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GOVERNMENT GAZETTE

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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 1390. 30 October 1998

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 86 of 1998: Public Service Laws Amendment Act, 1998.

No. 1390. 30 Oktober 1998

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 86 van 1998: Wysigingswet op Staatsdienswetgewing, 1998.

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.

(English text signed by the President.)
(Assented to 20 October 1998.)

ACT

To amend the Public Service Act, 1994, so as to readjust the functions of heads of provincial administrations and to further regulate the functions and conditions of service of heads of provincial departments and the conditions of service of heads of organisational components; to provide for the appointment of persons on the grounds of policy considerations; and to make other provision in connection with inefficiency and misconduct; to amend the Public Service Commission Act, 1997, so as to make other provision in connection with the conditions of appointment of commissioners; and to amend the Public Service Laws Amendment Act, 1997, so as to effect certain consequential amendments; 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 promulgated under Proclamation 103 of 1994, as amended by section 32 of Act 38 of 1994, section 27 of Act promulgated under Proclamation 105 of 1994, section 1 of Proclamation R.171 of 1994 and section 1 of Act 47 of 1997 5

1. Section 1 of the Public Service Act, 1994 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in subsection (1) for the definition of “department” of the following definition: 10
 - “(viii) ‘department’ means a national department, **[or a provincial administration referred to in section 7(2)]** a provincial administration or a provincial department; (ii)”;
- (b) by the substitution in the said subsection (1) for paragraphs (e) and (f) of the definition of “executing authority” of the following paragraphs: 15
 - “(e) **[a provincial administration or]** the Office of a Premier of a province, means the Premier of that province acting on his or her own; and
 - (f) a provincial department **[or office]** within an Executive Council portfolio, means the member of such Executive Council responsible for such portfolio;”;
- (c) by the substitution in the said subsection (1) for the definition of “head of department” of the following definition: 20
 - “(xiv) ‘head of department’, ‘head of a department’ or ‘head of the department’ means the incumbent of a post mentioned in the

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 20 Oktober 1998.)

WET

Tot wysiging van die Staatsdienswet, 1994, ten einde die werksaamhede van hoofde van provinsiale administrasies opnuut te reël en die werksaamhede en diensvoorwaardes van hoofde van provinsiale departemente en die diensvoorwaardes van hoofde van organisasiekomponente verder te reël; voorsiening vir die aanstelling van persone op grond van beleidsoorwegings te maak; en ander voorsiening in verband met onbekwaamheid en wangedrag te maak; tot wysiging van die Wet op die Staatsdienskommissie, 1997, ten einde ander voorsiening in verband met die aanstellingsvoorwaardes van kommissarisse te maak; en tot wysiging van die Wysigingswet op Staatsdienswetgewing, 1997, ten einde sekere gevolglike wysigings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet afgekondig by Proklamasie 103 van 1994, soos gewysig deur artikel 32 van Wet 38 van 1994, artikel 27 van Wet afgekondig by 5 Proklamasie 105 van 1994, artikel 1 van Proklamasie R.171 van 1994 en artikel 1 van Wet 47 van 1997

1. Artikel 1 van die Staatsdienswet, 1994 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in subartikel (1) die omskrywing van “departement” deur die volgende omskrywing te vervang:
 - “(ii) ‘departement’ ’n nasionale departement, [of ’n provinsiale administrasie in artikel 7(2) bedoel] ’n provinsiale administrasie of ’n provinsiale departement; (viii)”;
- (b) deur in genoemde subartikel (1) die omskrywing van “departementshoof” deur die volgende omskrywing te vervang:
 - “(iii) ‘departementshoof’, ‘hoof van ’n departement’ of ‘hoof van die departement’ die bekleër van ’n pos [bedoel] genoem in die tweede kolom van Bylae 1 of 2, [met inbegrip van] en ook ’n beampte wat in sodanige pos waarneem; (xiv)”;
- (c) deur in genoemde subartikel (1) die omskrywing van “inkomste” deur die volgende omskrywing te vervang:
 - “(viii) ‘inkomste’ die Nasionale Inkomstefonds ingestel by artikel 213(1) van die Grondwet of, met betrekking tot ’n [beampte of werkne-

- second column of Schedule 1 or 2, and includes any officer acting in such post; (iii)”;
- (d) by the substitution in the said subsection (1) for the definition of “national department” of the following definition:
- “(xvii) ‘national department’ means a national department [or organisational component at the national level of government] referred to in section 7(2); (xiv)”; 5
- (e) by the substitution in the said subsection (1) for the definition of “provincial administration” of the following definition:
- “(xx) ‘provincial administration’ means a provincial administration referred to in section 7(2), but does not include a provincial department in so far as this Act deals with any matter in respect of which a power or duty is entrusted or assigned by or under this Act or any other law to the head of the provincial department or the relevant executing authority; (xviii)”; 10
- (f) by the insertion in the said subsection (1) after the definition of “provincial administration” of the following definition:
- “(xxA) ‘provincial department’ means a provincial department referred to in section 7(2); (xviiiA)”; 15
- (g) by the substitution in the said subsection (1) for the definition of “revenue” of the following definition: 20
- “(xxiv) ‘revenue’ means the National Revenue Fund established by section 213(1) of the Constitution or, in relation to [an officer or employee of a provincial administration] any province, the relevant Provincial Revenue Fund established by section 226(1) of the Constitution, as the case may be; (viii)”; 25
- (h) by the substitution in the said subsection (1) for paragraph (b) of the definition of “Treasury” of the following paragraph:
- “(b) the member of an Executive Council of a province responsible for the execution of the treasury function in that province or a duly authorised officer in [a provincial administration] his or her office or department.” 30

Amendment of section 3 of Act promulgated under Proclamation 103 of 1994, as substituted by section 3 of Act 47 of 1997

2. Section 3 of the principal Act is hereby amended— 35
- (a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:
- “(a) advise the President regarding the establishment or abolition of any department [including] or organisational component in the national sphere of government, or the designation of any such department or organisational component or the head [of department] thereof, in order to enable the President to amend Schedule 1 or [2] 3;”; 40
- (b) by the substitution for paragraph (b) of the said subsection (3) of the following paragraph:
- “(b) after consultation with the relevant executing authority or executing authorities, as the case may be, make determinations regarding the allocation of [functions] any function to, or the abolition of [the functions] any function of, any department or the transfer of [functions] any function from one department to another or from a department to any other body or from any other body to a department: Provided that the provisions of this paragraph shall not be construed so as to empower the Minister— 45
- (i) to allocate any function to, or to abolish any function of, any provincial administration or provincial department except in consultation with the Premier of the province concerned; or 55
- (ii) to transfer any function from one provincial administration or provincial department to another or from a provincial administration or provincial department to any body established by or under any provincial law or from any such body to a provincial administration or provincial department;” 50 60

- mer van 'n provinsiale administrasie] provinsie, die betrokke Provinsiale Inkomstefonds ingestel by artikel 226(1) van die Grondwet, na gelang van die geval; (xxiv)";
- (d) deur in genoemde subartikel (1) die omskrywing van "nasionale departement" deur die volgende omskrywing te vervang:
- “(xiv) ‘nasionale departement’ ’n nasionale departement [of organisasiekomponent op nasionale regeringsvlak] in artikel 7(2) bedoel; (xvii)”;
- (e) deur in genoemde subartikel (1) die omskrywing van “provinsiale administrasie” deur die volgende omskrywing te vervang:
- “(xviii) ‘provinsiale administrasie’ ’n provinsiale administrasie [bedoel] in artikel 7(2) bedoel, maar nie ook ’n provinsiale departement nie vir sover hierdie Wet handel oor ’n aangeleentheid ten opsigte waarvan ’n bevoegdheid of plig by of kragtens hierdie Wet of enige ander wet aan die hoof van die provinsiale departement of die betrokke uitvoeringsgesag toegewys of opgedra is; (xx)”;
- (f) deur in genoemde subartikel (1) die volgende omskrywing na die omskrywing van “provinsiale administrasie” in te voeg:
- “(xviiiA) ‘provinsiale departement’ ’n provinsiale departement in artikel 7(2) bedoel; (xxA)”;
- (g) deur in genoemde subartikel (1) paragraaf (b) van die omskrywing van “Tesourie” deur die volgende paragraaf te vervang:
- “(b) die lid van ’n Uitvoerende Raad van ’n provinsie verantwoordelik vir die uitvoering van die tesouriefunksie in daardie provinsie of ’n behoorlik gemagtigde beampte [van ’n provinsiale administrasie] in sy of haar kantoor of departement,”; en
- (h) deur in genoemde subartikel (1) paragrawe (e) en (f) van die omskrywing van “uitvoeringsgesag” deur die volgende paragrawe te vervang:
- “(e) [’n provinsiale administrasie of] die Kantoor van ’n Premier van ’n provinsie, die Premier van dié provinsie wat op sy of haar eie handel; en
- (f) ’n provinsiale departement [of kantoor] binne ’n Uitvoerende Raadsportefeulje, die lid van sodanige Uitvoerende Raad verantwoordelik vir sodanige portefeulje;”.

