

**DEPARTMENT OF HOME AFFAIRS  
DEPARTEMENT VAN BINNELANDSE SAKE**

No. R. 968

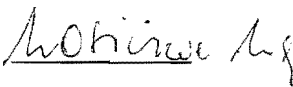
9 October 2009

**PUBLIC SERVICE ACT, 1994**

(Promulgated under Proclamation No. 103 of 1994)

**ADMINISTRATION AND OPERATIONS: GOVERNMENT PRINTING WORKS**

Under section 7A(4) of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), read with Proclamation No. 58, of 11 September 2009. I hereby, with effect from the date of publication of this Notice, set out the provisions of legislation which confer power and impose duties on the Head of the Government Printing Works and determine provision to apply to the reporting, administrative, organisational, oversight and other management objects, processes and procedures of the Government Printing Works.

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Dr N C D Zuma

Minister of Home Affairs

**Date: 19 Aug 2009**

## SCHEDULE

### PART 1

#### Definitions

1. In this Schedule, unless the context otherwise indicates:

**"Board"** means the Advisory Board appointed in accordance with paragraph 5;

**"Cabinet"** means the Cabinet contemplated in section 91 of the Constitution of the Republic of South Africa, 1996;

**"CEO"** means the Chief Executive Officer of the GPW as contemplated in Column 2 of Part A of Schedule 3 to the Public Service Act, 1994;

**"CFO"** means the Chief Financial Officer of the GPW;

**"Deputy Minister"** means the Deputy Minister of Home Affairs;

**"DG"** means the Director-General: Home Affairs;

**"DHA"** means the Department of Home Affairs;

**"goods"** means any product manufactured or sold, or service provided by the GPW, or any ancillary service;

**"government component"** means a government component as defined in section 1 of the Public Service Act, 1994;

**"GPW"** means the government component identified in Column 1 of Part A of Schedule 3 to the PSA as the Government Printing Works;

**"Minister"** means the Minister of Home Affairs;

**"National Treasury"** means the National Treasury established by section 5 of the PFMA;

**"PFMA"** means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

**"PSA"** means the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994);

**"public entity"** means a public entity as defined in section 1 of the PFMA;

**"public service"** means the public service contemplated in section 8 of the PSA; and

**"working day"** means any day other than a Saturday or Sunday or public holiday provided for in terms of the Public Holidays Act, 1994 (Act No. 36 of 1994).

## **PART 2**

### **Powers conferred and duties imposed on CEO**

- 2.(1) Section 8 of the Legal Deposit Act, 1997 (Act No. 54 of 1997) directly confers powers and imposes duties on the CEO.
- (2) The PFMA and the PSA confer powers and impose duties on the CEO.

## **PART 3**

### **Function of GPW**

- 3.(1) The function of the GPW is to provide security printing and ancillary services to all organs of state in all spheres of government.
- (2) The GPW performs its function subject to general guidance provided by the Minister.

### **Compliance**

4. The GPW must comply with any applicable law, and in the event of a conflict between any law and the provisions of this Schedule, such law prevails.

## **PART 4**

### **Advisory Board**

- 5.(1) An advisory Board for the GPW is hereby established.
- (2) The function of the Board is to advise the Minister and the CEO on the governance and the performance of the GPW and on any other matter which the Minister may from time to time determine in writing, but the Board does not have any executive functions, duties or powers.
- (3) The Minister must appoint Board members based on the following principles:
- (a) appointments must be governed by the overriding principle of selection based on merit, determined by an assessment of -

- (i) the functions and the operations of the GPW;
    - (ii) the competencies collectively required by the Board, including the relevant skills, expertise and experience relating to the printing or imaging industries and to managing and transforming a business;
    - (iii) the needs and range of clients of the GPW, including DHA;
    - (iv) the qualifications, skills, expertise and experience of each individual prospective candidate;
  - (b) after the appointment of the individual members the Board must broadly reflect the demographics of the Republic and the majority of its members may not be employees of organs of state.
- (4) The Minister may not appoint more than eight members to the Board, excluding the CEO and the CFO who are *ex officio* members of the Board, and must include representatives of the GPW's client base and the DHA.
- (5) The Minister must appoint:
- (a) any Board member other than the CEO or the CFO as Chairperson of the Board;
  - (b) any Board member other than the CEO or the CFO as Chairperson of any subcommittee of the Board.
- (6) The Minister may not appoint a person to the Board:
- (a) who is a member of Parliament, a member of a provincial legislature, a member of Cabinet or a Deputy Minister, a member of a house or council of traditional leaders, or a member of a municipal council;
  - (b) who is not a South African citizen or permanent resident;
  - (c) who or whose spouse, life partner, business partner or associate, holds an office in or is employed by or has any other interest whatsoever in a company or other entity which also provides printing or related services or which provides goods or renders services to the GPW;
  - (d) who is disqualified to act as a Director of a company incorporated in terms of the Companies Act, 1973 (Act No. 61 of 1973);
  - (e) who has been convicted, whether in the Republic or elsewhere, of an offence involving dishonesty or of any other offence for which such person has been sentenced to imprisonment without the option of a fine; or
  - (f) who is an unrehabilitated insolvent.
- (7) A Board member other than the CEO or the CFO:

