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THE PRESIDENCY

No. 7919 15 September 2026

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

Act No. 8 of 2026: Public Service Commission Act, 2026

BOPORESIDENTE

No. 7919 15 September 2026

Ka hona ho tsebisoa hore Mopresidente o amohetse Molao o latelang, oo ka hona o phatlalalitsoeng bakeng sa litaba tse akaretsang:—

Molao wa bo 8 wa 2026: Molao wa Khomishene ya ditshebeletso tsa setjhaba, 2026

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(English text signed by the President)
(Assented to 10 September 2026)

ACT

To regulate the Public Service Commission in accordance with the provisions of section 196 of the Constitution; to regulate the procedure for the appointment of commissioners of the Public Service Commission; to provide for the establishment of the Secretariat of the Commission to support the work of the Commission; to repeal the Public Service Commission Act, 1997; and to provide for matters connected therewith.

PREAMBLE

WHEREAS section 196 of the Constitution of the Republic of South Africa, 1996 provides for a single, independent and impartial Public Service Commission;

AND WHEREAS section 196 of the Constitution—

- provides for a mechanism for the appointment, including the renewal of appointment, and removal of commissioners;
- determines that the Commission, and the procedure for the appointment of commissioners, must further be regulated by national legislation;

AND WHEREAS section 196(4) of the Constitution provides that the powers and functions of the Commission are—

- to promote the values and principles set out in section 195 of the Constitution, throughout the public service;
- to investigate, monitor and evaluate the organisation and administration, and the personnel practices, of the public service;
- to propose measures to ensure effective and efficient performance within the public service;
- to give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in section 195 of the Constitution;
- to report in respect of its activities and the performance of its functions including any finding it may make and directions and advice it may give, and to provide an evaluation of the extent to which the values and principles set out in section 195 of the Constitution are complied with;
- either of its own accord or on receipt of a complaint—
 - o to investigate and evaluate the application of personnel and public administration practices and to report to the relevant executive authority and legislature;
 - o to investigate grievances of employees in the public service concerning official acts or omissions, and to recommend appropriate remedies;
 - o to monitor and investigate adherence to applicable procedures in the public service; and
 - o to advise national and provincial organs of state regarding personnel practices in the public service including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the public service; and

(English text signed by the President)
(Assented to 10 September 2026)

MOLAO

Ho laola Khomishene ya Ditshebeletso tsa Setjhaba ho latela dipehelo tsa karolo ya 196 ya Molaotheo; ho laola mokgwa wa ho thonngwa ha dikomishenara tsa Khomishene ya Ditshebeletso tsa Setjhaba; ho nehelana ka ho thehwa ha Bongodi ba Khomishene ho tshehetsa mosebetsi wa Khomishene; ho fedisa Molao wa Khomishene ya Ditshebeletso tsa Setjhaba, 1997; le ho nehelana ka ditaba tse amanang le hona.

KETAPELE

LE HOJA karolo ya 196 ya Molaotheo wa Rephaboliki ya Afrika Borwa, 1996 e nehelana ka Khomishene ya Ditshebeletso tsa Setjhaba e le nngwe, e ikemetseng le e hlohang leeme;

LE HOJA karolo ya 196 ya Molaotheo—

- e nehelana ka mokgwa wa ho thonngwa, ho kenyeletswa le ntjhafatso ya ho thonngwa, le ho tloswa ha dikomishenara;
- e etsa qeto ya hore Khomishene, le mokgwa wa ho thonngwa ha dikomishenara, ho lokela ho tswela pele ho laolwa ke molao wa naha;

LE HOJA karolo ya 196(4) ya Molaotheo e nehelana ka hore matla le mesebetsi ya Khomishene ke—

- ho ntshetsapele makgabane le metheo e hlahlositsweng karolong ya 195 ya Molaotheo, tshebeletsong yohle ya setjhaba;
- ho fuputsa, ho lekola le ho hlahloba tlhophiso le tsamaiso, le mekgwa ya basebetsi, ya ditshhebeletso tsa setjhaba;
- ho sisinya mehato ya ho netefatsa tshebetso e sebetsang hantle le e hlwahlwa ka hara ditshhebeletso tsa setjhaba;
- ho fana ka ditaelo tse reretsweng ho netefatsa hore mekgwa ya basebetsi e amanang le khiro, diphetisetso, phahamiso le ho lelekwa mosebetsing, di ikamahanya le makgabane le metheo e hlahlositsweng karolong ya 195 ya Molaotheo;
- ho tlaleha mabapi le mesebetsi ya yona le phethahatso ya mesebetsi ya yona ho kenyeletswa le ho fumana eng kapa eng eo e ka e etsang le ho fana ka ditaelo le dikeletso, le ho nehelana ka tlhlahlobo ya hore na makgabane le metheo e hlahlositsweng karolong ya 195 ya Molaotheo e phethahatswa ho le hokae;
- e ka ba ka boithatelo kapa ka ho fumana tletlebo—
 - o ho fuputsa le ho hlahloba tshebediso ya mekgwa ya basebetsi le tsamaiso ya setjhaba le ho tlaleha ho bolaodi ba phethahatso bo amehang le lekgotla la ketsamolao;
 - o ho fuputsa ditletlebo tsa basebetsi ba ditshhebeletsong tsa setjhaba mabapi le diketso tsa semmuso kapa tlhelo, le ho kgothaletsa ditharollo tse nepahetseng;
 - o ho lekola le ho fuputsa boikamahanyo ditsamaisong tse sebetsang ditshhebeletsong tsa setjhaba; le
 - o ho eletsa metheo ya mmuso ya naha le ya provense mabapi le mekgwa ya basebetsi ditshhebeletsong tsa setjhaba ho kenyeletswa le e amanang le khiro, ho thonngwa, phetisetso, ho lelekwa mosebetsing le dintlha tse ding tsa mesebetsi wa basebetsi tshebeletsong ya setjhaba; le

- to exercise or perform the additional powers or functions prescribed by an Act of Parliament;

AND WHEREAS section 196 of the Constitution determines that the Commission has such additional powers and functions as may be prescribed by national legislation;

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

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- ho sebedisa kapa ho phethahatsa matla kapa mesebetsi ya tlatsetso e laetsweng ke Molao wa Palamente;

LE HOJA karolo ya 196 ya Molaotheo e etsa qeto ya hore Khomishene e na le matla kapa mesebetsi ya tlatsetso jwalo ka ha ho laetswe ke molao wa naha;

A E SE E ENTSWE MOLAO ke Palamente ya Rephaboliki ya Afrika Borwa, ka tsela e latelang:—

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PART A DEFINITIONS AND APPLICATION OF ACT

Definitions

1. In this Act, unless the context indicates otherwise:
- “**Chairperson**” means the Chairperson of the Commission designated in terms of section 7; 5
- “**Chief Executive Officer**” means the Chief Executive Officer appointed in terms of section 16(3)(a);
- “**Commission**” means the Public Service Commission referred to in section 196(1) of the Constitution; 10
- “**commissioner**” means a commissioner appointed in accordance with section 196(7) of the Constitution;
- “**Constitution**” means the Constitution of the Republic of South Africa, 1996;
- “**Departmental Bargaining Forum**” means a majority trade union in the Secretariat that is recognised and registered in the bargaining council registered under the Labour Relations Act, 1995, with jurisdiction in the Public Administration or any portion thereof; 15
- “**employee**” means—
- (a) in relation to the Secretariat, any person appointed in terms of section 16(3)(c), or seconded to the Commission under section 16(8); and 20
 - (b) in relation to the public administration, any person appointed in a national department or its entities, a provincial department or its entities and a municipality or its entities,
- but excludes an independent contractor;
- “**executive authority**” means— 25
- (a) in relation to a national department, provincial department or public entity as defined in the Public Finance Management Act, the executive authority as defined in that Act; and
 - (b) in relation to a municipality or a municipal entity as defined in the Municipal Finance Management Act, the executive authority contemplated in section 7 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); 30
- “**Independent Commission**” means the Independent Commission for the Remuneration of Public Office-bearers established by section 2 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997); 35
- “**local government**” means the local sphere of government referred to in section 151 of the Constitution;
- “**municipality**” means a municipality contemplated in section 155 of the Constitution; 40
- “**Municipal Finance Management Act**” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);
- “**prescribed**” means prescribed by rule;
- “**public entity**” means—
- (a) a public entity as defined in section 1 of the Public Finance Management Act; 45
 - and
 - (b) a municipal entity as defined in the Municipal Finance Management Act;
- “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- “**public service**” means all— 50
- (a) national departments;
 - (b) national government components;
 - (c) provincial departments; and
 - (d) provincial government components;
- “**Public Service Act**” means the Public Service Act, 1994 (Proclamation No. 103 of 1994); 55
- “**Public Administration**” means the public service, municipalities and public entities;
- “**rule**” means a rule made under section 20;
- “**Secretariat**” means the Secretariat of the Commission established by section 16; and 60
- “**this Act**” includes a rule.

