

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 10 MARCH 2023**

**QUESTION NO.: 719.**

**Ms S T Maneli (ANC) to ask the Minister of Public Service and Administration 165] [Question submitted for oral reply now placed for written reply because it is in excess of quota (Rule 137(8))]:**

In light of the Public Service Regulations of 2016 read with section 8 of the Public Administration Management Act, Act 11 of 2014, which forbids officials from conducting business with any organ of state and/or being a director of a public and/or private company conducting business with the State, 379 senior managers have been reported in the latest report of the Public Service Commission, including Heads of Departments at national departments, to be engaged in other remunerative work, what measures will she put in place to strengthen and enforce the implementation of section 8 of the specified Act and the Public Service Regulations to establish order and discipline among public servants? **NW799E**

**REPLY:**

In terms of section 30 of the Public Service Act, 1994 (PSA), public service employees (including senior managers and heads of departments) are allowed to perform other remunerative work outside their employment with the written permission of the executive authority of the department. This would also apply to the 379 senior managers identified in the Public Service Commission Report to be performing other remunerative work.

Regulation 24 of the Public Service Regulations, 2016 (PSR), established a formal process that employees must follow to apply for permission to perform other remunerative work. This process includes the criteria listed in Section 30 of the PSA for executive authorities to consider when approving an application.

Therefore, if permission was received to perform other remunerative work by completing the prescribed form, and the application was approved by the executive authority or delegated authority, the employee concerned will be allowed to perform other remunerative work for 12 months, after which the permission will expire and the employee will have to request for new approval.

If successful, the employee will be provided with a certificate of approval that is valid for twelve calendar months. This certificate of approval is attached when the employee concerned completes his/her financial disclosures on the eDisclosure system, and serves as proof of permission to perform other remunerative work. This certificate is verified during the lifestyle review process to determine if approval was sought and serves as a measure to detect employees performing other remunerative work without permission and those conducting business with the State.

The procedure that allows employees to perform other remunerative work (as per Regulation 24 of the PSR) does not in any way permit public service employees to request permission to conduct business with the State.

Section 8 of the Public Administration Management Act, 2014 criminalizes the act of public service employees conducting business with the State, as the contravention of this section is a criminal offence. Any person found guilty of the offence is liable to a fine or imprisonment for a period not exceeding 5 years or both such fine and imprisonment. It also constitutes serious misconduct.

To strengthen the implementation of Section 8, the Department of Public Service and Administration monitors the Central Supplier Database (CSD) on a monthly basis. This database (hosted by National Treasury) contains the information of all individuals seeking to tender business with government. The information on this system is compared with information on the Personnel Salary System (PERSAL) to identify public service employees attempting to register on the CSD. As soon as the DPSA detects employees on the CSD list, their departments are informed to take disciplinary steps and if guilty of conducting business with the State, to open a criminal case with the South African Police Service (SAPS). The DPSA follow up with the affected departments monthly to establish progress made. The DPSA, SAPS and National Prosecuting Authority also formed a Task Team that assists departments with the investigation process and to fast track cases for prosecution.

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