref-3)
4. The information was provided to the DPSA by the National Prosecuting Authority.

   End [↑](#footnote-ref-4)