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OFFICE OF THE PRESIDENT

No. 488.

21 April 1999

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

No. 5 of 1999: Public Service Amendment Act, 1999.

KANTOOR VAN DIE PRESIDENT

No. 488.

21 April 1999

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

No. 5 van 1999: Staatsdienswysigingswet, 1999.

GENERAL EXPLANATORY NOTE:

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

*(English text signed by the President.)
(Assented to 14 April 1999.)*

ACT

To amend the Public Service Act, 1994, so as to regulate anew the handling of the appointment and other career incidents of heads of departments; and to provide for incidental matters.

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

Insertion of section 3B in Act promulgated by Proclamation 103 of 1994

1. The following section is hereby inserted in the Public Service Act, 1994, after section 3A:

“Handling of appointment and other career incidents of heads of department

3B. (1) Notwithstanding anything to the contrary contained in this Act, the appointment and other career incidents of the heads of department shall be dealt with by, in the case of—

- (a) a head of a national department or organisational component, the President; and
- (b) a head of a provincial administration, department or office, the relevant Premier.

(2) Any person appointed as head of department may before or at the expiry of his or her term of office, or extended term of office, be deployed with his or her consent by the relevant executing authority referred to in paragraph (a) or (b) of subsection (1) in the case of—

- (a) a head of a national department or organisational component, to perform functions in a similar or any other capacity in any national department or organisational component in a post or against a post of equal, higher or lower grading, or additional to the establishment, as the executing authority deems fit; and
- (b) a head of a provincial administration, department or office, to perform functions in a similar or any other capacity in the administration, department or office of the relevant province in a post or against a post of equal, higher or lower grading or additional to the establishment, as the executing authority deems fit.

(3) Any person appointed as head of department who thereafter is deployed in accordance with subsection (2), shall—

- (a) for the unexpired portion of his or her term of office, or extended term of office, be appointed at the same salary and conditions of service; and

ALGEMENE VERDUIDELIKENDE NOTA:

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

*(Engelse teks deur die President geteken.)
(Goedgekeur op 14 April 1999.)*

WET

Tot wysiging van die Staatsdienswet, 1994, ten einde die hantering van die aanstelling en ander loopbaaninsidente van departementshoofde opnuut te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

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

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

1. Die volgende artikel word hierby in die Staatsdienswet, 1994, na artikel 3A 5 ingevoeg:

“Hantering van aanstelling en ander loopbaaninsidente van departementshoofde

3B. (1) Ondanks enige andersluidende bepalings in hierdie Wet word die aanstelling en ander loopbaaninsidente van departementshoofde gehanteer deur, in die geval van—

- (a) 'n hoof van 'n nasionale departement of organisasiekomponent, die President; en
- (b) 'n hoof van 'n provinsiale administrasie, departement of kantoor, die betrokke Premier.

(2) Enige persoon wat as departementshoof aangestel is, kan voor of by die verstryking van sy of haar ampstermyn, of verlengde ampstermyn, met sy of haar toestemming ontplooi word deur die betrokke uitvoeringsgesag bedoel in paragraaf (a) of (b) van subartikel (1) in die geval van—

- (a) 'n hoof van 'n nasionale departement of organisasiekomponent, om werksaamhede te verrig in 'n soortgelyke of enige ander hoedanigheid in enige nasionale departement of organisasiekomponent in 'n pos of teen 'n pos van gelyke, hoër of laer gradering, of addisioneel tot die diensstaat, wat die uitvoeringsgesag goeddink; en
- (b) 'n hoof van 'n provinsiale administrasie, departement of kantoor, om werksaamhede te verrig in 'n soortgelyke of enige ander hoedanigheid in die administrasie, departement of kantoor van die betrokke provinsie in 'n pos of teen 'n pos van gelyke, hoër of laer gradering, of addisioneel tot die diensstaat, wat die uitvoeringsgesag goeddink.

(3) Enige persoon wat as departementshoof aangestel is, wat daarna ontplooi word ooreenkomstig subartikel (2), word—

- (a) vir die onverstreke gedeelte van sy of haar ampstermyn, of verlengde ampstermyn, aangestel teen dieselfde salaris en diensvoorwaardes; en

(b) at the expiry of his or her term of office, or extended term of office, be appointed at the salary and conditions of service attaching to the post or capacity in which he or she is appointed.

(4) The executing authority referred to in paragraph (a) or (b) of subsection (1) may delegate or assign any power or duty to appoint the head referred to in that paragraph, as well as any power or duty regarding the other career incidents of that head, in the case of—

(a) the President, to the Deputy President or a Minister; or

(b) the Premier of a province, to a Member of the relevant Executive Council.”.

Short title and commencement

2. This Act is called the Public Service Amendment Act, 1999, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

- (b) by die verstryking van sy of haar ampstermyn, of verlengde amps-
termyn, aangestel teen die salaris en diensvoorwaardes verbonde aan
die pos of hoedanigheid waarin hy of sy aangestel is.
- 5 (4) Die uitvoeringsgesag bedoel in paragraaf (a) of (b) van subartikel (1)
kan enige bevoegdheid of plig om die hoof in daardie paragraaf bedoel,
aan te stel asook enige ander bevoegdheid of plig betreffende ander
loopbaaninsidente van daardie hoof, delegeer of opdra, in die geval van—
- 10 (a) die President, aan die Adjunkpresident of 'n Minister; of
(b) die Premier van 'n provinsie, aan 'n Lid van die betrokke Uitvoerende
Raad.”.

Kort titel en inwerkingtreding

2. Hierdie Wet heet die Staatsdienswysigingswet, 1999, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

