

DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION**No. 700****2 September 2011****PUBLIC SERVICE ACT, 1994**

(Promulgated under Proclamation No. 103 of 1994)

**ADMINISTRATION AND OPERATIONS: CENTRE FOR PUBLIC SERVICE
INNOVATION**

The Minister for the Public Service and Administration, acting under section 7A(4) of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), has in the Schedule determined the provisions of legislation that confer powers, and impose duties, upon the Head of the Centre for Public Service Innovation (CPSI), and provisions that apply to the reporting, administrative, organisational, oversight and other management objects, processes and procedures of the CPSI.

SCHEDULE**Definitions**

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

"**board**" means the advisory board appointed in accordance with paragraph 8(1);

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

"**CPSI**" means the government component identified as the Centre for Public Service Innovation in Column 1 of Part A of Schedule 3 to the Act;

"**Department**" means the Department of Public Service and Administration;

"Deputy Minister" means the Deputy Minister for the Public Service and Administration;

"Director-General" means the Director-General: Public Service and Administration;

"executive director" means the executive director of the CPSI as contemplated in Column 2 of Part A of Schedule 3 to the Act;

"government component" means a government component as defined in section 1 of the Act;

"management" means the executive director and senior managers of the CPSI;

"Minister" means the Minister for the Public Service and Administration;

"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);

"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 Act;

"the Act" means the Public Service Act, 1994 (Proclamation No. 103 of 1994).

Powers conferred, and duties imposed, on executive director

2. The Act and the PFMA confer powers and impose duties on the executive director.

Functions of CPSI

3.(1) The responsibility for public sector innovation is vested in the Minister who, in terms of section 3(1)(i) of the Act, is responsible for establishing norms and standards relating to transformation, reform, innovation and any other matter to improve the effectiveness and efficiency of the public service and its service delivery to the public.

(2) The function of the CPSI is thus to entrench a culture and practice of innovation in the public service through-

(a) advancing needs-driven research and development;

- (b) unearthing, demonstrating, sharing, encouraging and rewarding innovation;
- (c) testing, piloting, incubating and supporting the replication of innovative solutions; and
- (d) partnering with public, private, academic and civil society sectors towards supporting the mandate of the CPSI.

Compliance

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

Reporting requirements to executive director and responsibilities of Director-General

5.(1) The provisions of this paragraph do not in any way exempt the executive director from compliance with all relevant provisions of the Act and the PFMA and any other legislation on or in respect of reporting requirements.

(2) The executive director must-

- (a) forthwith, on receipt of a written request by the Minister or Deputy Minister for information held by the CPSI, submit to the Minister or the Deputy Minister all information requested and other information that may be relevant;
- (b) on a quarterly basis report to the Minister, detailing all instances where he or she has performed a duty or exercised a power in terms of the relevant legislation or under delegation from the Minister, as well as all instances where a person to whom the executive director has further delegated such a power or duty has so performed a duty or exercised a power; and
- (c) annually submit the CPSI's strategic plan, annual report and financial statements.

(3) The Director-General oversees the operations of the CPSI 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;
- (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 CPSI; and
- (c) supporting the CPSI through maintaining a supportive shared services dispensation.

(4) The Director-General has no functions, duties, powers, responsibilities or accountability in respect of the CPSI, other than those provided for in this notice and as may be determined by legislation.

(5) The executive director must submit to the Director-General or the delegated official in the Department—

- (a) on a quarterly basis, all relevant reports and performance information of the CPSI required in terms of the shared services arrangement as contemplated under paragraph 7; and
- (b) copies of the documents contemplated in subparagraph (2)(b) and (c).

(6) The Director-General or delegated official may in writing request from the executive director further information in respect of any report or statement so submitted.

(7) If the Director-General invites the executive director to attend a special meeting of the Department, such as that of the executive committee or budget committee, the executive director must do so unless he or she has other compelling prior commitments, in which case the executive director must inform the Director-General that he or she cannot attend and who his or her representative at the meeting will be.

(8) The provisions of this notice do not in any way derogate from the equal status that the Director-General and the executive director enjoy under the Act or the PFMA as head of a department and of a government component respectively, including their status as accounting officers of the respective institutions.

Financial, policy and procedural arrangements

6.(1) All financial, policy and procedural arrangements for the CPSI provided for in the PFMA or other applicable legislation shall be dealt with in terms of this legislation.

(2) Subject to the directive of the National Treasury, the chief financial officer of the Department shall also serve as the chief financial officer of the CPSI until such time as the CPSI appoints a chief financial officer.

Sharing of services

7. The CPSI and the Department may, subject to relevant legislation, including, but not limited to, the Act and the PFMA, share the rendering of the following services in the manner set out in a memorandum of understanding between the CPSI and the Department:

- (a) Corporate services, including-
 - (i) facilities management;
 - (ii) records management;
 - (iii) information, communications and technology (ICT) services;
 - (iv) human resources management and development;
 - (v) financial management;
 - (vi) supply chain management;
 - (vii) labour relations;
- (b) auditing and risk management;
- (c) legal services; and
- (d) donor coordination.

Advisory board

8.(1) An advisory board for the CPSI is hereby established.

