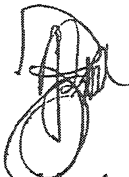


**PROCLAMATION***by the**President of the Republic of South Africa***No. 33****COMMISSION OF INQUIRY INTO REMUNERATION AND CONDITIONS OF SERVICE IN PUBLIC SERVICE AND PUBLIC ENTITIES LISTED IN SCHEDULE 3A AND 3C OF THE PUBLIC FINANCE MANAGEMENT ACT, 1999**

In terms of section 84(2)(f) of the Constitution of the Republic of South Africa, 1996, I hereby appoint a Commission of Inquiry into remuneration and conditions of service in the public service and public entities listed in Schedule 3A and 3C of the Public Finance Management Act, 1999, with the terms of reference hereto, and appoint Honourable Judge (Retired) Sandile Ngcobo as Chairperson of the said Commission.

Given under my Hand and the Seal of the Republic of South Africa at ..... Pretoria ..... this ..... 7<sup>th</sup> ..... day of ..... August ..... Two thousand and Thirteen.

**President**

By Order of the President-in-Cabinet:

**Minister of the Cabinet**

**TERMS OF REFERENCE OF THE COMMISSION OF INQUIRY INTO REMUNERATION AND CONDITIONS OF SERVICE IN PUBLIC SERVICE AND SCHEDULE 3A AND 3C PUBLIC ENTITIES (PFMA)**

1. A Commission of Inquiry ("the Commission") is hereby appointed in terms of section 84(2)(f) of the Constitution of the Republic of South Africa, 1996.
  
2. The Commission is appointed to investigate remuneration and conditions of service in the public service and public entities listed in Schedule 3A and 3C of the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA), with the remuneration of educators receiving priority attention, including matters relating to organisational development, job evaluation and grading, recruitment, appointment and promotion, human resource planning and utilisation, and performance management systems, policies and practices.
  
3. The Commission shall inquire into, make findings, report on and make recommendations concerning the following, taking into consideration the Constitution and other relevant legislation, policies and guidelines:
  - 3.1 Remuneration and conditions of service in the public service and public entities listed in Schedule 3A and 3C of the PFMA.
  - 3.2 Identify best practices in remuneration and conditions of service applied in the public service and public entities listed in Schedule 3A and 3C of the PFMA.
  - 3.3 Fiscal sustainability of the wage bill and whether the state is receiving value for money in terms of its investment.

4. The findings and recommendations of the Commission must address and set out mechanisms that can be employed to—

- (a) eliminate inefficiencies and inconsistencies;
- (b) ensure fairness, equity and efficacy;
- (c) enhance service delivery;
- (d) guarantee fiscal stability;
- (e) ensure market-related remuneration levels;
- (f) ensure suitable job classification linked to remuneration;
- (g) address excessive levels of employment in non-core posts;
- (h) promote sustainable pay progression and performance management;
- (i) improve skills retention;
- (j) establish measurable key performance indicators for the public service in general; and
- (k) promote sound labour relations.

5. The review must include an inquiry into—

- (a) all departments and government components, established in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994);
- (b) the Employment of Educators Act, 1998 (Act 76 of 1998);
- (c) the Correctional Services Act, 1998 (Act 111 of 1998);
- (d) the South African Police Service Act, 1995 (Act 68 of 1998);
- (e) the Civilian Secretariat for Police Service Act, 2011 (Act 2 of 2011); and
- (f) any appropriate Act applicable to the public sector.

6. The Commissions Act, 1947 (Act No. 8 of 1947), applies to the Commission,

subject to such modifications and exemptions as may be specified by proclamation from time to time.

7. The Commission must submit interim reports and recommendations to the President from time to time and at least once a month prior to the final report being presented to the President. The Commission must complete its work within a period of eight (8) months from the date hereof and must submit its final report to the President within a period of two (2) months after the date on which the Commission completes its work.

8. Regulations will be made in terms of the Commissions Act, 1947 and will apply to the Commission to enable the Commission to carry out its review properly and to facilitate the gathering of information by conferring on the Commission such powers as are necessary including the power to enter premises, secure the attendance of witnesses and compel the production of documents.

9. The terms of reference may be amended at any time in consultation with the Commissioners.

10. All organs of state will be required to cooperate fully with the Commission.