35 **Wysiging van artikel 3 van Wet afgekondig by Proklamasie 103 van 1994, soos vervang deur artikel 3 van Wet 47 van 1997**

2. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:
- “(a) die President adviseer betreffende die instelling of afskaffing van ’n departement [met inbegrip van] of organisasiekomponent in die nasionale regeringsfeer, of die benaming van so ’n departement of [departementshoof] organisasiekomponent of die hoof daarvan, ten einde die President in staat te stel om Bylae 1 of [2] 3 te wysig;”;
- (b) deur paragraaf (b) van genoemde subartikel (3) deur die volgende paragraaf te vervang:
- “(b) na oorleg met die betrokke uitvoeringsgesag of uitvoeringsgesagte, na gelang van die geval, vasstellings maak betreffende die toewysing van [werksaamhede] ’n werksaamheid aan, of die afskaffing van [die werksaamhede] ’n werksaamheid van, ’n departement of die oordrag van [werksaamhede] ’n werksaamheid van een departement aan ’n ander of van ’n departement aan ’n ander liggaam of van ’n ander liggaam aan ’n departement: Met dien verstande dat die bepalings van hierdie paragraaf nie so uitgelê word nie dat dit aan die Minister die bevoegdheid verleen—
- (i) om ’n werksaamheid toe te wys aan, of om ’n werksaamheid af te skaf van, ’n provinsiale administrasie of provinsiale departement behalwe in oorleg met die Premier van die betrokke provinsie; of
- (ii) om ’n werksaamheid oor te dra van een provinsiale administrasie of provinsiale departement aan ’n ander of van ’n provinsiale administrasie of provinsiale departement aan ’n liggaam wat by of kragtens ’n provinsiale wet ingestel is of van so ’n liggaam aan ’n provinsiale administrasie of provinsiale departement;”;

- (c) by the substitution in paragraph (a) of subsection (4) for the words preceding subparagraph (i) of the following words:

"If so requested by the President or an executing authority, the Minister may advise, or assist in such manner or on such conditions as the Minister may determine, the President or the relevant executing authority [on] as to any matter relating to—"; and

- (d) by the substitution for paragraph (b) of the said subsection (4) of the following paragraph:

"(b) For the purposes of paragraph (a), the Minister has access to such official documents or may obtain such information from the chief executive officer of the relevant board, institution or body as may be necessary to advise or assist the President or the relevant executing authority."

Insertion of section 3A in Act promulgated under Proclamation 103 of 1994

3. The following section is hereby inserted after section 3 of the principal Act:

"Functions of Premiers

3A. The Premier of a province may—

- (a) subject to the provisions of section 7(5), establish or abolish any department of the provincial administration concerned;
- (b) make determinations regarding the allocation of any function to, or the abolition of any function of, any office or department of the provincial administration concerned or the transfer of any function from one such office or department to another or from such office or department to any body established by or under any law of the provincial legislature or from any such body to such office or department."

Amendment of section 7 of Act promulgated under Proclamation 103 of 1994, as amended by section 4 of Act 47 of 1997

4. Section 7 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

"(2) For the purposes of the administration of the public service there shall be national departments and provincial administrations mentioned in the first column of Schedule 1, [as well as] provincial departments mentioned in the first column of Schedule 2 and the organisational components mentioned in the first column of Schedule [2] 3.";

- (b) by the substitution for subsection (3) of the following subsection:

"(3) (a) Each department shall have a head of department who as an officer shall be the incumbent of the post on the fixed establishment bearing the designation mentioned in the second column of Schedule 1 or 2 opposite the name of the relevant department, or the officer who is acting in that post.

(b) [A] Subject to the provisions of paragraphs (c) and (d), a head of department shall be responsible for the efficient management and administration of his or her department, including the effective utilisation and training of staff, the maintenance of discipline, the promotion of sound labour relations and the proper use and care of State property, and he or she shall perform the functions that may be prescribed.

(c) In addition to any power or duty entrusted or assigned by or under this Act or any other law to the head of a provincial administration, the said head shall—

- (i) be the Secretary to the Executive Council of the province concerned;
- (ii) subject to the provisions of sections 85(2)(c) and 125(2)(e) of the Constitution, be responsible for intergovernmental relations between the relevant provincial administration and other provin-

- (c) deur in paragraaf (a) van subartikel (4) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“Indien aldus versoek deur die President of ’n uitvoeringsgesag, kan die Minister die President of die betrokke uitvoeringsgesag adviseer [oor],
 5 of bystaan op die wyse of op die voorwaardes wat die Minister bepaal, aangaande ’n aangeleentheid met betrekking tot—”; en

- (d) deur paragraaf (b) van genoemde subartikel (4) deur die volgende paragraaf te vervang:

“(b) By die toepassing van paragraaf (a) het die Minister toegang tot
 10 die amptelike stukke of kan die Minister die inligting by die hoof-uitvoerende beampte van die betrokke raad, instelling of liggaam verkry wat nodig is om die President of die betrokke uitvoeringsgesag te adviseer of by te staan.”.

Invoeging van artikel 3A in Wet afgekondig by Proklamasie 103 van 1994

- 15 3. Die volgende artikel word hierby na artikel 3 van die Hoofwet ingevoeg:

“Werksaamhede van Premiers

3A. Die Premier van ’n provinsie kan—

- 20 (a) behoudens die bepalings van artikel 7(5), ’n departement van die betrokke provinsiale administrasie instel of afskaf;
 (b) vasstellings maak betreffende die toewysing van ’n werksaamheid aan, of die afskaffing van ’n werksaamheid van, ’n kantoor of departement van die betrokke provinsiale administrasie of die oordrag van ’n werksaamheid van een so ’n kantoor of departement
 25 aan ’n ander of van so ’n kantoor of departement aan ’n liggaam wat by of kragtens ’n wet van die provinsiale wetgewer ingestel is of van so ’n liggaam aan so ’n kantoor of departement.”.

Wysiging van artikel 7 van Wet afgekondig by Proklamasie 103 van 1994, soos gewysig deur artikel 4 van Wet 47 van 1997

- 30 4. Artikel 7 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Vir die [doel] doeleindes van die administrasie van die staatsdiens is daar nasionale departemente en provinsiale administrasies
 35 genoem in die eerste kolom van Bylae 1, [asook] provinsiale departemente genoem in die eerste kolom van Bylae 2 en die organisasiekomponente genoem in die eerste kolom van Bylae [2] 3.”;

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) (a) Elke departement het ’n departementshoof wat as ’n beampte die bekleër is van die pos op die vaste diensstaat wat aangedui word met die naam genoem in die tweede kolom van Bylae 1 of 2 teenoor die naam van die betrokke departement, of die beampte wat in daardie pos
 40 waarneem.

(b) [’n Departementshoof is] Behoudens die bepalings van paragrafe (c) en (d) is ’n departementshoof verantwoordelik vir die
 45 effektiewe bestuur en administrasie van sy of haar departement, met inbegrip van die doeltreffende benutting en opleiding van personeel, die handhawing van dissipline, die bevordering van gesonde arbeidsverhoudinge en die behoorlike gebruik en versorging van Staatseigendom, en hy of sy moet die werksaamhede verrig wat voorgeskryf word.

(c) Benewens ’n bevoegdheid of plig wat by of kragtens hierdie Wet of enige ander wet aan die hoof van ’n provinsiale administrasie toegewys of opgedra word, is bedoelde hoof—

- (i) die Sekretaris van die Uitvoerende Raad van die betrokke provinsie;
 55 (ii) behoudens die bepalings van artikels 85(2)(c) en 125(2)(e) van die Grondwet, verantwoordelik vir interregeringsbetrekkinge tussen die betrokke provinsiale administrasie en ander provinsiale adminis-