- (a) serves as Board member on the terms and conditions determined by the Minister after consultation with the Minister for the Public Service and Administration; and
  - (b) may resign by giving one month's written notice to the Minister.
- (8) The Board serves at the Minister's pleasure, and the Minister may at any time:
  - (a) dissolve the Board and appoint a new Board;
  - (b) terminate the Board membership of an individual Board member,but the Minister must when so dissolving the Board or terminating Board membership of an individual Board member immediately provide any affected Board member with written reasons for the dissolution or termination, as the case may be.
- (9) The Minister must upon appointing the Board for public information and in any appropriate manner publish the profile of the Board members.
- (10) The Board has all powers necessary for its functioning as an advisory body without executive functions, duties or powers, and it in particular:
  - (a) subject to subparagraphs (13) and (14), may establish its own subcommittees;
  - (b) has immediate access to any information held by the GPW, except information designated in writing by the Minister from time to time as not being included in this category;
  - (c) has immediate access to any information held by the DHA in relation to the GPW, except information designated in writing by the Minister from time to time as not being included in this category;
  - (d) may receive copies of any document submitted by the CEO or the CFO to the Minister or the DG in terms of or under this Notice, as the case may be;
  - (e) may request any employee of the GPW or the DHA to attend any meeting of the Board or any of its subcommittees and to provide written or oral evidence at such a meeting, and unless the Minister in writing excuses such a person from attending that meeting, such an employee must accordingly attend the meeting and must provide written or oral evidence as requested by the Board.
- (11) The Board may at any time, with or without the agreement or support of the CEO, the CFO or the DG, as the case may be, directly approach the Minister or the Deputy

Minister, or the DG, and submit any relevant report to any or all of those persons on any matter related to the Board's function.

(12) Subject to subparagraphs (13) and (14), the Minister may at any time direct the Board in writing to establish a particular subcommittee, and the Minister appoints the Chairperson of that subcommittee, but this does not prevent the Board from establishing its own subcommittees as provided for in subparagraph (10)(a).

(13) The Board must at all times have subcommittees to advise on audit and risk management issues in respect of the GPW.

(14) Any committee or other body established or prescribed in respect of a government component by an Act of Parliament or in terms of or under secondary legislation must be established and managed as prescribed, but -

(a) such a committee or body does not constitute a subcommittee of the Board;

(b) the Board has access to any document produced by or on behalf of such a committee or body, unless the Minister in writing directs otherwise.

(15) The CEO and the CFO may attend any meeting of the Board or that of any of its subcommittees and must receive all documents tabled or distributed at any such meeting.

(16) Subject to the subparagraphs (17) to (20) and any applicable law, the Board determines its own meeting rules, proceedings and procedures.

(17) Without in any way derogating from the provisions of any applicable law, the Board must as far as may be practicable adhere to any policy, code, protocol, guideline or similar document on governance or ethics in the public sector approved by Cabinet.

(18) The meetings, minutes and reports of the Board or any of its subcommittees are confidential, unless:

(a) the Minister or the Chairperson of the Board in writing directs otherwise; or

(b) no strategic or commercial interests of the GPW or the DHA are likely to be compromised in the event of its publication.

(19) The Board does not vote on matters before it, but must strive to render advice to the Minister or the CEO based on sufficient consensus excluding the CEO and the CFO. If an individual board member, other than the CEO or the CFO, strongly differs from what appears to be the Board's consensus, he or she may record his or her dissent and

the reasons for such dissent, and such dissenting opinion must be included in any report on the relevant matter to the Minister, Deputy Minister, DG or CEO, as the case may be.

(20) The GPW must provide all the facilities and all reasonable administrative, secretarial and logistical support reasonably required by the Board, and the CEO must after consultation with the Chairperson of the Board designate a particular employee of the GPW as Secretary to the Board.

(21) The GPW is responsible and the CEO is accountable for the Board's expenses.

(22) The CEO and the CFO in the absence of other members do not constitute the Board.

(23) No remuneration is payable to an employee of an organ of state in respect of his or her membership of the Board, but the CEO may for any purpose directly related to any board activity reimburse all board members in respect of any reasonably incurred travel, parking, accommodation and subsistence costs.