KAROLO A

DITLHALOSO LE TSHEBEDISO YA MOLAO

Ditlhaloso

1. Ka hara Molao ona, ntle le ha moelelo o bontsha ho hong:
 - “**Modulasetulo**” e hlalosa Modulasetulo wa Khomishene ya thontsweng ho latela karolo ya 7; 5
 - “**Mohlanka wa Phethahatso ya ka Sehloohong**” e hlalosa Mohlanka wa Phethahatso ya ka Sehloohong ya thontsweng ho latela karolo ya 16(3)(a);
 - “**Khomishene**” e hlalosa Khomishene ya Ditshebeletso tsa Setjhaba e boletsweng karolong ya 196(1) ya Molaotheo; 10
 - “**mokomishenara**” e hlalosa mokomishenara ya thontsweng ho latela karolo ya 196(7) ya Molaotheo;
 - “**Molaotheo**” e hlalosa Molaotheo wa Rephaboliki ya Afrika Borwa, 1996;
 - “**Foramo ya Ditherisano ya Lefapha**” e hlalosa mokgatlo wa basebetsi o nang le bongata ho Bongodi o tsejwang le ho ngodiswa lekgotleng la ditherisano le ngodisitsweng tlasa Molao wa Dikamano tsa Basebetsi, 1995, le nang le matla a taolo ho Tsamaiso ya Setjhaba kapa karolo efe kapa efe ya yona; 15
 - “**mosebeletsi**” e hlalosa—
 - (a) mabapi le Bongodi, motho ofe kapa ofe ya thontsweng ho latela karolo ya 16(3)(c), kapa ya rometsweng Khomisheneng tlasa karolo ya 16(8); le 20
 - (b) mabapi le tsamaiso ya setjhaba, motho ofe kapa ofe ya thontsweng lefapheng la naha kapa makaleng a lona, lefapheng la provense kapa makaleng a lona le ho masepala kapa makaleng a ona, empa ho sa kenyeletswe rakonteraka ya ikemetseng;
 - “**bolaodi ba phethahatso**” e hlalosa— 25
 - (a) mabapi le lefapha la naha, lefapha la provense kapa motheo wa setjhaba jwalo ka ha ho hlalositswe Molaong wa Taolo ya Ditjhelete tsa Setjhaba, bolaodi ba phethahatso jwalo ka ha ho hlalositswe Molaong oo; le
 - (b) mabapi le masepala kapa setheo sa masepala jwalo ka ha ho hlalositswe Molaong wa Taolo ya Ditjhelete tsa Masepala, bolaodi ba phethahatso bo hlalositsweng karolong ya 7 ya Mmuso wa Selehae: Molao wa Metheo ya Masepala, 1998 (Molao wa 117 wa 1998); 30
 - “**Khomishene e Ikemetseng**” e hlalosa Khomishene e Ikemetseng ya Meputso ya Basebetsi ba Ofisi ya Setjhaba e thehilweng ke karolo ya 2 ya Molao wa Khomishene e Ikemetseng ya Meputso ya Basebetsi ba Ofisi ya Setjhaba, 1997 (Molao wa 92 wa 1997); 35
 - “**mmuso wa selehae**” e hlalosa lekala la mmuso wa selehae le boletsweng karolong ya 151 ya Molaotheo;
 - “**masepala**” e hlalosa masepala o hlalositsweng karolong ya 155 ya Molaotheo;
 - “**Molao wa Taolo ya Ditjhelete tsa Masepala**” e hlalosa Mmuso wa Selehae: Molao wa Taolo ya Ditjhelete tsa Masepala, 2003 (Molao wa 56 wa 2003); 40
 - “**e laetsweng**” e hlalosa e laetsweng ka molao;
 - “**motheo wa setjhaba**” e hlalosa—
 - (a) motheo wa setjhaba jwalo ka ha ho hlalositswe Molaong wa Taolo ya Ditjhelete tsa Setjhaba; le 45
 - (b) setheo sa masepala jwalo ka ha ho hlalositswe Molaong wa Taolo ya Ditjhelete tsa Masepala;
 - “**Molao wa Taolo ya Ditjhelete tsa Setjhaba**” e hlalosa Molao wa Taolo ya Ditjhelete tsa Setjhaba, 1999 (Molao wa 1 wa 1999);
 - “**ditshebeletso tsa setjhaba**” e hlalosa— 50
 - (a) mafapha ohle a naha;
 - (b) dikarolo tsa mmuso wa naha;
 - (c) mafapha a diprovence; le
 - (d) dikarolo tsa mmuso wa provense;
 - “**Molao wa Ditshebeletso tsa Setjhaba**” e hlalosa Molao wa Ditshebeletso tsa Setjhaba, 1994 (Phatlalatso ya 103 ya 1994); 55
 - “**Tsamaiso ya Setjhaba**” e hlalosa tshebeletso ya setjhaba, bomasepala le metheo ya setjhaba;
 - “**molao**” e hlalosa molao o entsweng tlasa karolo ya 20;
 - “**Bongodi**” e hlalosa Bongodi ba Khomishene bo thehilweng ke karolo ya 16; mme 60
 - “**Molao ona**” e kenyeletsa molao.

Application of Act

2. The provisions of this Act apply in relation to the administration of the public service and public administration.

PART B**PUBLIC SERVICE COMMISSION**

5

Constitution of Commission

3. The Commission consists of 14 commissioners as prescribed by the Constitution, which commissioners must, subject to the provisions of this Act and the Constitution, be appointed by the President.

Appointment of commissioners

10

4. (1) Whenever the President is required to appoint a commissioner who has been recommended as provided in terms of—

- (a) section 196(8)(a)(i) of the Constitution, the President must address a request in writing to the Speaker of the National Assembly that a fit and proper person contemplated in section 196(10) of the Constitution and this Act be approved as soon as may be practicable by the National Assembly in accordance with section 196(8)(a)(ii) of the Constitution; or 15
- (b) section 196(8)(b)(i) of the Constitution, the President must address a request in writing to the Premier of the relevant province that a fit and proper person contemplated in section 196(10) of the Constitution and this Act be approved as soon as may be practicable by the relevant provincial legislature in accordance with section 196(8)(b)(ii) of the Constitution. 20

(2) Whenever necessary in terms of this Act—

- (a) to appoint a commissioner envisaged in section 196(7)(a) of the Constitution, the request contemplated in subsection (1)(a) must be referred to a committee contemplated in section 196(8)(a)(i) of the Constitution, as soon as possible, but not later than 30 days as from the date of receipt of the request; or 25
- (b) in the case of a commissioner envisaged in section 196(7)(b) of the Constitution, the request referred to in subsection (1)(b) must be referred to a committee contemplated in section 196(8)(b)(i) of the Constitution, as soon as possible, but not later than 30 days as from the date of receipt of the request. 30

(3) A committee contemplated in subsection (2), must within 30 days of the referral of the request referred to in that subsection, by public notice in media circulating nationally, invite fit and proper persons to submit applications for appointment as commissioner, within a period determined in the notice, but not later than 30 days as from the date of publication of that notice. 35

(4) In considering whether a person complies with the provisions of section 196(10) of the Constitution, the following considerations must serve as a recommendation:

- (a) In relation to his or her qualifications, he or she has a National Qualifications Framework (NQF) level 8 qualification or equivalent qualification as recognised by the South African Qualifications Authority in at least one of the following fields: 40
 - (i) Public administration;
 - (ii) business administration;
 - (iii) human resource management; 45
 - (iv) human behavioural sciences;
 - (v) finance;
 - (vi) social science;
 - (vii) science;
 - (viii) the law; or 50
 - (ix) other related fields; and

Tshebediso ya Molao

2. Dipehelo tsa Molao ona di sebetsa mabapi le tsamaiso ya ditshebeletso tsa setjhaba le tsamaiso ya setjhaba.

KAROLO B**KHOMISHENE YA DITSHEBELETSA TSA SETJHABA**

5

Molaotheo wa Khomishene

3. Khomishene e na le dikomishenara tse 14 jwalo ka ha ho laetswe ke Molaotheo, tseo ho latela dipehelo tsa Molao ona le Molaotheo, di lokelang ho thongwa ke Mopresidente.