- cial administrations as well as national departments and for the intragovernmental co-operation between the relevant provincial administration and its various provincial departments, including the co-ordination of their actions and legislation; and
- (iii) subject to the provisions of paragraph (d), be responsible for the giving of strategic direction on any matter referred to in section 3(2)(a). 5
- (d) The head of a provincial administration shall in respect of a provincial department exercise no power or perform no duty which is entrusted or assigned by or under this Act or any other law to the head of the provincial department. 10
- (e) The incumbent of a post mentioned in the second column of Schedule 2 shall not by virtue only of such incumbency be entitled to the rank, status or salary scale and accompanying benefits of the incumbent of a post mentioned in the second column of Schedule 1.”; 15
- (c) by the substitution for subsection (4) of the following subsection:
- “(4)(a) An organisational component mentioned in the first column of Schedule [2] 3 and the officer who is the incumbent of the post bearing the designation mentioned in the second column of the said Schedule [2] 3 opposite the name of the relevant organisational component, or the officer who is acting in that post, shall for the purposes of **[the application of the provisions of]** this Act be deemed to be a department and a head of department, respectively. 20
- (b) The incumbent of a post contemplated in this subsection shall not by **[reason]** virtue only of such incumbency be entitled to the **[conditions of service]** rank, status or salary scale and accompanying benefits of the incumbent of a post **[referred to in subsection (3)]** mentioned in the second column of Schedule 1.”; and 25
- (d) by the substitution for subsection (5) of the following subsection:
- (5) (a) The President may— 30
- (i) on the advice of the Minister on the establishment or abolition of any department **[including]** or organisational component in the national sphere of government, or the designation of any such department or organisational component or the head [of department] thereof, amend Schedule 1 or [2] 3 by proclamation in the Gazette; or 35
- (ii) at the request of the Premier of a province for the establishment or abolition of any department of the provincial administration concerned, or the designation of any such department or the head thereof, amend Schedule 2 by proclamation in the *Gazette*, 40
- which amendment, if the President **[deems]** considers it necessary, may be effected retrospectively to the date of the said advice [of the Minister] or request, as the case may be.
- (b) The President shall give effect to any request referred to in paragraph (a)(ii) if the President is satisfied that it is consistent with the provisions of the Constitution or this Act.”. 45

Amendment of section 12 of Act promulgated under Proclamation 103 of 1994, as substituted by section 9 of Act 47 of 1997

5. Section 12 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph: 50
- “(a) was appointed in the office of head of department or to any post mentioned in the second column of Schedule 2 or 3, or was promoted or transferred to that office or post; or”;
- (b) by the substitution in the said subsection (1) for the words preceding paragraph (i) of the following words: 55
- “shall occupy, subject to the provisions of **[Chapters V and VI]** Chapter V and any collective agreement contemplated in section 18(b) of the Public Service Laws Amendment Act, 1998—”;
- (c) by the substitution for paragraph (i) of the said subsection (1) of the following paragraph: 60

trasies sowel as nasionale departemente en vir die intraregering-samewerking tussen die betrokke provinsiale administrasie en sy onderskeie provinsiale departemente, met inbegrip van die koördinering van hul optrede en wetgewing; en

(iii) behoudens die bepalings van paragraaf (d), verantwoordelik vir die gee van strategiese leiding oor 'n aangeleentheid in artikel 3(2)(a) bedoel.

(d) Die hoof van 'n provinsiale administrasie mag ten opsigte van 'n provinsiale departement geen bevoegdheid uitoefen of plig verrig nie wat by of kragtens hierdie Wet of enige ander wet aan die hoof van die provinsiale departement toegewys of opgedra is.

(e) Die bekleër van 'n pos genoem in die tweede kolom van Bylae 2 is nie bloot uit hoofde van sodanige bekleding geregtig nie op die rang, status of salarisskaal en gepaardgaande voordele van die bekleër van 'n pos genoem in die tweede kolom van Bylae 1.”;

(c) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) 'n Organisasiekomponent genoem in die eerste kolom van Bylae [2] 3 en die beamppte wat die pos beklee wat aangedui word met die naam genoem in die tweede kolom van genoemde Bylae [2] 3 teenoor die naam van die betrokke organisasiekomponent, of die beamppte wat in daardie pos waarneem, word **[vir die doeleindes van]** by die toepassing van **[die bepalings van]** hierdie Wet geag onderskeidelik 'n departement en 'n departementshoof te wees.

(b) Die bekleër van 'n pos in hierdie subartikel **[bedoel]** beoog, is nie bloot uit hoofde van sodanige bekleding geregtig nie op die **[diensvoorwaardes]** rang, status of salarisskaal en gepaardgaande voordele van die bekleër van 'n pos **[in subartikel (3) bedoel, geregtig nie]** genoem in die tweede kolom van Bylae 1.”; en

(d) deur subartikel (5) deur die volgende subartikel te vervang:

(5) (a) Die President kan—

(i) op advies van die Minister oor die instelling of afskaffing van 'n departement **[met inbegrip van]** of organisasiekomponent in die nasionale regeringsfeer, of die benaming van so 'n departement of **[departementshoof]** organisasiekomponent of die hoof daarvan, Bylae 1 of [2] 3 by proklamasie in die *Staatskoerant* wysig; of

(ii) op versoek van die Premier van 'n provinsie vir die instelling of afskaffing van 'n departement van die betrokke provinsiale administrasie, of die benaming van so 'n departement of die hoof daarvan, Bylae 2 by proklamasie in die *Staatskoerant* wysig,

welke wysiging, indien die President dit nodig ag, retrospektiewelik tot die datum van **[die]** bedoelde advies **[van die Minister]** of versoek, na gelang van die geval, mag geskied.

(b) Die President gee gevolg aan 'n versoek in paragraaf (a)(ii) bedoel indien die President oortuig is dat dit met die bepalings van die Grondwet of hierdie Wet bestaanbaar is.”.

Wysiging van artikel 12 van Wet afgekondig by Proklamasie 103 van 1994, soos vervang deur artikel 9 van Wet 47 van 1997

5. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) in die amp van 'n departementshoof of in 'n pos genoem in die tweede kolom van Bylae 2 of 3 aangestel is, of tot of na daardie amp of pos bevorder of oorgeplaas is; of”;

(b) deur in genoemde subartikel (1) die woorde wat paragraaf (i) voorafgaan deur die volgende woorde te vervang:

“beklee, behoudens die bepalings van **[Hoofstukke V en VI]** Hoofstuk V en 'n kollektiewe ooreenkoms in artikel 18(b) van die Wysigingswet op Staatsdienswetgewing, 1998, beoog—”;

(c) deur paragraaf (i) van genoemde subartikel (1) deur die volgende paragraaf te vervang:

“(i) in the case of a person referred to in paragraph (a)—

(aa) that office for a period of five years as from the date of his or her appointment, promotion or transfer, or the shorter period approved by the relevant executing authority, and if the term of office was extended at the expiry thereof, for the extended period approved by that executing authority; 5

(bb) that post for a period of five years as from the date of commencement of the Public Service Laws Amendment Act, 1997;” and

(d) by the insertion of the following subsection after subsection (2), the existing subsection (3) becoming subsection (4): 10

“(3) Notwithstanding the provisions of subsection (1), any person referred to in that subsection may at any time after the commencement of the Public Service Laws Amendment Act, 1997, conclude a contract contemplated in subsection (2) with the relevant executing authority.”. 15

Insertion of section 12A in Act promulgated under Proclamation 103 of 1994

6. The following section is hereby inserted after section 12 of the principal Act:

“Appointment of persons on grounds of policy considerations

12A. (1) Subject to the provisions of this section, an executing authority may appoint one or more persons under a special contract, whether in a full-time or part-time capacity— 20

(a) to advise the executing authority on the exercise or performance of the executing authority’s powers and duties;

(b) to advise the executing authority on the development of policy that will promote the relevant department’s objectives; or 25

(c) to perform such other tasks as may be appropriate in respect of the exercise or performance of the executing authority’s powers and duties.

(2) The maximum number of persons that may be appointed by an executing authority under this section and the upper limits of the remuneration and other conditions of service of such persons shall be determined by the Cabinet in the national sphere of government. 30

(3) The special contract contemplated in subsection (1) shall include any term and condition agreed upon between the relevant executing authority and the person concerned, including— 35

(a) the contractual period, which period shall not exceed the term of office of the executing authority;

(b) the particular duties for which the person concerned is appointed; and

(c) the remuneration and other conditions of service of the person concerned.”. 40

Amendment of section 13 of Act promulgated under Proclamation 103 of 1994, as substituted by section 10 of Act 47 of 1997

7. Section 13 of the principal Act is hereby amended by the substitution in subsection (5) for the words preceding paragraph (a) of the following words: 45

“Notwithstanding anything to the contrary contained in subsection (2) or in [Chapter VI] any collective agreement contemplated in section 18(b) of the Public Service Laws Amendment Act, 1998, but subject to the provisions of subsection (6), an officer who is serving on probation may be discharged from the public service by the person having the power of discharge, whether during or at or after the expiry of the period of probation—”. 50

Amendment of section 14 of Act promulgated under Proclamation 103 of 1994, as amended by section 32 of Act 38 of 1994 and section 11 of Act 47 of 1997

8. Section 14 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

- “(i) in die geval van ’n persoon in paragraaf (a) bedoel—
 (aa) dié amp vir ’n tydperk van vyf jaar vanaf die datum van sy of
 haar aanstelling, bevordering of oorpasing, of die korter
 tydperk wat die betrokke uitvoeringsgesag goedgekeur het, en
 indien die ampstermyn by die verstryking daarvan verleng is,
 vir die verlengde tydperk wat deur daardie uitvoeringsgesag
 goedgekeur is;
 (bb) dié pos vir ’n tydperk van vyf jaar vanaf die datum van
 inwerkingtreding van die Wysigingswet op Staatsdienswet-
 gewing, 1997;” en
 (d) deur die volgende subartikel na subartikel (2) in te voeg, terwyl die bestaande
 subartikel (3) subartikel (4) word:
 “(3) Ondanks die bepalinge van subartikel (1) kan ’n persoon in
 daardie subartikel bedoel te eniger tyd na die inwerkingtreding van die
 Wysigingswet op Staatsdienswetgewing, 1997, ’n kontrak in subartikel
 (2) beoog met die betrokke uitvoeringsgesag aangaan.”

