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## GENERAL NOTICE ALGEMENE KENNISGEWING

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### NOTICE 680 OF 2008

#### DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

The Minister for the Public Service and Administration intends introducing the Public Administration Management Bill in June 2008 in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.

#### EXPLANATORY SUMMARY OF THE PUBLIC ADMINISTRATION MANAGEMENT BILL

The Public Administration Management Bill (the draft Bill) proposes to provide for administration in the three spheres of government and for related personnel matters. It seeks to bring about the harmonisation of public administration personnel practices, systems and conditions of service over time, in order to facilitate efficient and effective delivery of services.

Under the current legislative framework, the law regulating the staffing of the national, provincial and local government is dealt with under different statutes. One of the primary objects of the draft Bill is to have one basic statute to do so. It is for this reason that all the provisions of the Public Service Act, 1994 and those provisions of the Municipal Structures Act, 1998, and Systems Act, 2000, dealing with staffing are to be repealed, and integrated into one statute. Accordingly, the draft Bill will apply to all departments and government components in the national and provincial spheres of government (i.e. the public service), and municipalities and municipal government components.

The object of the draft Bill is, with due regard to the values and principles in section 195(1) of the Constitution of the Republic of South Africa, 1996, to ensure efficient, quality, collaborative and accountable service delivery by institutions across three spheres to alleviate poverty and promote social and economic development of the people of the Republic. This object is to be achieved amongst others through—

- (a) providing for frameworks for personnel and public administration systems, practices and procedures in institutions;
- (b) removing and preventing unjustifiable disparities in conditions of service of employees in administration across three spheres;
- (c) providing for the setting of standards for services to be delivered by institutions and promoting a culture of service delivery across institutions;
- (d) providing for a senior management service across all institutions;
- (e) providing for standards of conduct and anti-corruption measures to promote service delivery, ethical conduct and professionalism of employees;
- (f) providing for electronic government as a key mechanism to improve internal effectiveness of institutions and service delivery; and

- (g) promoting innovation for the purpose of enhanced effective, efficient and economical service delivery.

The draft Bill respects the powers vested by the Constitution in municipalities, particularly their power to appoint, direct and dismiss their own employees. While the draft Bill does contain provisions that, in carefully circumscribed circumstances, empower the Minister for the Public Service and Administration (the Minister), to set limits on conditions of service of municipal employees, these provisions do not compromise or impede municipalities in exercising their rights or performing the functions conferred on them by the Constitution.

The draft Bill permits employers and trade unions in the local government sphere to negotiate conditions of service in their bargaining councils. This is, however, constrained by provisions that enable the Minister, over time, to address unjustifiable disparities within the public administration, including unjustifiable disparities between the local government and other spheres of government.

Where the interests of municipalities are affected, the draft Bill requires that the concurrence of national organised local government. The South African Local Government Association (SALGA) is currently recognised in terms of the Organised Local Government Act, 1997, as the national organisation representing the majority of provincial organisations which represent the majority of municipalities in their respective provinces. These include concurrence on norms and standards for conditions of service of members of the Senior Management Service as well as on regulations insofar as they apply to municipalities.

Since 1996 the Public Service Commission has monitored and evaluated the performance of the public service in relation to the administration of personnel practices and service delivery. The draft Bill envisages an expanded role for the Commission through an oversight mandate which includes national, provincial and local spheres of government.