Ho thongwa ha dikomishenara

10

4. (1) Nako le nako ha Mopresidente a lokela ho thonya mokomishenara ya kgothaleditsweng jwalo ka ha ho hlalositse ho latela—

(a) karolo ya 196(8)(a)(i) ya Molaotheo, Mopresidente o lokela ho romela kopo e ngotsweng ho Sepikara sa Seboka sa Naha hore motho ya tshwanelehang le ya nang le bokgoni jwalo ka ha ho hlalositse karolong ya 196(10) ya Molaotheo le Molao ona, a amohelwe ke Seboka sa Naha hang ha ho kgoneha ho latela karolo ya 196(8)(a)(ii) ya Molaotheo; kapa

(b) karolo ya 196(8)(b)(i) ya Molaotheo, Mopresidente o lokela ho romela kopo e ngotsweng ho Tonakgolo ya provense e amehang hore motho ya tshwanelehang le ya nang le bokgoni jwalo ka ha ho hlalositse karolong ya 196(10) ya Molaotheo le Molao ona, a amohelwe ke lekgotla la ketsamolao la provense le amehang hang ha ho kgoneha ho latela karolo ya 196(8)(b)(ii) ya Molaotheo.

(2) Nako le nako ha ho hloka hloka ho latela Molao ona—

(a) ho thonya mokomishenara ya boletsweng karolong ya 196(7)(a) ya Molaotheo, kopo e hlalositse karolwaneng ya (1)(a) e lokela ho romelwa ho komiti e hlalositse karolong ya 196(8)(a)(i) ya Molaotheo, ka pele ka moo ho ka kgonehang ka teng, empa e seng ka mora matsatsi a 30 ho tloha letsatsing la ho amohelwa ha kopo; kapa

(b) tabeng ya mokomishenara ya boletsweng karolong ya 196(7)(b) ya Molaotheo, kopo e boletsweng karolwaneng (1)(b) e lokela ho romelwa komiting e hlalositse karolong ya 196(8)(b)(i) ka pele ka moo ho ka kgonehang ka teng, empa e seng ka mora matsatsi a 30 ho tloha letsatsing la ho amohelwa ha kopo.

(3) Komiti e hlalositse karolwaneng ya (2), e tlameha nakong ya matsatsi a 30 ka mora ho romelwa ha kopo e boletsweng karolwaneng eo, ka tsebiso ya setjhaba metjheng ya boraditaba e phatlalatswang naheng ka bophara, e meme batho ba tshwanelehang le ba nang le bokgoni ho romela dikopo tsa ho thongwa jwalo ka mokomishenara, nakong e behilweng tsebisong, empa e seng ka mora matsatsi a 30 ho tloha letsatsing la phatlalatso ya tsebiso eo.

(4) Ha ho hlalojwa hore na motho o ikamahanya le dipehelo tsa karolo ya 196(10) ya Molaotheo, dintlha tse latelang di lokela ho sebetsa e le dikgothaletso:

(a) Mabapi le mangolo a hae a thuto, o na le lengolo la thuto la Moralo wa Naha wa Mangolo a Thuto (NQF) boemong ba 8 kapa mangolo a thuto a lekanang a amohelwang ke Bolaodi ba Mangolo a Thuto Afrika Borwa bonyane ho le leng la mafapha a latelang:

- (i) Tsamaiso ya setjhaba;
- (ii) tsamaiso ya kgwebo;
- (iii) taolo ya disebediswa tsa botho;
- (iv) saense ya boitshwara ba batho;
- (v) ditjhelete;
- (vi) saense ya setjhaba;
- (vii) saense;
- (viii) molao; kapa
- (ix) mafapha a mang a amanang; mme

- (b) in relation to his or her experience, he or she—
- (i) has held office as a head of a department mentioned in Schedule 1 or 2 to the Public Service Act or has held office as a Municipal Manager;
 - (ii) has worked at a senior management level in the public administration for at least eight years; 5
 - (iii) has, for a cumulative period of at least eight years, been a member of Parliament, a provincial legislature, a municipal council or the board or other controlling body of a public entity: Provided that he or she has not served in such capacity for a period of two years immediately prior to the date of the notice referred to in section 4(3); 10
 - (iv) has specialised knowledge of, or at least eight years cumulative experience in, a field referred to in paragraph (a);
 - (v) has, for a cumulative period of at least eight years, lectured public administration or management at a recognised institution of higher learning; or 15
 - (vi) has any combination of experience referred to in subparagraphs (i) to (v), for a cumulative period of at least eight years.

(5) The Speaker of the National Assembly or the Speaker of the relevant provincial legislature must notify the President of the approval as contemplated in section 196(8) of the Constitution, after which the President must effect the appointment of the commissioner within 45 days. 20

(6) A commissioner must, before assuming his or her term of office, take an oath or solemn affirmation before a Judge President of the relevant division of the High Court or any other judge of the High Court designated by that Judge President in the terms set out in Schedule 1. 25

Disqualification from appointment as commissioner

5. Notwithstanding the provisions of section 4, a person is not a fit and proper person, if he or she—

- (a) is not a South African citizen;
- (b) is an unrehabilitated insolvent; 30
- (c) has been declared to be of unsound mind by a court of law in the Republic;
- (d) has at any time been removed from a position of trust by reason of improper conduct;
- (e) has shown a lack of integrity, reliability or honesty;
- (f) is a member of Parliament, any provincial legislature or municipal council or an office bearer of any political party in the Republic; 35
- (g) is a person who was at any time convicted of theft, fraud, forgery and uttering a forged document, perjury, any offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), or the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), or any other offence involving dishonesty; or 40
- (h) has been convicted of any other offence and sentenced to more than 12 months imprisonment without the option of a fine.

Limitation on performing other work by commissioners, renewal of term of office of commissioners and vacation of office by commissioners 45

6. (1) A commissioner may not—
- (a) hold office in any political party or political organisation or be a member of a structure of any political party or political organisation; or
 - (b) without the prior written consent of the President perform or engage himself or herself to perform any remunerative work or other compensated work outside the duties of his or her office. 50

(2) For the purposes of subsection (1)(b), the President must consider whether the remunerative or compensated work could reasonably be expected to interfere with or

- (b) mabapi le boiphihlelo ba hae, o—
- (i) tshwere mosebetsi e le hlooho ya lefapha le boletsweng ho Shejule 1 kapa 2 sa Molao wa Ditshebetso tsa Setjhaba kapa o kile a sebetsa jwalo ka Motsamaisi wa Masepala;
 - (ii) o sebeditse boemong ba bolaodi bo phahameng tsamaisong ya setjhaba bonyane dilemo tse robedi; 5
 - (iii) o bile setho sa Palamente, lekgotla la ketsamolao la provense, lekgotla la masepala kapa lekgotla kapa setho se seng se laolang sa motheo wa setjhaba: Ha feela a eso sebetse maemong a jwalo nako ya dilemo tse pedi hang-hang pele ho letsatsi la tsebiso e boletsweng karolong ya 4(3); 10
 - (iv) o na le tsebo e kgethehileng, kapa bonyane phihlelo ya dilemo tse robedi e bokelletsweng, lefapheng le boletsweng seratswaneng sa (a);
 - (v) o bile le nako ya bonyane dilemo tse robedi a ruta tsamaiso ya setjhaba kapa botsamaisi motheong o tsebahalang wa thuto e phahameng; kapa
 - (vi) o na le motswako ofe kapa ofe wa boiphihlelo bo boletsweng diratswaneng tsa (i) ho ya ho (v), bakeng sa nako e bokellaneng ya bonyane dilemo tse robedi. 15