Invoeging van artikel 12A in Wet afgekondig by Proklamasie 103 van 1994

6. Die volgende artikel word hierby na artikel 12 van die Hoofwet ingevoeg:

“Aanstelling van persone op grond van beleidsoorwegings

- 20 **12A.** (1) Behoudens die bepalinge van hierdie artikel kan ’n uitvoe-
 ringsgesag een of meer persone op ’n spesiale kontrak, hetsy in ’n
 heeltydse of deeltydse hoedanigheid, aanstel—
 (a) om die uitvoeringsgesag te adviseer oor die uitoefening of verrigting
 van die uitvoeringsgesag se bevoegdhede en pligte;
 25 (b) om die uitvoeringsgesag te adviseer oor die ontwikkeling van beleid
 wat die betrokke departement se oogmerke sal bevorder; of
 (c) om die ander take te verrig wat toepaslik is ten opsigte van die
 uitoefening of verrigting van die uitvoeringsgesag se bevoegdhede en
 pligte.
 30 (2) Die maksimum getal persone wat kragtens hierdie artikel deur ’n
 uitvoeringsgesag aangestel mag word en die boonste perke van die
 besoldiging en ander diensvoorwaardes van sodanige persone word deur
 die Kabinet in die nasionale regeringsfeer bepaal.
 (3) Die spesiale kontrak in subartikel (1) beoog, moet enige beding en
 35 voorwaarde insluit waarop tussen die betrokke uitvoeringsgesag en die
 betrokke persoon ooreengekom word, met inbegrip van—
 (a) die kontraktermyn, watter termyn nie die ampstermyn van die
 uitvoeringsgesag oorskry nie;
 (b) die bepaalde pligte waarvoor die betrokke persoon aangestel word; en
 40 (c) die besoldiging en ander diensvoorwaardes van die betrokke per-
 soon.”

Wysiging van artikel 13 van Wet afgekondig by Proklamasie 103 van 1994, soos vervang deur artikel 10 van Wet 47 van 1997

7. Artikel 13 van die Hoofwet word hierby gewysig deur in subartikel (5) die woorde
 45 wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

- “Ondanks andersluidende bepalinge van subartikel (2) of van [Hoofstuk VI] ’n
 kollektiewe ooreenkoms in artikel 18(b) van die Wysigingswet op Staatsdienswet-
 gewing, 1998, beoog, maar behoudens die bepalinge van subartikel (6), kan ’n
 beampste wat op proef in diens is deur die persoon wat die bevoegdheid het om te
 50 ontslaan, uit die staatsdiens ontslaan word, hetsy gedurende of by of na
 verstryking van die proeftyd—”.

Wysiging van artikel 14 van Wet afgekondig by Proklamasie 103 van 1994, soos gewysig deur artikel 32 van Wet 38 van 1994 en artikel 11 van Wet 47 van 1997

8. Artikel 14 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel
 55 (3) deur die volgende paragraaf te vervang:

“(a) shall not upon transfer suffer any reduction in his or her salary or scale of salary without his or her consent, except in accordance with the provisions of **[Chapter VI and]** section 38 and any collective agreement contemplated in section 18(b) of the Public Service Laws Amendment Act, 1998;”.

Amendment of section 16 of Act promulgated under Proclamation 103 of 1994, as amended by section 32 of Act 38 of 1994, section 3 of Act 13 of 1996, section 1 of Act 67 of 1996 and section 13 of Act 47 of 1997 5

9. Section 16 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (3) of the following paragraph: 10

“(a) Subject to the provisions of this section and the terms and conditions of a contract contemplated in section 12(2)~~[(a)]~~, an officer who occupies the office of head of department has the right to retire from the public service and he or she shall be so retired at the expiry of the term contemplated in section 12(1)~~[(a) or (b)]~~ or (2), or of any extended term contemplated **[in section 12(1)(c)]** therein, as the case may be.”; 15

and
(b) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) **[An]** Subject to the terms and conditions of a contract contemplated in section 12(2), an executing authority may, at the request of an officer occupying the office of head of department, allow him or her to retire from the public service before the expiry of the term contemplated in section 12(1)~~[(a) or (b)]~~ or (2), or any extended term contemplated **[in section 12(1)(c)]** therein, and notwithstanding the absence of any reason for discharge in terms of section 17(2) or the contract concluded with the officer, as the case may be, if a reason exists which **[such]** the said authority deems sufficient.”. 20 25

Repeal of Chapter VI of Act promulgated under Proclamation 103 of 1994

10. Chapter VI of the principal Act is hereby repealed. 30

Substitution of section 34 of Act promulgated under Proclamation 103 of 1994, as substituted by section 27 of Act 47 of 1997

11. The following section is hereby substituted for section 34 of the principal Act:

“Reduction of salaries

34. The salary or scale of salary of an officer shall not be reduced without his or her consent except in terms of the provisions of section 13(6) or 38 or of **[Chapter VI]** any collective agreement contemplated in section 18(b) of the Public Service Laws Amendment Act, 1998, or of an Act of Parliament.”. 35

Amendment of section 43 of Act promulgated under Proclamation 103 of 1994, as amended by section 33 of Act 47 of 1997 40

12. Section 43 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsection (2), the laws mentioned in Schedule **[3]** 4 are hereby repealed to the extent indicated in the third column of that Schedule.”. 45

Substitution of Schedule 1 to Act promulgated under Proclamation 103 of 1994, as amended by Proclamation 106 of 1994, section 32 of Act 38 of 1994, Proclamations 24, 49, R.63, 78 and R.104 of 1995, Proclamations 14, R.44, R.51 and R.63 of 1996, Proclamation 32 of 1997, section 34 of Act 34 of 1997 and Proclamations 7, R.37 and 62 of 1998 50

13. Schedule 1 to this Act is hereby substituted for Schedule 1 to the principal Act.

“(a) se salaris of salarisskaal mag nie sonder sy of haar instemming by oorplasing verlaag word nie, behalwe in ooreenstemming met die bepalinge van **[Hoofstuk VI en]** artikel 38 en ’n kollektiewe ooreenkoms in artikel 18(b) van die Wysigingswet op Staatsdienswetgewing, 1998, beoog.”.

- 5 **Wysiging van artikel 16 van Wet afgekondig by Proklamasie 103 van 1994, soos gewysig deur artikel 32 van Wet 38 van 1994, artikel 3 van Wet 13 van 1996, artikel 1 van Wet 67 van 1996 en artikel 13 van Wet 47 van 1997**

9. Artikel 16 van die Hoofwet word hierby gewysig—

- 10 (a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:
“(a) Behoudens die bepalinge van hierdie artikel en die bedinge en voorwaardes van ’n kontrak in artikel 12(2)[(a)] beoog, het ’n beampte wat die amp van departementshoof beklee die reg om uit die staatsdiens af te tree en word hy of sy aldus verplig om af te tree by verstryking van die termyn in artikel 12(1)[(a) of (b)] of (2) bedoel, of van enige
15 verlengde termyn [in artikel 12(1)(c)] daarin bedoel, na gelang van die geval.”; en

- (b) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:
“(a) [’n Uitvoeringsgesag kan] Behoudens die bedinge en voorwaardes van ’n kontrak in artikel 12(2) beoog, kan ’n uitvoeringsgesag,
20 op versoek van ’n beampte wat die amp van departementshoof beklee, hom of haar toelaat om voor die verstryking van die termyn in artikel 12(1)[(a) of (b)] of (2) bedoel, of enige verlengde termyn [in artikel 12(1)(c)] daarin bedoel, en ondanks die afwesigheid van enige rede vir ontslag ingevolge artikel 17(2) of die kontrak wat met die beampte aangegaan is, na gelang van die geval, uit die staatsdiens af te tree indien
25 daar ’n rede bestaan wat [sodanige] bedoelde gesag voldoende ag.”.