#### **Responsibilities of and restrictions on Board members**

6.(1) A member of the Board, including the CEO and the CFO, who at any time during his or her term of office becomes disqualified to be a Board member on any one of the grounds contemplated in paragraph 5(6):

- (a) must immediately in writing inform the Minister and the Chairperson of the Board of that disqualification, and the Minister must then forthwith remove that member from the Board; and
- (b) does not have a right to attend a Board meeting from the time he or she has so become disqualified until he or she is removed by the Minister.

(2) A member of the Board who in any way, directly or indirectly, acquires or intends to acquire an interest in a transaction or project of the GPW must immediately in writing disclose the nature of his or her interest or intention to the Chairperson, or if that member is the Chairperson, to the Minister, as well as to the Board at its next meeting.

(3) The disclosure to the Board contemplated in subparagraph (2) must be recorded in the minutes of the meeting.

(4) A member of the Board who has acquired or intends to acquire an interest contemplated in subparagraph (2) may not take part in any discussion or deliberation of the Board relating to that transaction or project contemplated in subparagraph (2).

**Reporting requirements in respect of Board**

7.(1) If the Minister has in writing requested the Board's advice on a particular issue, the Board must as soon as may be practicable submit a report with its advice to the Minister.

(2) The Board must submit a report to the Minister on its advice or activities as often as the Board deems necessary, whether or not the Minister has specifically requested such advice.

(3) The Board must record any oral advice rendered to the CEO or the CFO, as the case may be, in the minutes of that Board meeting.

(4) The CEO must forward the minutes of every Board meeting to the DG within 10 working days after those minutes have been approved by the Board.

**PART 5****Reporting requirements of CEO and responsibilities of DG**

8.(1) The provisions of this paragraph do not in any way exempt the CEO from compliance with all relevant provisions of the PFMA or any other law on or in respect of reporting requirements.

(2) The CEO must:

- (a) forthwith after receipt of a written request from the Minister or the Deputy Minister for information held by the GPW, the CEO or the Board submit all requested and other information which may also be relevant to the Minister or the Deputy Minister, as the case may be; and
- (b) on a quarterly basis submit a report to the Minister, detailing all the instances where he or she has performed a duty or exercised a power in terms of or under delegation from the Minister, as well as all the instances where a person to whom the CEO has further delegated such a power or duty has so performed a duty or exercised a power.

(3) The DG oversees the operations of the GPW for purposes of:

- (a) supporting, promoting and implementing applicable Government policies as well as the Minister's strategic vision in respect of his or her portfolio; and



- (b) advising the Minister on policy implementation, performance, integrated planning, budgeting and service delivery, and the efficient, economic and effective use of resources by or in respect of the GPW,

but the DG has no further functions, duties, powers, responsibilities or accountability in respect of the GPW, other than as provided for in this Notice or as may be prescribed by or in law.

- (4) The CEO must submit to the DG:

- (a) on a quarterly basis, all relevant reports and performance information of the GPW which will enable the DG to advise the Minister as contemplated in subparagraph (3)(b);
- (b) on a quarterly basis, a copy of the document contemplated in subparagraph (2)(b); and
- (c) annually, the GPW's strategic plan, annual report and annual financial statements,

and the DG may in writing question the CEO on or request further information in respect of any report or statement so submitted.

- (5) For purposes of subparagraph (3), the CEO must monthly within 10 working days after the end of a calendar month in writing submit an operational and performance report to the Chairperson of the Board and to the DG in respect of that month, containing details of all work undertaken by the GPW during that month and any other relevant information the Chairperson or the DG may require, in the format so required. The format may include information broken down into individual projects, indicating the nature of the work, the name of the client, the monetary value of the work, the quantity of goods or services manufactured, provided or sold during the reporting period, whether such work has been completed, whether the goods involved have been delivered to the client, and whether service level agreements or standards have in the opinion of the CEO been met.

- (6) If the DG invites the CEO to attend a meeting of the DHA's Executive Committee, the CEO must do so unless he or she has other compelling prior commitments, in which case the CEO must inform the DG that he or she cannot attend and who his or her representative at the meeting will be.

- (7) The provisions of this Notice do not in any way derogate from the equal status that the DG and the CEO enjoy in terms of or under the PSA or the PFMA as Heads of a Department and of a Government Component, respectively.

## **PART 6**

### **Financial reporting arrangements**

9. All financial, policy and procedural arrangements for the GPW provided for in or in terms of or under the PFMA or any other applicable law must on the date of establishment of the GPW as a Government Component by the President of the Republic, continue on the same basis as that applicable to a Trading Entity, and the GPW must annually declare any surplus or deficit, as the case may be, to the National Treasury and seek National Treasury approval should it need to retain the surplus.