(5) Sepikara sa Seboka sa Naha kapa Sepikara sa lekgotla la ketsamolao la provense se amehang se lokela ho tsebisa Mopresidente ka tumello jwalo ka ha ho hlalositse karolong ya 196(8) ya Molaotheo, mme ka mora moo Mopresidente o lokela ho thonya mokomishenara nakong ya matsatsi a 45. 20

(6) Mokomishenara pele a qala ho sebetsa, o lokela ho nka kano kapa tiisetso ka pela Moahlodi wa Presidente wa lekala le amehang la Lekgotla le Phahameng la Dinyewe kapa moahlodi ofe kapa ofe wa Lekgotla le Phahameng la Dinyewe ya thontsweng ke Moahlodi wa Presidente ho latela dipehelo tse boletsweng Shejuleng sa 1. 25

Ho se tshwanelehe ho thongwa jwalo ka mokomishenara

5. Ho sa tsotellehe dipehelo tsa karolo ya 4, motho ha se motho ya tshwanelehang le ya nang le bokgoni, haeba—

- (a) e se moahi wa Afrika Borwa;
- (b) e le motho ya sa kgoneng ho lefa; 30
- (c) o tsebisitse ke lekgotla la molao la Rephaboliki hore ha phela hantle kelellong;
- (d) ka nako efe kapa efe o tlositse boemong ba ho tsheptjwa ka lebaka la boitshwaro bo sa lokang;
- (e) o bontshitse ho hloka botshepehi, ho tshepahala kapa ho tshepeha; 35
- (f) ke setho sa Palamente, lekgotla la ketsamolao la provense kapa lekgotla la masepala kapa mohlanka wa mokga ofe kapa ofe wa dipolotiki Rephaboliking;
- (g) ke motho eo ka nako efe kapa efe a ileng a fumanwa a le molato wa boshodu, bomenemene, boqhekanyetsi le ho hlalisa tokomane ya boqhekanyetsi, ho se buwe nnete, tlolo ya molao efe kapa efe tlasa Molao wa Thibelo ya Bobodu, 1958 (Molao wa 6 wa 1958), Molao wa Bobodu, 1992 (Molao wa 94 wa 1992), kapa Molao wa Thibelo le ho Lwantsha Diketso tsa Bobodu, 2004 (Molao wa 12 wa 2004), kapa tlolo ya molao efe kapa efe e amanang le ho se tshepahale; kapa 45
- (h) o fumanwe a le molato wa tlolo efe kapa efe ya molao mme a ahlolaelwa ho ya teronkong dikgwedi tse 12 ntle le monyetla wa tefiso.

Thibelo ya ho etsa mosebetsi o mong ke dikomishenara, ntjhafatso ya nako ya tshebetso ya dikomishenara le ho tlohela mosebetsi ke dikomishenara

6. (1) Mokomishenara ha a lokela— 50
- (a) ho ba le mosebetsi ho mokga ofe kapa ofe wa dipolotiki kapa mokgatlo wa dipolotiki kapa ho ba setho sa motheo wa mokga ofe kapa ofe wa dipolotiki kapa mokgatlo wa dipolotiki; kapa
 - (b) ntle le tumello ya pele e ngotsweng ya Mopresidente ho etsa kapa ho itlama ho etsa mosebetsi ofe kapa ofe o lefang moputso kapa mosebetsi o mong o lefellowang moputso ka ntle ho mosebetsi ya ofisi ya hae. 55
- (2) Bakeng sa merero ya karolwana ya (1)(b), Mopresidente o lokela ho nahana ka hore na mosebetsi o lefang moputso kapa o lefellowang moputso o ka lebellwa ka tsela e utlwahalang ho kena-kenana kapa ho sitisa phethahatso e sebetsang hantle kapa e

impede the effective or efficient performance of the Commission's functions or be in breach of the prescribed ethical conduct of a commissioner.

(3) The President may, upon receipt of a report from the Commission recommending the renewal of a commissioner's term of office, which renewal is supported by that commissioner, in the prescribed manner and at least 120 days prior to the expiration of the commissioner's first term of office, renew the term of that commissioner, within 90 days before the expiry of the term, 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 approved by the relevant provincial legislature, on the recommendation of the provincial legislature concerned.

(4) The President may renew the term of office of a commissioner if the commissioner—

- (a) remains a fit and proper person as required by section 196(10) of the Constitution and this Act; and
- (b) has maintained a satisfactory level of performance in relation to his or her duties.

(5) The President may allow a commissioner to vacate his or her office—

- (a) on account of continued ill-health; or
- (b) at his or her request addressed to the President,

as the case may be, at least three calendar months prior to the date on which he or she wishes to vacate such office, unless the President allows a shorter period in a specific case.

(6) If the President allows a commissioner to vacate office in terms of subsection (5), the President must give written notice to the Speaker of the National Assembly or, in the case of a commissioner referred to in section 196(7)(b) of the Constitution, the Premier of the relevant province and the Speaker of the relevant provincial legislature.

(7) The Commission may, at any time, approach the committee referred to in section 4(2) with regard to any matter pertaining to the office of a commissioner.

(8) In accordance with section 196(11) of the Constitution, a commissioner may be removed from office only on—

- (a) the ground of misconduct, incapacity or incompetence;
- (b) the allegation of misconduct, incapacity or incompetence having being lodged in writing by the complainant with the Speaker of the relevant provincial legislature in the case of a provincial based commissioner or with the Speaker of the National Assembly in the case of a national based commissioner, in accordance with the rules of the National Assembly or the provincial legislature concerned;
- (c) the veracity of the allegations filed having first been tested in accordance with the rules of the National Assembly or the rules of the relevant provincial legislature concerned: Provided that the commissioner is given an opportunity to respond to the allegations in writing;
- (d) a finding by the committee of the relevant provincial legislature in the case of a provincial based commissioner or the National Assembly in the case of a national based commissioner, that the commissioner has misconducted himself or herself or is incapacitated or incompetent;
- (e) the adoption by the relevant provincial legislature or the National Assembly calling for his or her removal from office; and
- (f) a resolution of the relevant provincial legislature or the National Assembly concerning the removal from office of a commissioner having been adopted with a supporting vote of a majority of the members of the relevant provincial legislature or National Assembly.

(9) The President may suspend a commissioner from office at any time after any complaint relating to the grounds referred to in subsection (8)(a) against the commissioner has been received by the relevant provincial legislature or National Assembly, if the President deems the complaint against the commissioner to be of such a serious nature as to make it inappropriate for him or her to perform his or her functions while the complaint is being considered.

(10) The President may suspend a commissioner in terms of subsection (9) on such terms and conditions as the President may determine, including suspension on full pay.

hlwahlwa ya mesebetsi ya Khomishene kapa ho tlola ditaelo tsa boitshwaro tse behilweng tsa mokomishenara.

(3) Mopresidente, ha a fumana tlaleho e tswang Khomisheneng e kgothaletsang ho ntjhafatswa ha nako ya tshebetso ya mokomishenara, e leng ntjhafatso e tshehetswang ke mokomishenara eo, ka mokgwa o laetsweng le bonyane matsatsi a 120 pele nako ya tshebetso ya pele ya mokomishenara e fela, a ka ntjhafatsa nako ya tshebetso ya mokomishenara eo, nakong ya matsatsi a 90 pele nako ya tshebetso e fela, bakeng sa nako ya tshebetso e le nngwe feela e eketsehileng—

(a) tabeng ya mokomishenara ya amohetsweng ke Seboka sa Naha, ka dikgothaletso tsa Seboka sa Naha; le

(b) tabeng ya mokomishenara ya dumelletseng ke lekgotla la ketsamelao la provense le amehang, ka dikgothaletso tsa lekgotla la ketsamolao la provense le amehang.