Herroeping van Hoofstuk VI van Wet afgekondig by Proklamasie 103 van 1994

10. Hoofstuk VI van die Hoofwet word hierby herroep.

- 30 **Vervanging van artikel 34 van Wet afgekondig by Proklamasie 103 van 1994, soos vervang deur artikel 27 van Wet 47 van 1997**

11. Artikel 34 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verlaging van salarisse

- 35 34. ’n Beampte se salaris of salarisskaal mag nie sonder sy of haar instemming verlaag word nie behalwe ingevolge die bepalinge van artikel 13(6) of 38 of van **[Hoofstuk VI]** ’n kollektiewe ooreenkoms in artikel 18(b) van die Wysigingswet op Staatsdienswetgewing, 1998, beoog of van ’n Parlements wet.”.

Wysiging van artikel 43 van Wet afgekondig by Proklamasie 103 van 1994, soos gewysig deur artikel 33 van Wet 47 van 1997

- 40 12. Artikel 43 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalinge van subartikel (2) word die wette in Bylae [3] 4 genoem hierby herroep in die mate uiteengesit in die derde kolom van daardie Bylae.”.

- 45 **Vervanging van Bylae 1 by Wet afgekondig by Proklamasie 103 van 1994, soos gewysig deur Proklamasie 106 van 1994, artikel 32 van Wet 38 van 1994, Proklamasies 24, 49, R.63, 78 en R.104 van 1995, Proklamasies 14, R.44, R.51 en R.63 van 1996, Proklamasie 32 van 1997, artikel 34 van Wet 34 van 1997 en Proklamasies 7, R.37 en 62 van 1998**

- 50 13. Bylae 1 by die Hoofwet word hierby deur Bylae 1 by hierdie Wet vervang.

Substitution of Schedule 2 to Act promulgated under Proclamation 103 of 1994, as amended by Proclamations 6, 14 and R.51 of 1996, Proclamations 13 and R.21 of 1997 and Proclamations 6 and 7 of 1998

14. Schedule 2 to this Act is hereby substituted for Schedule 2 to the principal Act.

Insertion of Schedule 3 to Act in Act promulgated under Proclamation 103 of 1994 5

15. Schedule 3 to this Act is hereby inserted after Schedule 2 to the principal Act, the existing Schedule 3 becoming Schedule 4.

Amendment of section 6 of Act 46 of 1997

16. Section 6 of the Public Service Commission Act, 1997, is hereby amended by the substitution for subsection (1) of the following subsection: 10

“(1)[(a)] The President may from time to time determine the remuneration and other conditions of appointment of the chairperson, the deputy chairperson and any other commissioner, and such remuneration and conditions of appointment shall not be altered to his or her detriment during his or her term of office.

[(b) **The other conditions of appointment as determined by the President shall not be less favourable than the conditions of service of a head of a department**]”. 15

Amendment of section 34 of Act 47 of 1997, as amended by section 3 of Act 93 of 1997

17. Section 34 of the Public Service Laws Amendment Act, 1997, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: 20

“(b) **[any inquiry into inefficiency and]** any proceedings in respect of **[a charge of misconduct or]** a complaint or grievance instituted or commenced under the principal Act, shall be continued and concluded as if the principal Act had not been amended by this Act, and for that purpose, a reference[—

(i) **in the provisions relating to inefficiency or misconduct, to the Commission shall be construed as a reference to the said Minister;** 25

(ii) in the provisions relating to a complaint or grievance, to the Commission shall be construed as a reference to the Public Service Commission established by section 196(1) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).”. 30

Savings

18. Notwithstanding—

(a) the amendment of the principal Act by the Public Service Laws Amendment Act, 1997 (Act No. 47 of 1997), and the repeal of Chapter VI of the principal Act by this Act, any inquiry into inefficiency and any proceedings in respect of a charge of misconduct instituted or commenced under the principal Act shall be continued and concluded as if the principal Act had not been so amended and repealed, and for that purpose, a reference in the provisions relating to inefficiency and misconduct, to the Commission shall be construed as a reference to the Minister for the Public Service and Administration; 35 40

(b) the repeal of Chapter VI of the principal Act by this Act, the provisions relating to inefficiency and misconduct shall have the effect and status of a collective agreement which is binding on the State, the parties to the Public Service Co-ordinating Bargaining Council and all employees in the public service affected thereby, and for the purposes of the said provisions— 45

(i) section 19 of the principal Act shall be deemed to have been amended—
(aa) by the substitution for subsection (1) of the following subsection:

Vervanging van Bylae 2 by Wet afgekondig by Proklamasie 103 van 1994, soos gewysig deur Proklamasies 6, 14 en R.51 van 1996, Proklamasies 13 en R.21 van 1997 en Proklamasies 6 en 7 van 1998

14. Bylae 2 by die Hoofwet word hierby deur Bylae 2 by hierdie Wet vervang.

5 Invoeging van Bylae 3 by Wet in Wet afgekondig by Proklamasie 103 van 1994

15. Bylae 3 by hierdie Wet word hierby na Bylae 2 by die Hoofwet ingevoeg, terwyl die bestaande Bylae 3 Bylae 4 word.

Wysiging van artikel 6 van Wet 46 van 1997

16. Artikel 6 van die Wet op die Staatsdienskommissie, 1997, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1)[(a)] Die President kan van tyd tot tyd die besoldiging en ander aanstellingsvoorwaardes van die voorsitter, die ondervoorsitter en ’n ander kommissaris bepaal, en sodanige besoldiging en aanstellingsvoorwaardes word nie gedurende sy of haar ampstermyn tot sy of haar nadeel verander nie.

15 [(b) Die ander aanstellingsvoorwaardes soos deur die President bepaal, mag nie minder gunstig as die diensvoorwaardes van ’n hoof van ’n departement wees nie]”.

Wysiging van artikel 34 van Wet 47 van 1997, soos gewysig deur artikel 3 van Wet 93 van 1997

20 17. Artikel 34 van die Wysigingswet op Staatsdienswetgewing, 1997, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) word [enige ondersoek na onbekwaamheid en] enige verrigtinge ten opsigte van [’n aanklag van wangedrag of] ’n klag of grief wat kragtens die Hoofwet ingestel of begin is, voortgesit en afgehandel asof die Hoofwet nie

25 by hierdie Wet gewysig was nie, en vir dié doel word ’n verwysing[—

(i) in die bepalings wat op onbekwaamheid of wangedrag betrekking het, na die Kommissie uitgelê as ’n verwysing na genoemde Minister;

30 (ii)] in die bepalings wat op ’n klag of grief betrekking het, na die Kommissie uitgelê as ’n verwysing na die Staatsdienskommissie by artikel 196(1) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), ingestel.”.

Voorbehoud

18. Ondanks—

35 (a) die wysiging van die Hoofwet deur die Wysigingswet op Staatsdienswetgewing, 1997 (Wet No. 47 van 1997), en die herroeping van Hoofstuk VI van die Hoofwet deur hierdie Wet, word enige ondersoek na onbekwaamheid en enige verrigtinge ten opsigte van ’n aanklag van wangedrag wat kragtens die Hoofwet ingestel of begin is, voortgesit en afgehandel asof die Hoofwet nie

40 aldus gewysig en herroep is nie, en vir dié doel word ’n verwysing in die bepalings met betrekking tot onbekwaamheid en wangedrag, na die Kommissie uitgelê as ’n verwysing na die Minister vir die Staatsdiens en Administrasie;

45 (b) die herroeping van Hoofstuk VI van die Hoofwet deur hierdie Wet, het die bepalings met betrekking tot onbekwaamheid en wangedrag die gevolg en status van ’n kollektiewe ooreenkoms wat bindend is op die Staat, die partye by die Koördinerende Staatsdiens Bedingingsraad en alle werknemers in die staatsdiens wat daardeur geraak word, en by die toepassing van bedoelde bepalings—

50 (i) word artikel 19 van die Hoofwet geag gewysig te gewees het—

(aa) deur die vervanging van subartikel (1) deur die volgende subartikel:

- “(1) If an executing authority has reason to believe that a head of department is unfit for his or her duties or incapable of carrying them out efficiently, the said authority may, unless the terms and conditions of a contract contemplated in section 12(2) provide otherwise, appoint a person or persons to inquire into the relevant allegations.”; and 5
- (bb) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
- “(b) a reference in section 18(9)(a) and (10) to (12) to the executing authority shall be construed as a reference to the President or, in the case of a provincial **[administration]** office or department, the relevant Premier; and”; 10
- (ii) section 27 of the principal Act shall be deemed to have been amended—
- (aa) by the substitution for paragraph (a) of subsection (1) of the following paragraph: 15
- “(a) When a head of department is accused of misconduct, the relevant executing authority may, unless the terms and conditions of a contract contemplated in section 12(2) provide otherwise, appoint a person to investigate the matter and report to him or her thereon, whereupon the said authority may charge that head of department with misconduct.”; and 20
- (bb) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
- “(b) a reference in section 26 to the executing authority shall be construed as a reference to the President or, in the case of a provincial **[administration]** office or department, the relevant Premier;”; and 25
- (iii) a matter which is required or permitted to be prescribed by regulation under the said provisions shall be deemed to be a matter which is required or permitted to be determined by collective bargaining. 30

Short title and commencement

19. (1) This Act shall be called the Public Service Laws Amendment Act, 1998, and shall, subject to subsection (2), come into operation on the date of commencement of the Public Service Laws Amendment Act, 1997 (Act No. 47 of 1997).

