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## GENERAL NOTICE

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### NOTICE 611 OF 2013

1. Notice is hereby given that the draft Public Service Commission Amendment Bill and an explanatory memorandum are available on [www.psc.gov.za](http://www.psc.gov.za) for public comment.

The draft Bill amends among others, the Public Service Commission Act, 1997 so as to align it with the Constitution of the Republic of South Africa, 1996 and empower the Public Service Commission to give directions relating to the values and principles that govern public administration.

Electronic copies of the draft Bill and memorandum may be requested by/at:

Tel: (012) 352 1188

Email: [bernadettet@opsc.gov.za](mailto:bernadettet@opsc.gov.za)

Hard copies may be collected at:

Legal Services

3<sup>rd</sup> Floor

Commission House

Cnr Hamilton and Ziervogel Streets

Arcadia

0007

2. All interested persons and organisations are invited to submit written comments on the draft Bill by no later than 17 July 2013.

(a) Emailing: [bernadettet@opsc.gov.za](mailto:bernadettet@opsc.gov.za)

(b) Faxing comments to:

Legal Services

Office of the Public Service Commission

086 758 2239

(c) posting comments to:

Director-General

Office of the Public Service Commission

Attention: Legal Services

Private Bag X 121

Pretoria

0001

3. Kindly provide the name, address, telephone and fax number, and email address of the person or organisation submitting the comments.

REPUBLIC OF SOUTH AFRICA

**PUBLIC SERVICE COMMISSION AMENDMENT BILL**

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*(As introduced in the National Assembly (proposed section 76); explanatory summary of  
Bill published in Government Gazette No. 36563 of 14 July 2013) (The English text is the official  
text of the Bill)*  
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**(MINISTER OF PUBLIC SERVICE AND ADMINISTRATION)**

[B - 2013]

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**GENERAL EXPLANATORY NOTE:**

[            ]      Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_      Words underlined with a solid line indicate insertions in existing enactments.

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**B I L L**

**To amend the Public Service Commission Act, 1997, so as to align it with the Constitution of the Republic of South Africa, 1996; to empower the Public Service Commission to give directions relating to the values and principles that govern public administration, and to provide for matters connected therewith.**

**BE IT ENACTED** by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 46 of 1997**

1.      Section 1 of the Public Service Commission Act, 1997 (hereinafter referred to as the principal Act) is hereby amended by—

(a)     the substitution for the definition of "**Constitution**" of the following definition:

    " '**Constitution**' means the Constitution of the Republic of South Africa, 1996 [(**Act No. 108 of 1996**)];" and

(b) the insertion after the definition of "**officer**" of the following definition:

" 'organ of state' means an organ of state as defined in section 239 of the Constitution;".

#### **Insertion of section 8A in Act 46 of 1997**

2. The following section is hereby inserted in the principal Act, after section 8:

#### **"Directions relating to values and principles that govern public administration**

8A. (1) The Commission may give directions which are consistent with this Act and the Constitution to ensure that, within the State's available resources—

(a) the values and principles set out in section 195 of the Constitution are promoted and complied with;

(b) people's needs are responded to; or

(c) the public service is development-oriented.

(2) The Commission shall, before giving the directions as contemplated in subsection (1), afford the relevant organ of state affected by any obligation flowing from the Commission's directions an opportunity to make representations in relation to—

(a) the manner and timeframes in which the directions may be complied with;

and

(b) the availability of resources to achieve the desired result.

(3) If the Commission gives a direction as contemplated in subsection (1) the relevant executive authority or head of department shall implement the direction—

(a) as soon as possible after receipt of the direction but, in any event, not later than 60 days after the date of such receipt; or

(b) such longer period as the Commission may determine.

(4) The Commission's directions are binding on the State and must be given effect to."

#### **Short title**

3. This Act is called the Public Service Commission Amendment Act, 2013.

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