(4) Mopresidente a ka ntjhafatsa nako ya tshebetso ya mokomishenara haeba mokomishenara—

(a) a dula e le motho ya tshwanelehang le ya nang le bokgoni jwalo ka ha ho hlokeha ho latela karolo ya 196(10) ya Molaotheo le Molao ona; mme

(b) a bolokile boemo bo kgotsofatsang ba tshebetso mabapi le mesebetsi ya hae.

(5) Mopresidente a ka dumella mokomishenara ho tlohela mosebetsi wa hae—

(a) ka lebaka la ho kula ho sa feleng; kapa

(b) ka kopo ya hae e lebisitsweng ho Mopresidente,

ka moo ho ka bang ka teng, bonyane dikgweding tse tharo tsa khalendara pele ho letsatsi leo a lakatsang ho tlohela mosebetsi ka lona, ntle le haeba Mopresidente a dumella nako e kgutshwane tabeng e itseng.

(6) Haeba Mopresidente a dumella mokomishenara ho tlohela mosebetsi ho latela karolwana ya (5), Mopresidente o lokela ho fa Sepikara sa Seboka sa Naha tsebiso e ngotsweng kapa, tabeng ya mokomishenara ya boletsweng karolong ya 196(7)(b) ya Molaotheo, Tonakgolo ya provense e amehang le Sepikara sa lekgotla la ketsamolao la provense le amehang.

(7) Khomishene, ka nako efe kapa efe, e ka buisana le komiti e boletsweng karolong ya 4(2) mabapi le taba efe kapa efe e amanang le ofisi ya mokomishenara.

(8) Ho latela karolo ya 196(11) ya Molaotheo, mokomishenara a ka tloswa mosebetsing feela—

(a) ka lebaka la boitshwaro bo bobbe, ho hloka bokgoni kapa ho se tshwanelehe;

(b) qoso ya boitshwaro bo bobbe, ho hloka bokgoni kapa ho se tshwanelehe ho kentswe ka ho ngola ke motletlebi ho Sepikara sa Lekgotla la ketsamolao la provense le amehang tabeng ya mokomishenara wa provense kapa ho Sepikara sa Seboka sa Naha tabeng ya mokomishenara wa naha, ho latela melao ya Seboka sa Naha kapa lekgotla la ketsamolao la provense le amehang;

(c) bonnete ba diqoso tse hlaisitsweng pele di lekotswe ho latela melao ya Seboka sa Naha kapa melao ya lekgotla la ketsamolao la provense le amehang; Ha feela mokomishenara a fuwe monyetla wa ho araba diqoso ka ho ngola;

(d) qeto ka komiti ya lekgotla la ketsamelao le amehang tabeng ya mokomishenara wa provense kapa Seboka sa Naha tabeng ya mokomishenara wa naha, hore mokomishenara o itshwere hampe kapa ha a na bokgoni kapa ha a tshwanelehe;

(e) ka kamohelo ya lekgotla la ketsamolao la provense le amehang kapa Seboka sa Naha hore a tloswe mosebetsing; le

(f) ka qeto ya Lekgotla la Ketsamolao la Provense le amehang kapa Seboka sa Naha mabapi le ho tloswa mosebetsing ha mokomishenara e amohetswe ka tshehetso ya divoutu tsa bongata ba ditho tsa Lekgotla la Ketsamolao la Provense le amehang kapa Seboka sa Naha.

(9) Mopresidente a ka emisa mokomishenara mosebetsing ka nako efe kapa efe ka mora hore tletlebo efe kapa efe e amanang le mabaka a boletsweng karolwaneng ya (8)(a) kgahlanong le mokomishenara e amohetswe ke Lekgotla la Ketsamelao la Provense le amehang kapa Seboka sa Naha, haeba Mopresidente a nka tletlebo e kgahlanong le mokomishenara e le e tebileng hoo e ka etsang hore a se ke a kgona ho phetha mesebetsi ya hae ha tletlebo e ntse e hlalohjwa.

(10) Mopresidente a ka emisa mokomishenara mosebetsing ho latela karolwana ya (9) ho latela diphelelo le maemo ao Mopresidente a ka a behang, ho kenyeletswa le ho fanyehwa ha moputso o felletseng.

(11) The President must remove a commissioner from office upon receipt from the Speaker of the relevant provincial legislature or the Speaker of the National Assembly, of a notice of the resolution adopted by the relevant provincial legislature or the National Assembly, calling for that commissioner's removal.

(12) If a vacancy occurs in the Commission, the President must appoint another person as a commissioner in terms of section 4. 5

Chairperson and Deputy Chairperson of Commission

7. (1) The President must designate one commissioner as chairperson and another as deputy chairperson of the Commission.

(2) If the Chairperson is absent or for any reason unable to act as chairperson, the Deputy Chairperson must act as chairperson of the Commission. 10

(3) If both the Chairperson and the Deputy Chairperson are absent, or for any reason unable to act as chairperson, the President must designate one commissioner to act as the chairperson of the Commission for a period not exceeding 30 days.

Remuneration and other conditions of appointment of commissioners 15

8. (1) A commissioner is entitled to such remuneration and other conditions of appointment—

(a) as determined by the President, from time to time, by notice in the *Gazette*, after taking into consideration the recommendations of the Independent Commission; and 20

(b) approved by the National Assembly in terms of subsection (2).

(2)(a) A notice issued in terms of subsection (1)(a) must be submitted to the National Assembly for approval before publication thereof.

(b) The National Assembly must, by resolution—

(i) approve the notice, whether in whole or in part; or 25

(ii) disapprove the notice.

(3) A notice in terms of subsection (1)(a) or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of that notice.

(4) The Independent Commission must, when investigating or considering the remuneration and other conditions of appointment, consult with the Cabinet member responsible for finance. 30

(5) The President may determine different remuneration scales and conditions of appointment in respect of the Chairperson, the Deputy Chairperson and other commissioners of the Commission. 35

(6) A commissioner's remuneration may not be reduced, and his or her other conditions of appointment may not be adversely altered during his or her term of office, including any renewal thereof.

Inspections and inquiries by Commission

9. (1) The Commission may inspect departments and other organisational components in the public service or public administration and may access such records or may obtain such information from heads of those departments, organisational components or from other employees in the service of those departments, organisational components as may be necessary for the exercise of its powers or the performance of its functions under the Constitution, the Public Service Act, this Act, or any other law. 40 45

(2) The Commission may conduct an inquiry into any matter in respect of which it is authorised by the Constitution, this Act or any other law to exercise any of its powers or to perform any of its functions.

Investigations by Commission

10. (1) The Commission may investigate departments and other organisational components in the public service or public administration and has access to such records or may obtain such information from heads of those departments, organisational components or from other employees in the service of those departments, organisational 50

(11) Mopresidente o tlameha ho tlosa mokomishenara mosebetsing ha a fumana tsebiso e tswang ho Sepikara sa lekgotla la ketsamolao la provense le amehang kapa Sepikara sa Seboka sa Naha e mabapi le qeto e amohetsweng ke Lekgotla la Ketsamelao la Provense le amehang kapa Seboka sa Naha, e reng mokomishenara eo a tloswe.

(12) Ebang ho ba le sekgeo ka hara Khomishene, Mopresidente o lokela ho thonya motho e mong e le mokomishenara ho latela karolo ya 4. 5

Modulasetulo le motlatsi wa modulasetulo wa Khomishene

7. (1) Mopresidente o lokela ho kgetha mokomishenara a le mong ho ba modulasetulo le e mong ho ba motlatsi wa modulasetulo wa Khomishene.