(2) The provisions of— 35

- (a) section 6 shall come into operation on a date fixed by the President by proclamation in the *Gazette*; and
- (b) section 16 shall be deemed to have come into operation on 15 December 1997.

- “(1) Indien ’n uitvoeringsgesag rede het om te glo dat ’n departementshoof ongeskik vir sy of haar pligte is of nie in staat is om hulle op bekwame wyse uit te voer nie, kan bedoelde gesag, tensy die bedinge en voorwaardes van ’n kontrak beoog in artikel 12(2) anders bepaal, ’n persoon of persone aanstel om ondersoek na die betrokke bewerings in te stel.”; en
- (bb) deur die vervanging van paragraaf (b) van subartikel (2) deur die volgende paragraaf:
- “(b) ’n verwysing in artikel 18(9)(a) en (10) tot (12) na die uitvoeringsgesag uitgelê word as ’n verwysing na die President of, in die geval van ’n provinsiale [administrasie] kantoor of departement, die betrokke Premier; en”;
- (ii) word artikel 27 van die Hoofwet geag gewysig te gewees het—
- (aa) deur die vervanging van paragraaf (a) van subartikel (1) deur die volgende paragraaf:
- “(a) Wanneer ’n departementshoof van wangedrag beskuldig word, kan die betrokke uitvoeringsgesag, tensy die bedinge en voorwaardes van ’n kontrak beoog in artikel 12(2) anders bepaal, ’n persoon aanstel om die aangeleentheid te ondersoek en aan hom of haar daaroor te rapporteer, waarop bedoelde gesag daardie departementshoof van wangedrag kan aankla.”; en
- (bb) deur die vervanging van paragraaf (b) van subartikel (2) deur die volgende paragraaf:
- “(b) ’n verwysing in artikel 26 na die uitvoeringsgesag uitgelê word as ’n verwysing na die President of, in die geval van ’n provinsiale [administrasie] kantoor of departement, die betrokke Premier;” en
- (iii) word ’n aangeleentheid wat kragtens bedoelde bepalings by regulasie voorgeskryf moet of kan word, geag ’n aangeleentheid te wees wat deur kollektiewe bedinging bepaal moet of kan word.

Kort titel en inwerkingtreding

- 35 19. (1) Hierdie Wet heet die Wysigingswet op Staatsdienswetgewing, 1998, en tree, behoudens subartikel (2), in werking op die datum van inwerkingtreding van die Wysigingswet op Staatsdienswetgewing, 1997 (Wet No. 47 van 1997).
- (2) Die bepalings van—
- (a) artikel 6 tree in werking op ’n datum deur die President by proklamasie in die Staatskoerant bepaal; en
- 40 (b) artikel 16 word geag op 15 Desember 1997 in werking te getree het.

SCHEDULE 1*(To be inserted as Schedule 1 to Act promulgated under Proclamation 103 of 1994)***DEPARTMENTS AND HEADS OF DEPARTMENT
(Section 7(2) and (3))**

Column 1	Column 2
Department of Agriculture	Director-General: Agriculture
Department of Arts, Culture, Science and Technology	Director-General: Arts, Culture, Science and Technology
Department of Communications	Director-General: Communications
Department of Constitutional Development	Director-General: Constitutional Development
Department of Correctional Services	Director-General: Correctional Services
Department of Defence	Secretary for Defence
Department of Education	Director-General: Education
Department of Environmental Affairs and Tourism	Director-General: Environmental Affairs and Tourism
Department of Finance	Director-General: Finance
Department of Foreign Affairs	Director-General: Foreign Affairs
Department of Government Communications and Information System	Director-General: Government Communications and Information System
Department of Health	Director-General: Health
Department of Home Affairs	Director-General: Home Affairs
Department of Housing	Director-General: Housing
Department of Justice	Director-General: Justice
Department of Labour	Director-General: Labour
Department of Land Affairs	Director-General: Land Affairs
Department of Minerals and Energy	Director-General: Minerals and Energy
Department of Public Service and Administration	Director-General: Public Service and Administration
Department of Public Works	Director-General: Public Works
Department of Safety and Security	National Commissioner: South African Police Service
Department of Sport and Recreation	Director-General: Sport and Recreation
Department of State Expenditure	Director-General: State Expenditure
Department of Trade and Industry	Director-General: Trade and Industry
Department of Transport	Director-General: Transport
Department of Water Affairs and Forestry	Director-General: Water Affairs and Forestry
Department of Welfare	Director-General: Welfare
National Intelligence Agency	Director-General: National Intelligence Agency
Office of the President	Director-General: Office of the President
Office of the Executive Deputy President	Director-General: Office of the Executive Deputy President
Office of the Public Service Commission	Director-General: Office of the Public Service Commission
Provincial Administration: Eastern Cape	Director-General: Office of the Premier of Eastern Cape
Provincial Administration: Free State	Director-General: Office of the Premier of Free State
Provincial Administration: Gauteng	Director-General: Office of the Premier of Gauteng

BYLAE 1*(Ingevoeg te word as Bylae 1 by Wet afgekondig by Proklamasie 103 van 1994)***DEPARTEMENTE EN DEPARTEMENTSHOOFDE
(Artikel 7(2) en (3))**

Kolom 1	Kolom 2
Departement van Arbeid	Direkteur-generaal: Arbeid
Departement van Behuising	Direkteur-generaal: Behuising
Departement van Binnelandse Sake	Direkteur-generaal: Binnelandse Sake
Departement van Buitelandse Sake	Direkteur-generaal: Buitelandse Sake
Departement van Finansies	Direkteur-generaal: Finansies
Departement van Gesondheid	Direkteur-generaal: Gesondheid
Departement van Grondsake	Direkteur-generaal: Grondsake
Departement van Handel en Nywerheid	Direkteur-generaal: Handel en Nywerheid
Departement van Justisie	Direkteur-generaal: Justisie
Departement van Kommunikasie	Direkteur-generaal: Kommunikasie
Departement van Korrektiewe Dienste	Direkteur-generaal: Korrektiewe Dienste
Departement van Kuns, Kultuur, Wetenskap en Tegnologie	Direkteur-generaal: Kuns, Kultuur, Wetenskap en Tegnologie
Departement van Landbou	Direkteur-generaal: Landbou
Departement van Minerale en Energie	Direkteur-generaal: Minerale en Energie
Departement van Omgewingsake en Toerisme	Direkteur-generaal: Omgewingsake en Toerisme
Departement van Onderwys	Direkteur-generaal: Onderwys
Departement van Openbare Werke	Direkteur-generaal: Openbare Werke
Departement van Owerheidskommunikasie en Inligtingstelsel	Direkteur-generaal: Owerheidskommunikasie en Inligtingstelsel
Departement van Sport en Ontspanning	Direkteur-generaal: Sport en Ontspanning
Departement van Staatkundige Ontwikkeling	Direkteur-generaal: Staatkundige Ontwikkeling
Departement van Staatsbesteding	Direkteur-generaal: Staatsbesteding
Departement van Staatsdiens en Administrasie	Direkteur-generaal: Staatsdiens en Administrasie
Departement van Veiligheid en Sekuriteit	Nasionale Kommissaris: Suid-Afrikaanse Polisiediens
Departement van Verdediging	Sekretaris vir Verdediging
Departement van Vervoer	Direkteur-generaal: Vervoer
Departement van Waterwese en Bosbou	Direkteur-generaal: Waterwese en Bosbou
Departement van Welsyn	Direkteur-generaal: Welsyn
Kantoor van die President	Direkteur-generaal: Kantoor van die President
Kantoor van die Uitvoerende Adjunkpresident	Direkteur-generaal: Kantoor van die Uitvoerende Adjunkpresident
Kantoor van die Staatsdienskommissie	Direkteur-generaal: Kantoor van die Staatsdienskommissie
Nasionale Intelligensie-agentskap	Direkteur-generaal: Nasionale Intelligensie-agentskap
Provinsiale Administrasie: Gauteng	Direkteur-generaal: Kantoor van die Premier van Gauteng
Provinsiale Administrasie: KwaZulu-Natal	Direkteur-generaal: Kantoor van die Premier van KwaZulu-Natal