(2) The functions and duties of the board are to advise the Minister, and through the Minister, the ministerial committees and Cabinet, on issues pertaining to innovation in the public service, specifically enhanced efficiency and effectiveness in public service delivery, and on any other matter that the Minister

may from time to time determine in writing. These issues pertaining to innovation may include advice and recommendations on-

- (a) the contribution of innovation to the enhancement of the capacity of the state to address government priorities, sustainable development and social transformation in South Africa;
- (b) global approaches and practices in using innovation, also ICT innovation, to improve service delivery and to entrench social inclusion for the benefit of vulnerable groups in the South African society;
- (c) appropriate structures and partnerships for the entrenchment of a culture of innovation in the public service; and
- (d) policies or strategies to be implemented in support of innovation in the public service.

(3) The board performs its functions and duties as an advisory body without executive functions, duties or powers, and, in particular, has the right to-

- (a) establish its own subcommittees;
- (b) access any information held by the CPSI, except information designated in writing by the Minister from time to time as not being included in this category;
- (c) access any information in relation to the CPSI held by the Department, except information designated in writing by the Minister from time to time as not being included in this category;
- (d) receive copies of any document submitted by the executive director to the Minister or Deputy Minister in terms of this notice; and
- (e) request any employee of the CPSI 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 executive director 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.

(4) The board, through its chairperson, may at any time with or without the agreement or support of the management of CPSI, directly approach the Minister and submit any relevant report on any matter related to the board's functions.

(5) The Minister may at any time direct the board in writing to establish a particular subcommittee, but this does not prevent the board from establishing its own subcommittees as provided for in subparagraph (3)(a), or the chairperson of the board from appointing the chairperson of such a subcommittee.

(6) The Minister must appoint board members based on the overriding principle of selection based on merit determined by an assessment of -

- (a) the objectives and operations of the CPSI;
- (b) the competencies collectively required by the board, including the relevant qualifications, skills, expertise and experience relating to innovation and public service delivery challenges;
- (c) the range of clients of the CPSI and their needs; and
- (d) the demographics of the Republic of South Africa.

(7) The Minister may appoint no more than eight members to the board, excluding the executive director and three senior managers of the CPSI who are *ex officio* members of the board.

(8) The Minister must appoint-

- (a) any board member, other than a member of management of the CPSI, as chairperson of the Board;
- (b) any board member, other than a member of management of the CPSI, as deputy chairperson of the board.

(9) The Minister may not appoint a person to the board-

- (a) who is a member of Parliament or 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) 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 goods or renders services to the CPSI;

- (c) who is disqualified to act as a director of a company in terms of section 69 of the Companies Act, 2008 (Act No. 71 of 2008);
- (d) who has been convicted, whether in the Republic or elsewhere, of an offence involving dishonesty, or of any other offence for which such a person has been sentenced to imprisonment without the option of a fine; or
- (e) who is an unrehabilitated insolvent.

(10) A board member, other than a member of management of the CPSI-

- (a) serves as board member on the terms and conditions determined by the Minister; and
- (b) may resign by giving one month's written notice to the Minister.

(11) The board serves at the pleasure of the Minister, and the Minister may at any time-

- (a) dissolve the board and appoint a new board; or
 - (b) terminate 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.

(12) The Minister must upon appointing the board, for public information and in any appropriate manner, publish the names of the board members together with any relevant information on the background of board members.

(13) The management of the CPSI may attend any meeting of the board or of its subcommittees and must receive all documents tabled or distributed at any such meeting, but may not, without the consent of the chairperson, speak at such a meeting.

(14) The board determines its own meeting rules, proceedings and procedures.

(15) Without in any way derogating from the provisions of any relevant legislation, the board must adopt a code of ethical conduct.

(16) 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 CPSI or the state are likely to be compromised in the event of their publication.

(17) The board does not vote on matters before it, but must strive to render advice to the Minister based on sufficient consensus. If an individual board member, other than a member of management of the CPSI, 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 recorded in the minutes and included in any report on the relevant matter to the Minister.

(18) The views, advice and recommendations of the board do not represent those of the management of the CPSI, unless specifically stated so in the minutes or reports of the board.

(19) The CPSI shall provide all reasonable facilities and administrative, secretarial and logistical support required by the board, and the executive director must after consultation with the chairperson of the board designate a particular employee of the CPSI as secretary to the board.

(20) The CPSI, in accordance with subparagraph (23), is responsible, and the executive director accountable, for the board's expenses.

(21) The management of the CPSI in the absence of other board members do not constitute the board.

(22) The quorum for a meeting of the board or any of its subcommittees is half of the members of the board or subcommittee.

(23) The CPSI must cover all incidental costs, including the cost of parking, travel, accommodation and subsistence, related to the functioning of the board.

(24) No remuneration is payable to any board member.

(25) The board must meet at least twice a year but not more than four times a year.

(26) Members are initially appointed for a period of two years.

(27) A retiring member is eligible for reappointment.

(28) A member of the board, including a member of management of the CPSI, 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 subparagraph (9)-

(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 from the board by the Minister.

(29) 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 CPSI 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.

(30) The disclosure to the board contemplated in subparagraph (29) must be recorded in the minutes of the meeting.

(31) A member of the board who has acquired or intends to acquire an interest contemplated in subparagraph (29) may not take part in any discussion or deliberation of the board relating to that transaction or project contemplated in subparagraph (29).

(32) If the Minister has in writing requested the board's advice on a particular issue, the board must as soon as practicable submit its advice in the form of a written report to the Minister.

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

(34) The board must record any oral advice rendered to the executive director in the relevant minutes of the board meeting.

(35) The executive director must forward the minutes of every board meeting to the Minister within ten working days after the board has approved those minutes.