(2) Ha Modulasetulo a le siyo kapa ka lebaka lefe kapa lefe a sa kgone ho sebetsa jwalo ka modulasetulo, Motlatsi wa Modulasetulo o lokela ho sebetsa jwalo ka modulasetulo wa Khomishene. 10

(3) Ha Modulasetulo le Motlatsi wa Modulasetulo ba le siyo ka bobedi, kapa ka lebaka lefe kapa lefe ba sa kgone ho sebetsa jwalo ka modulasetulo, Mopresidente o lokela ho kgetha mokomishenara a le mong ho sebetsa jwalo ka modulasetulo wa Khomishene bakeng sa nako e sa feteng matsatsi a 30. 15

Moputso le dipehelo tse ding tsa ho thonngwa ha dikomishenara

8. (1) Mokomishenara o na le tokelo ya moputso o jwalo le dipehelo tse ding tsa ho thonngwa—

(a) ho ya ka qeto ya Mopresidente, nako le nako, ka tsebiso Koranteng ya Mmuso, ka mora ho ela hloko dikgothaletso tsa Khomishene e Ikemetseng; le 20

(b) ho ananelwa ke Seboka sa Naha ho latela karolwana ya (2).

(2)(a) Tsebiso e ntshitsweng ho latela karolwana ya (1)(a) e tlameha ho romelwa Sebokeng sa Naha hore e ananelwe pele e phatlalatswa.

(b) Seboka sa Naha se tlameha, ka qeto— 25

(i) se amohela tsebiso, ka ho feletseng kapa ka karolo; kapa

(ii) ho se amohela tsebiso.

(3) Tsebiso ho latela karolwana ya (1)(a) kapa pehelo efe kapa efe ya yona e ka qala ho sebetsa ho tloha ka letsatsi le boletsweng tsebisong, letsatsi leo e ke keng ya ba le fetang selimo se le seng pele ho letsatsi la phatlalatsa ya tsebiso eo. 30

(4) Khomishene e Ikemetseng, ha e fuputsa kapa e nahana ka moputso le dipehelo tse ding tsa ho thonngwa, e tlameha ho buisana le setho sa Kabinete se ikarabellang bakeng sa ditjhelete.

(5) Mopresidente a ka etsa qeto ya mekgahlelo ya meputso e fapaneng le dipehelo tsa ho thonngwa mabapi le Modulasetulo, Motlatsi wa Modulasetulo le dikomishenara tse ding tsa Khomishene. 35

(6) Moputso wa Mokomishenara o ke ke wa fokotswa, mme dipehelo tse ding tsa hae tsa ho thonngwa di ke ke tsa fetolwa hampe nakong ya hae ya tshebetso, ho kenyeletswa le ntjhafatso efe kapa efe ya yona.

Ditlhahlobo le dipatlisiso ka Khomishene 40

9. (1) Khomishene e ka hlahlola mafapha le dikarolo tse ding tsa mokgatlo ditshebeletsong tsa setjhaba kapa tsamaisong ya setjhaba mme e ka fihlella direkoto tse jwalo kapa e ka fumana tlhahisoleseding e jwalo ho dihlooho tsa mafapha ao, dikarolo tsa mokgatlo kapa ho basebetsi ba bang ba sebeletsang mafapha ao, dikarolo tsa mokgatlo jwalo ka ha ho ka hlokeha bakeng sa ho sebedisa matla a yona kapa phethahatso ya mesebetsi ya yona tlasa Molaotheo, Molao wa Ditshebeletso tsa Setjhaba, Molao ona, kapa molao ofe kapa ofe. 45

(2) Khomishene e ka etsa dipatlisiso ntlheng efe kapa efe eo Molaotheo, Molao ona kapa molao ofe kapa ofe o e dumellang, ho sebedisa matla afe kapa afe kapa ho phetha mesebetsi ofe kapa ofe wa yona. 50

Diphuputso ka Khomishene

10. (1) Khomishene e ka fuputsa mafapha le dikarolo tse ding tsa mokgatlo ditshebeletsong tsa setjhaba kapa tsamaisong ya setjhaba mme e ka fihlella direkoto tse jwalo kapa e ka fumana tlhahisoleseding e jwalo ho dihlooho tsa mafapha ao, dikarolo tsa mokgatlo kapa ho basebetsi ba bang ba sebeletsang mafapha ao, dikarolo tsa 55

components as may be necessary for the exercise of its powers or the performance of its functions under the Constitution, the Public Service Act, this Act, or any other law.

(2) The Commission may, in the case of any public entity or municipality and subject to the provisions of subsection (4) investigate any grievance of employees in the service of a public entity or a municipality and may issue directions contemplated in section 196(4)(d) of the Constitution in order to ensure compliance with the values and principles set out in section 195 of the Constitution. 5

(3) If the Commission issues a direction contemplated in subsection (2), the executive authority, accounting officer or the chief executive officer of the public entity concerned or the Mayor and Municipal Council of a municipality, as the case may be, must implement the direction as soon as possible after receipt of the direction but, in any event, within 60 days after the date of such receipt, or such other date as may be determined in the direction. 10

(4) For purposes of asserting the right to have a grievance investigated and considered by the Commission— 15

- (a) an employee may lodge their grievance with the relevant executive authority or chief executive officer or the municipal manager under the circumstances, on the conditions and in the manner provided, if any, in any law relating to the relevant public entity or municipality; and
- (b) if that grievance is not resolved to the satisfaction of the employee, that executive authority must submit the grievance to the Commission in the prescribed manner and within the prescribed period. 20

(5) After the Commission has investigated and considered any such grievance, the Commission may recommend that the relevant executive authority, accounting officer, or chief executive officer, municipal manager, mayor or the municipal council, as the case may be, must act in terms of a particular provision or provisions of this Act or any other law if, having regard to the circumstances of the case, the Commission considers it appropriate to make such a recommendation. 25

(6) A chief executive officer of a public entity, a municipal manager in a municipality or any other person holding a similar post may lodge any such grievance with— 30

- (a) the relevant executive authority in terms of subsection (4)(a); or
- (b) directly with the Commission under the prescribed circumstances, on the prescribed conditions and in the prescribed manner.

Summoning of witnesses

11. (1) The Commission may call upon or, summons any person to appear before it to give evidence on oath or affirmation, or to produce any record or object as may be necessary for the exercise of its powers or the performance of its functions under the Constitution, the Public Service Act, this Act or any other law. 35

(2) A summons must be—

- (a) in the prescribed form; 40
- (b) signed by the Chairperson, a commissioner designated by the Chairperson or any other person designated by the Chairperson; and
- (c) served in the prescribed manner.

(3) Any person who—

- (a) has been duly summoned under this section and who fails, without sufficient cause— 45
 - (i) to attend at the time and place specified in the summons; or
 - (ii) to remain in attendance until excused by the Commission from further attendance;
- (b) has been called upon in terms of subsection (1) and who refuses to be sworn in or to affirm as a witness; or 50
- (c) fails, without sufficient cause—
 - (i) to answer fully and satisfactorily any question lawfully put to them; or

mokgatlo jwalo ka ha ho ka hlokeha bakeng sa ho sebedisa matla a yona kapa phethahatso ya mesebetsi ya yona tlasa Molaotheo, Molao wa Ditshebeletso tsa Setjhaba, Molao ona, kapa molao ofe kapa ofe.

(2) Khomishene, tabeng ya motheo ofe kapa ofe wa setjhaba kapa masepala le ho latela dipehelo tsa karolwana ya (4) e ka fuputsa ditsetlebo dife kapa dife tsa basebetsi tshebeletsong ya motheo wa setjhaba kapa masepala mme e ka fana ka ditaelo tse hlalositsweng karolong ya 196(4)(d) ya Molaotheo molemong wa ho netefatsa boikamahanyo le makgabane le metheo e boletsweng karolong ya 195 ya Molaotheo.

(3) Haeba Khomishene e fana ka taelo e hlalositsweng karolwaneng ya (2), bolaodi ba phethahatso, ofisiri ya boikarabello kapa mohlanka wa phethahatso ya ka sehloohong wa motheo wa setjhaba o amehang kapa Meiyara le Lekgotla la Masepala la masepala, ka moo ho ka bang ka teng, ba lokela ho kenya taelo ena tshebeletsong ka potlako ka moo ho ka kgonehang ka teng ka mora ho amohela taelo ena, empa, maemong ohle, nakong ya matsatsi a 60 ka mora letsatsi la kamohelo e jwalo, kapa ka letsatsi le leng le leng le ka behwang ke taelo ena.