Provincial Administration: KwaZulu-Natal	Director-General: Office of the Premier of KwaZulu-Natal
Provincial Administration: Mpumalanga	Director-General: Office of the Premier of Mpumalanga
Provincial Administration: Northern Cape	Director-General: Office of the Premier of Northern Cape
Provincial Administration: Northern Province	Director-General: Office of the Premier of Northern Province
Provincial Administration: North West	Director-General: Office of the Premier of North West
Provincial Administration: Western Cape	Director-General: Office of the Premier of Western Cape
South African Secret Service	Director-General: South African Secret Service

SCHEDULE 2

(To be inserted as Schedule 2 to Act promulgated under Proclamation 103 of 1994)

**PROVINCIAL DEPARTMENTS AND HEADS OF PROVINCIAL
DEPARTMENTS
(Section 7(2) and (3))**

Column 1	Column 2
Eastern Cape	
Department of Agriculture and Land Affairs	Head: Agriculture and Land Affairs
Department of Economic Affairs, Tourism and Environment	Head: Economic Affairs, Tourism and Environment
Department of Education and Training	Head: Education and Training
Department of Finance and Provincial Expenditure	Head: Finance and Provincial Expenditure
Department of Health	Head: Health
Department of Housing and Local Government	Head: Housing and Local Government
Department of Public Works	Head: Public Works
Department of Safety and Security	Head: Safety and Security
Department of Sports, Arts and Culture	Head: Sports, Arts and Culture
Department of Transport	Head: Transport
Department of Welfare	Head: Welfare
Free State	
Department of Agriculture	Head: Agriculture
Department of Education	Head: Education
Department of Environmental Affairs and Tourism	Head: Environmental Affairs and Tourism
Department of Finance and Economic Affairs	Head: Finance and Economic Affairs
Department of Health	Head: Health
Department of Local Government and Housing	Head: Local Government and Housing
Department of Public Works, Roads and Transport	Head: Public Works, Roads and Transport
Department of Safety and Security	Head: Safety and Security
Department of Social Welfare	Head: Social Welfare
Department of Sport, Culture, Science and Technology	Head: Sport, Culture, Science and Technology

Provinsiale Administrasie: Mpumalanga	Direkteur-generaal: Kantoor van die Premier van Mpumalanga
Provinsiale Administrasie: Noordelike Provinsie	Direkteur-generaal: Kantoor van die Premier van Noordelike Provinsie
Provinsiale Administrasie: Noord-Kaap	Direkteur-generaal: Kantoor van die Premier van Noord-Kaap
Provinsiale Administrasie: Noordwes	Direkteur-generaal: Kantoor van die Premier van Noordwes
Provinsiale Administrasie: Oos-Kaap	Direkteur-generaal: Kantoor van die Premier van Oos-Kaap
Provinsiale Administrasie: Vrystaat	Direkteur-generaal: Kantoor van die Premier van Vrystaat
Provinsiale Administrasie: Wes-Kaap	Direkteur-generaal: Kantoor van die Premier van Wes-Kaap
Suid-Afrikaanse Geheimeiens	Direkteur-generaal: Suid-Afrikaanse Geheimeiens

BYLAE 2

(Ingevoeg te word as Bylae 2 by Wet afgekondig by Proklamasie 103 van 1994)

**PROVINSIALE DEPARTEMENTE EN PROVINSIALE
DEPARTEMENTSHOOFDE
(Artikel 7(2) en (3))**

Kolom 1	Kolom 2
Gauteng	
Departement van Behuising en Grondsake	Hoof: Behuising en Grondsake
Departement van Ekonomiese Sake en Finansies	Hoof: Ekonomiese Sake en Finansies
Departement van Gesondheid	Hoof: Gesondheid
Departement van Landbou, Bewaring en Omgewing	Hoof: Landbou, Bewaring en Omgewing
Departement van Onderwys	Hoof: Onderwys
Departement van Ontwikkelingsbeplanning en Plaaslike Bestuur	Hoof: Ontwikkelingsbeplanning en Plaaslike Bestuur
Departement van Openbare Vervoer en Paaie	Hoof: Openbare Vervoer en Paaie
Departement van Sport, Ontspanning, Kuns en Kultuur	Hoof: Sport, Ontspanning, Kuns en Kultuur
Departement van Veiligheid en Sekuriteit	Hoof: Veiligheid en Sekuriteit
Departement van Welsyn en Bevolkingsontwikkeling	Hoof: Welsyn en Bevolkingsontwikkeling
KwaZulu-Natal	
Departement van Finansies	Hoof: Finansies
Departement van Ekonomiese Aangeleenthede en Toerisme	Hoof: Ekonomiese Aangeleenthede en Toerisme
Departement van Gesondheid	Hoof: Gesondheid
Departement van Landbou	Hoof: Landbou
Departement van Onderwys en Kultuur	Hoof: Onderwys en Kultuur
Departement van Plaaslike Bestuur en Behuising	Hoof: Plaaslike Bestuur en Behuising
Departement van Tradisionele en Omgewingsake	Hoof: Tradisionele en Omgewingsake
Departement van Veiligheid en Sekuriteit	Hoof: Veiligheid en Sekuriteit

Gauteng	
Department of Agriculture, Conservation and Environment	Head: Agriculture, Conservation and Environment
Department of Development Planning and Local Government	Head: Development Planning and Local Government
Department of Economic Affairs and Finance	Head: Economic Affairs and Finance
Department of Education	Head: Education
Department of Health	Head: Health
Department of Housing and Land Affairs	Head: Housing and Land Affairs
Department of Public Transport and Roads	Head: Public Transport and Roads
Department of Safety and Security	Head: Safety and Security
Department of Sport, Recreation, Arts and Culture	Head: Sport, Recreation, Arts and Culture
Department of Welfare and Population Development	Head: Welfare and Population Development
KwaZulu-Natal	
Department of Agriculture	Head: Agriculture
Department of Economic Affairs and Tourism	Head: Economic Affairs and Tourism
Department of Education and Culture	Head: Education and Culture
Department of Finance	Head: Finance
Department of Health	Head: Health
Department of Local Government and Housing	Head: Local Government and Housing
Department for Safety and Security	Head: Safety and Security
Department of Traditional and Environmental Affairs	Head: Traditional and Environmental Affairs
Department of Transport	Head: Transport
Department of Welfare and Population Development	Head: Welfare and Population Development
Department of Works	Head: Works
Mpumalanga	
Department of Agriculture	Head: Agriculture
Department of Arts, Culture, Sport and Recreation	Head: Arts, Culture, Sport and Recreation
Department of Central Services	Head: Central Services
Department of Economic Affairs and Gaming	Head: Economic Affairs and Gaming
Department of Education	Head: Education
Department of Environmental Affairs and Tourism	Head: Environmental Affairs and Tourism
Department of Finance	Head: Finance
Department of Health and Welfare	Head: Health and Welfare
Department of Local Government, Housing and Land Administration	Head: Local Government, Housing and Land Administration
Department of Public Works, Roads and Transport	Head: Public Works, Roads and Transport
Department of Safety and Security	Head: Safety and Security

Departement van Vervoer	Hoof: Vervoer
Departement van Welsyn- en Bevolkingsontwikkeling	Hoof: Welsyn- en Bevolkingsontwikkeling
Departement van Werke	Hoof: Werke
Mpumalanga	
Departement van Ekonomiese Sake en Weddery	Hoof: Ekonomiese Sake en Weddery
Departement van Finansies	Hoof: Finansies
Departement van Gesondheid en Welsyn	Hoof: Gesondheid en Welsyn
Departement van Kuns, Kultuur, Sport en Ontspanning	Hoof: Kuns, Kultuur, Sport en Ontspanning
Departement van Landbou	Hoof: Landbou
Departement van Omgewingsake en Toerisme	Hoof: Omgewingsake en Toerisme
Departement van Onderwys	Hoof: Onderwys
Departement van Openbare Werke, Paaie en Vervoer	Hoof: Openbare Werke, Paaie en Vervoer
Departement van Plaaslike Regering, Behuising en Grondadministrasie	Hoof: Plaaslike Regering, Behuising en Grondadministrasie
Departement van Sentrale Dienste	Hoof: Sentrale Dienste
Departement van Veiligheid en Sekuriteit	Hoof: Veiligheid en Sekuriteit
Noordelike Provinsie	
Departement van Behuising en Waterwese	Hoof: Behuising en Waterwese
Departement van Finansies en Besteding	Hoof: Finansies en Besteding
Departement van Gesondheid en Welsyn	Hoof: Gesondheid en Welsyn
Departement van Handel, Nywerheid en Toerisme	Hoof: Handel, Nywerheid en Toerisme
Departement van Landbou, Grond en Omgewing	Hoof: Landbou, Grond en Omgewing
Departement van Onderwys, Kuns, Kultuur en Sport	Hoof: Onderwys, Kuns, Kultuur en Sport
Departement van Openbare Werke	Hoof: Openbare Werke
Departement van Plaaslike Bestuur en Tradisionele Sake	Hoof: Plaaslike Bestuur en Tradisionele Sake
Departement van Veiligheid en Sekuriteit	Hoof: Veiligheid en Sekuriteit
Departement van Vervoer	Hoof: Vervoer
Noord-Kaap	
Departement van Finansies, Ekonomiese Sake en Toerisme	Hoof: Finansies, Ekonomiese Sake en Toerisme
Departement van Gesondheid, Welsyn en Omgewing	Hoof: Gesondheid, Welsyn en Omgewing
Departement van Natuurbewaring, Landbou en Grondhervorming	Hoof: Natuurbewaring, Landbou en Grondhervorming
Departement van Onderwys, Kuns en Kultuur	Hoof: Onderwys, Kuns en Kultuur
Departement van Plaaslike Bestuur en Behuising	Hoof: Plaaslike Bestuur en Behuising
Departement van Sport, Ontspanning, Wetenskap, Tegnologie en Vervoer	Hoof: Sport, Ontspanning, Wetenskap, Tegnologie en Vervoer
Departement van Veiligheid, Sekuriteit en Openbare Werke	Hoof: Veiligheid, Sekuriteit en Openbare Werke

