

REPUBLIC OF SOUTH AFRICA

PUBLIC SERVICE COMMISSION AMENDMENT BILL

*(As agreed to by the Portfolio Committee on Public Service and Administration
(National Assembly))
(The English text is the official text of the Bill)*

(MINISTER OF PUBLIC SERVICE AND ADMINISTRATION)

[B 21B—2015]

ISBN 978-1-4850-0404-2

No. of copies printed 800

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.

BILL

To amend the Public Service Commission Act, 1997, so as to clarify the procedure with regard to the renewal of term of office of a commissioner; to provide for a commissioner to act as the chairperson when both the chairperson and deputy chairperson are absent or for any reason unable to act as chairperson, and to provide for matters connected therewith.

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

Amendment of section 4 of Act 46 of 1997

1. Section 4 of the Public Service Commission Act, 1997 (Act No. 46 of 1997) (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsections: 5

- “(5) The President may, as contemplated in section 196(10) of the Constitution and within 90 days before the expiry of the first term of office of a commissioner, renew the term of that commissioner for one additional term only—
- (a) in the case of a commissioner who had been approved by the National Assembly, on the recommendation of the National Assembly; and
 - (b) in the case of a commissioner who was nominated by the Premier of a province, on the recommendation of the provincial legislature concerned.
- (6) Subsection (4) does not apply to the renewal of term of office of a commissioner in accordance with subsection (5).” 10
- (7) The renewal must be based on criteria approved by the National Assembly or the provincial legislature, as the case may be.” 15

Amendment of section 5 of Act 46 of 1997

2. Section 5 of the principal Act is hereby amended by the addition of the following subsection: 20

- “(3) If both the chairperson and the deputy chairperson are absent, or for any reason unable to act as chairperson, the President shall designate one commissioner to act as the chairperson of the Commission.”

Short title

3. This Act is called the Public Service Commission Amendment Act, 2015. 25