(4) Bakeng sa merero ya ho sebedisa tokelo ya hore tletlebo e fuputswe le ho hlahlojwa ke Khomishene—

(a) mosebeletsi a ka kenya tletlebo ya hae ho bolaodi bo amehang ba phethahatso kapa ho mohlanka wa phethahatso ya ka sehloohong kapa ho motsamaiisi wa masepala tlasa maemo, tlasa dipehelo le ka mokgwa oo ho fanweng ka ona, ha o le teng, molaong ofe kapa ofe o amanang le motheo o amehang wa setjhaba kapa masepala; mme

(b) ha tletlebo eo e sa rarollwe ka tsela e kgotsofatsang mosebeletsi, bolaodi boo ba phethahatso bo tlameha ho romela tletlebo ho Khomishene ka mokgwa o laetsweng le nakong e laetsweng.

(5) Ka mora hore Khomishene e fuputse le ho hlahloba tletlebo efe kapa efe e jwalo, Khomishene e ka kgothaletsa hore bolaodi bo amehang ba phethahatso, ofisiri ya boikarabello, kapa mohlanka wa phethahatso ya ka sehloohong, motsamaiisi wa masepala, meiyara kapa lekgotla la masepala, ka moo ho ka bang ka teng, ba tlameha ho sebetisa ho latela pehelo e itseng kapa dipehelo tsa Molao ona kapa molao ofe kapa ofe o mong haeba ho latela maemo a nyewe, Khomishene e bona ho nepahetse ho etsa kgothaletso e jwalo.

(6) Mohlanka wa Phethahatso ya ka Sehloohong wa motheo wa setjhaba, motsamaiisi wa masepala masepaleng kapa motho ofe kapa ofe ya nang le mosebetsi o tshwanang a ka kenya tletlebo efe kapa efe e jwalo ho—

(a) bolaodi bo amehang ba phethahatso ho latela karolwana ya (4)(a); kapa
(b) ka kotloloho ho Khomishene tlasa maemo a behilweng, hodima dipehelo tse behilweng le ka mokgwa o behilweng.

Ho bitswa ha dipaki

11. (1) Khomishene e ka bitsa kapa ya fa motho ofe kapa ofe samane ya ho hlaha ka pela yona

ho fana ka bopaki ka kano kapa boitlamo, kapa ho hlahisa rekoto kapa ntho efe kapa efe e ka hlokehang bakeng sa ho sebedisa matla a yona kapa ho phetha mesebetsi ya yona ho latela Molaotheo, Molao wa Tshebeletso ya Setjhaba, Molao ona kapa molao ofe kapa ofe.

(2) Samane e tlameha ho ba—

(a) ka mokgwa o laetsweng;
(b) e saennwe ke Modulasetulo, mokomishenara ya thontsweng ke Modulasetulo kapa motho ofe kapa ofe e mong ya thontsweng ke Modulasetulo; mme
(c) e nehelanwe ka mokgwa o laetsweng.

(3) Motho ofe kapa ofe ya—

(a) fuweng samane tlasa karolo ena mme a hloleha, ntle le lebaka le lekaneng—
(i) ho ba teng ka nako le sebaka se boletsweng samaneng; kapa
(ii) ho dula a le teng ho fihlela a lokollwa ke Khomishene hore a se ke a hlola a ba teng;
(b) a bitsitswe ho latela karolwana ya (1) mme a hana ho ikana kapa ho tiiswa e le paki; kapa
(c) a hloleha, ntle le lebaka le lekaneng—
(i) ho araba potso efe kapa efe eo a e botswang ka molao ka botlalo le ka tsela e kgotsofatsang; kapa

- (ii) to produce any record or object in their possession or custody or under their control which they were required to produce in terms of subsection (1),

is guilty of an offence and liable on conviction to a fine not exceeding R50 000.00 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment. 5

(4) Disciplinary action must be taken against an employee guilty of conduct contemplated in subsection (3) once such conduct is formally reported by the Commission to the relevant institution.

(5) The law relating to privilege, as applicable to a witness summonsed to give evidence or to produce any record or object before a court of law, applies in connection with the examination of any person by, or the production of any record or object before, the Commission in terms of this section. 10

Access to reports of Commission

12. (1) Subject to the provisions of subsection (2), no person is entitled to have access to any report prepared by the Commission consequent upon any of its powers and functions in terms of section 196(4) of the Constitution until such time as such report has been submitted to the relevant executive authority or any other person. 15

(2) An investigation report of the Commission dealing with complaints or grievances may be provided to the complainant, aggrieved or affected party, once the investigation report is finalised. 20

(3) The Commission must, subject to section 34(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), refuse access to a report referred to in subsection (1) or (2) if providing access would involve unreasonable disclosure of personal information of a third party, unless— 25

- (a) the interested person has obtained permission of the third party, or
- (b) the part of the report which the interested person wishes to access can reasonably be severed from any part that contains the personal information of the third party.

Implementation of decisions of Commission 30

13. (1) If the Commission has taken any decision consequent upon any of its powers or functions in terms of section 196(4) of the Constitution, the relevant executive authority or other person to whom such decision was directed must report, not later than 60 days as from the date on which such decision was so directed or such other period as the Commission may determine or allow, as the circumstances may require, to the Commission on the manner in which any such decision was implemented or otherwise dealt with. 35

(2) In the event of a refusal or failure by the executive authority or person referred to in subsection (1) to report as provided in that subsection, the Commission may report such refusal or failure— 40

- (a) in the case of an executive authority referred to in paragraph (a) of the definition of “executive authority”, to Parliament or to the provincial legislature concerned;
- (b) in the case of an executive authority referred to in paragraph (b) of the definition of executive authority, to the member of the executive council in the province concerned charged with local government or to the Mayor of the relevant municipality or the Municipal Council, as the case may be; and 45
- (c) in the case of a decision directed to a person responsible to any executive authority referred to in paragraph (a) or (b), to the relevant executive authority, 50

for such action as Parliament, the provincial legislature concerned, the member of the executive council in the province concerned or the relevant executive authority, as the case may be, may deem fit.

(3) A person to whom a direction is issued must implement such direction within a period determined in terms of the relevant law or such period as may be determined by the Commission in the direction. 55

(4) If a person to whom a direction has been issued, believes that he or she has a valid reason not to implement the direction, the matter must be taken on review in a court of law.

- (ii) ho hlalisa rekoto efe kapa efe kapa ntho eo a e tshwereng kapa e matsohong a hae kapa tlasa taolo ya hae eo a neng a lokela ho e hlalisa ho latela karolwana ya (1),

o molato wa tlolo ya molao mme ha a ahlotse o tla lefiswa kotlo e sa feteng R50 000.00 kapa ho kwallwa teronkong nako e sa feteng dikgwedi tse 12 kapa bobedi kotlo le ho kwallwa teronkong. 5

(4) Kgato ya kgalemelo e tlameha ho nkuwa kgahlanong le mosebeletsi ya molato wa boitshwaro bo hlalositsweng karolwaneng ya (3), hang ha boitshwaro bo jwalo bo tlalehilwe semmuso ke Khomishene ho motheo o amehang.