Northern Cape	
Department of Education, Arts and Culture	Head: Education, Arts and Culture
Department of Finance, Economic Affairs and Tourism	Head: Finance, Economic Affairs and Tourism
Department of Health, Welfare and Environment	Head: Health, Welfare and Environment
Department of Local Government and Housing	Head: Local Government and Housing
Department of Nature Conservation, Agriculture and Land Reform	Head: Nature Conservation, Agriculture and Land Reform
Department of Safety, Security and Public Works	Head: Safety, Security and Public Works
Department of Sport, Recreation, Science, Technology and Transport	Head: Sport, Recreation, Science, Technology and Transport
Northern Province	
Department of Agriculture, Land and Environment	Head: Agriculture, Land and Environment
Department of Education, Arts, Culture and Sport	Head: Education, Arts, Culture and Sport
Department of Finance and Expenditure	Head: Finance and Expenditure
Department of Health and Welfare	Head: Health and Welfare
Department of Housing and Water Affairs	Head: Housing and Water Affairs
Department of Local Government and Traditional Affairs	Head: Local Government and Traditional Affairs
Department of Public Works	Head: Public Works
Department of Safety and Security	Head: Safety and Security
Department of Trade, Industry and Tourism	Head: Trade, Industry and Tourism
Department of Transport	Head: Transport
North West	
Department of Agriculture	Head: Agriculture
Department of Arts, Culture and Sports	Head: Arts, Culture and Sports
Department of Education	Head: Education
Department of Finance and Economic Affairs	Head: Finance and Economic Affairs
Department of Health and Developmental Social Welfare	Head: Health and Developmental Social Welfare
Department of Local Government, Housing, Planning and Development	Head: Local Government, Housing, Planning and Development
Department of Public Works and Roads	Head: Public Works and Roads
Department of Safety and Security	Head: Safety and Security
Department of Tourism, Environment and Conservation	Head: Tourism, Environment and Conservation
Department of Transport and Civil Aviation	Head: Transport and Civil Aviation

Noordwes	
Departement van Finansies en Ekonomiese Sake	Hoof: Finansies en Ekonomiese Sake
Departement van Gesondheid en Maatskaplike Welsynontwikkeling	Hoof: Gesondheid en Maatskaplike Welsynontwikkeling
Departement van Kuns, Kultuur en Sport	Hoof: Kuns, Kultuur en Sport
Departement van Landbou	Hoof: Landbou
Departement van Onderwys	Hoof: Onderwys
Departement van Openbare Werke en Paaie	Hoof: Openbare Werke en Paaie
Departement van Plaaslike Regering, Behuising, Beplanning en Ontwikkeling	Hoof: Plaaslike Regering, Behuising, Beplanning en Ontwikkeling
Departement van Toerisme, Omgewing en Bewaring	Hoof: Toerisme, Omgewing en Bewaring
Departement van Veiligheid en Sekuriteit	Hoof: Veiligheid en Sekuriteit
Departement van Vervoer en Burgerlugvaart	Hoof: Vervoer en Burgerlugvaart
Oos-Kaap	
Departement van Behuising en Plaaslike Regering	Hoof: Behuising en Plaaslike Regering
Departement van Ekonomiese Sake, Toerisme en Omgewing	Hoof: Ekonomiese Sake, Toerisme en Omgewing
Departement van Finansies en Provinsiale Besteding	Hoof: Finansies en Provinsiale Besteding
Departement van Gesondheidsdienste	Hoof: Gesondheidsdienste
Departement van Landbou en Grondsake	Hoof: Landbou en Grondsake
Departement van Onderwys en Opleiding	Hoof: Onderwys en Opleiding
Departement van Openbare Werke	Hoof: Openbare Werke
Departement van Sport, Kuns en Kultuur	Hoof: Sport, Kuns en Kultuur
Departement van Veiligheid en Sekuriteit	Hoof: Veiligheid en Sekuriteit
Departement van Vervoer	Hoof: Vervoer
Departement van Welsyn	Hoof: Welsyn
Vrystaat	
Departement van Finansies en Ekonomiese Sake	Hoof: Finansies en Ekonomiese Sake
Departement van Gesondheid	Hoof: Gesondheid
Departement van Landbou	Hoof: Landbou
Departement van Omgewingsake en Toerisme	Hoof: Omgewingsake en Toerisme
Departement van Onderwys	Hoof: Onderwys
Departement van Openbare Werke, Paaie en Vervoer	Hoof: Openbare Werke, Paaie en Vervoer
Departement van Plaaslike Regering en Behuising	Hoof: Plaaslike Regering en Behuising
Departement van Sport, Kultuur, Wetenskap en Tegnologie	Hoof: Sport, Kultuur, Wetenskap en Tegnologie
Departement van Veiligheid en Sekuriteit	Hoof: Veiligheid en Sekuriteit
Departement van Volkswelsyn	Hoof: Volkswelsyn

Western Cape	
Department of Agriculture	Head: Agriculture
Department of Community Safety	Head: Community Safety
Department of Economic Affairs	Head: Economic Affairs
Department of Education	Head: Education
Department of Environmental and Cultural Affairs	Head: Environmental and Cultural Affairs
Department of Finance	Head: Finance
Department of General Administrative Services	Head: General Administrative Services
Department of Health	Head: Health
Department of Housing and Planning	Head: Housing and Planning
Department of Labour Relations and Transformation	Head: Labour Relations and Transformation
Department of Local Government	Head: Local Government
Department of Public Works	Head: Public Works
Department of Social Services	Head: Social Services
Department of Sport and Recreation	Head: Sport and Recreation
Department of Transport	Head: Transport

SCHEDULE 3

(To be inserted as Schedule 3 to Act promulgated under Proclamation 103 of 1994)

ORGANISATIONAL COMPONENTS AND HEADS THEREOF
(Section 7(4))

Column 1	Column 2
Central Statistical Service	Head: Central Statistical Service
Independent Complaints Directorate	Executive Director: Independent Complaints Directorate
Office for Public Enterprises	Head: Office for Public Enterprises

Wes-Kaap	
Departement van Algemene Administratiewe Dienste	Hoof: Algemene Administratiewe Dienste
Departement van Arbeidsverhoudinge en Transformasie	Hoof: Arbeidsverhoudinge en Transformasie
Departement van Behuising en Beplanning	Hoof: Behuising en Beplanning
Departement van Ekonomiese Sake	Hoof: Ekonomiese Sake
Departement van Finansies	Hoof: Finansies
Departement van Gemeenskapsveiligheid	Hoof: Gemeenskapsveiligheid
Departement van Gesondheid	Hoof: Gesondheid
Departement van Landbou	Hoof: Landbou
Departement van Maatskaplike Dienste	Hoof: Maatskaplike Dienste
Departement van Omgewing en Kultuursake	Hoof: Omgewing en Kultuursake
Departement van Onderwys	Hoof: Onderwys
Departement van Plaaslike Bestuur	Hoof: Plaaslike Bestuur
Departement van Publieke Werke	Hoof: Publieke Werke
Departement van Sport en Rekreasie	Hoof: Sport en Rekreasie
Departement van Vervoer	Hoof: Vervoer

BYLAE 3

(Ingevoeg te word as Bylae 3 by Wet afgekondig by Proklamasie 103 van 1994)

**ORGANISASIEKOMPONENTE EN HOOFDE DAARVAN
(Artikel 7(4))**

Kolom 1	Kolom 2
Kantoor vir Openbare Ondernemings	Hoof: Kantoor vir Openbare Ondernemings
Onafhanklike Klagtes Direktoraat	Uitvoerende Direkteur: Onafhanklike Klagtes Direktoraat
Sentrale Statistiekdiens	Hoof: Sentrale Statistiekdiens