(5) Molao o amanang le tokelo, jwalo ka ha o sebetsa ho paki e fuweng samane ho fana ka bopaki kapa ho hlalisa rekoto efe kapa efe kapa ntho ka pela lekgotla la molao, o sebetsa mabapi le tlhahlobo ya motho ofe kapa ofe, kapa ka tlhahiso ya rekoto efe kapa efe kapa ntho ka pela, Khomishene ho latela karolo ena. 10

Phihlello ya ditlaleho tsa Khomishene

12. (1) Ho latela dipehelo tsa karolwana ya (2), ha ho motho ya nang le tokelo ya ho ba le phihlello ya tlaleho efe kapa efe e hlophisitsweng ke Khomishene ka lebaka la matla le mesebetsi efe kapa efe ya yona ho latela karolo ya 196(4) ya Molaotheo ho fihlela nako eo tlaleho e jwalo e nehetsweng bolaodi ba phethahatso bo amehang kapa motho ofe kapa ofe e mong. 15

(2) Tlaleho ya dipatlisiso ya Khomishene e sebetsanang le ditlaleho kapa dingongoreho e ka fuwa motlalebi, motho ya utlwisisweng bohloko kapa ya amehileng, hang ha tlaleho ya dipatlisiso e phethetswe. 20

(3) Khomishene, ho latela karolo ya 34(2) ya *Promotion of Access to Information Act*, 2000 (Molao wa 2 wa 2000), e tlameha ho hana phihlello ya tlaleho e boletsweng karolwaneng ya (1) kapa (2) haeba ho fana ka phihlello ho tla kenyelletsa ho senolwa ho sa utwahalang ha tlhahisoleding ya motho wa boraro, ntle le haeba— 25

- (a) motho ya amehang a fumane tumello ya motho wa boraro; kapa
- (b) karolo ya tlaleho eo motho ya amehang a batlang ho e fumana e ka arolwa ka tsela e utwahalang karolong efe kapa efe e nang le tlhahisoleding ya motho wa boraro. 30

Ho kenngwa tshehetsong ha diqeto tsa Khomishene

13. (1) Haeba Khomishene e nkile qeto efe kapa efe e amanang le matla kapa mesebetsi ya yona ho latela karolo ya 196(4) ya Molaotheo, bolaodi ba phethahatso bo amehang kapa motho e mong eo qeto e jwalo e lebisitsweng ho yena o tlameha ho tlaleha, nakong e sa feteng matsatsi a 60 ho tloha letsatsing leo qeto e jwalo e lebisitsweng ho yena ka lona kapa ka nako e nngwe eo Khomishene e ka e behang kapa e ka e dumellang, ho ya ka maemo, ho Khomishene ka mokgwa oo qeto e jwalo e ileng ya kenngwa tshehetsong kapa ho sebetswa ka tsela e nngwe. 35

(2) Ha bolaodi ba phethahatso kapa motho ya boletsweng karolwaneng ya (1) ba hana kapa ba hloleha ho tlaleha jwalo ka ha ho hlalositse karolwaneng eo, Khomishene e ka tlaleha ho hana kapa ho hloleha hoo— 40

- (a) tabeng ya bolaodi ba phethahatso bo boletsweng temaneng ya (a) ya tlhaloso ya “bolaodi ba phethahatso”, ho Palamente kapa lekgotla la ketsamolao la provense le amehang;
- (b) tabeng ya bolaodi ba phethahatso bo boletsweng temaneng ya (b) ya tlhaloso ya bolaodi ba phethahatso, ho setho sa lekgotla la phethahatso provenseng e amehang se ikarabellang ho mmuso wa selehae kapa ho Meiyara wa masepala o amehang kapa Lekgotla la Masepala, ka moo ho ka bang ka teng; le
- (c) tabeng ya qeto e lebisitsweng ho motho ya ikarabellang ho bolaodi bofe kapa bofe ba phethahatso bo boletsweng temaneng ya (a) kapa (b), ho bolaodi ba phethahatso bo amehang. 45

bakeng sa ketso e jwalo eo Palamente, lekgotla la ketsamolao la provense le amehang, setho sa lekgotla la phethahatso provenseng e amehang kapa bolaodi ba phethahatso bo amehang, ka moo ho ka bang ka teng, e ka e nkang e le e loketseng. 50

(3) Motho ya fuweng taelo o tlameha ho kenya taelo e jwalo tshehetsong ka nako e behilweng ho latela molao o amehang kapa nako e ka behwang ke Khomishene ka taelo eo. 55

(4) Haeba motho ya fuweng taelo, a dumela hore o na le lebaka le utlwahalang la hore a se ke a phethahatsa taelo eo, taba eo e lokela ho hlalojwa lekgotleng la molao.

Independence and impartiality

14. (1) A commissioner and any person employed in the Secretariat in terms of section 16(3)—

- (a) must serve impartially and independently and exercise or perform their powers and functions in good faith and without fear, favour or prejudice and subject only to the Constitution and the law; and 5
- (b) may not act in any manner that compromises the credibility, impartiality, independence or integrity of the Commission.

(2) A commissioner or any person employed in the Secretariat in terms of section 16(3) must recuse themselves with regard to any matter in which they have any pecuniary interest or any other interest, which might preclude them from performing their functions in a fair, unbiased or proper manner. 10

(3) If any person fails to disclose an interest contemplated in subsection (2) and acts in contravention of that subsection, the Commission may take such steps as it deems necessary to ensure a fair, unbiased and proper investigation or inquiry. 15

Obstruction of Commission

15. (1) No person may hinder or obstruct the Commission in the exercise of its powers and the performance of its functions under the Constitution, this Act, the Public Service Act or any law relating to local government or any public entity.

(2) Any person who hinders or obstructs the Commission in the exercise of its powers and the performance of its functions under the Constitution, this Act, the Public Service Act or any law relating to local government or any public entity, is guilty of an offence and liable on conviction to a fine not exceeding R50 000.00 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment. 20

(3) The Commission may open a criminal case at a police station against any person who hinders or obstructs the Commission in the exercise of its powers. 25

PART C**SECRETARIAT OF COMMISSION****Secretariat of Commission**

16. (1) There is hereby established the Secretariat of the Commission consisting of persons appointed in terms of subsection (3). 30

(2) The Chairperson as the executive authority of the Secretariat has all those powers and duties necessary for the internal organisation of the Secretariat, including its organisational structure and establishment, the transfer of functions within the Secretariat, human resource planning, the creation and abolition of posts and the employment of persons additional to the fixed establishment. 35

(3) Subject to subsection (2), the Commission must, in the exercise of its powers or the performance of its functions in terms of the Constitution, this Act or any law relating to local government or any public entity, be assisted by—

- (a) a suitably qualified and experienced person appointed by the Commission as Chief Executive Officer for a term not exceeding five years which term may be renewed for one additional term not exceeding five years; 40
- (b) any other person or persons appointed by the Commission as Deputy Chief Executive Officer or as Chief Financial Officer or other title as determined by the Chairperson; and 45
- (c) such employees appointed by the Chief Executive Officer, subject to the laws governing the public service, either full-time or part-time, to the Commission to assist the Chief Executive Officer in the performance of his or her functions in terms of subsection (7).

Boikemelo le ho hloka leeme

14. (1) Mokomishenara le motho ofe kapa ofe ya hirilweng Bongoding ho latela karolo ya 16(3)—

- (a) ba lokela ho sebetsa ka ho hloka leeme le ka ho ikemela mme ba sebedise kapa ba phethahatse matla le mesebetsi ya bona ka botshepehi ntle le tshabo, leeme kapa kgethollo mme ba ikamahantse feela le Molaotheo le molao; mme 5
- (b) ba ke ke ba sebetsa ka mokgwa ofe kapa ofe o sitisang ho tshepahala, ho hloka leeme, ho ikemela kapa botshepehi ba Khomishene.

(2) Mokomishenara kapa motho ofe kapa ofe ya hirilweng Bongoding ho latela karolo ya 16(3) o tlameha ho itokolla mabapi le taba efe kapa efe eo a nang le thahasello ya ditjhelete ho yona kapa dithahasello tse ding, e ka mo thibelang ho phetha mesebetsi ya hae ka mokgwa o hlokanang leeme, o se nang leeme kapa o nepahetseng. 10

(3) Haeba motho ofe kapa ofe a hloleha ho senola thahasello e hlalositsweng karolwaneng ya (2) mme a etsa ho sa dumellaneng le karolwana eo, Khomishene e ka nka mehato eo e bonang e hlokeha ho netefatsa hore ho ba le dipatlisiso kapa diphuphutso tse hlokanang leeme, tse se nang leeme le tse nepahetseng. 15

Tshitiso ya Khomishene

15. (1) Ha ho motho ya ka thibela kapa a sitisa Khomishene ho sebedisa matla a yona le ho phetha mesebetsi ya yona ho latela Molaotheo, Molao ona, Molao wa Ditshebetso tsa Setjhaba kapa molao ofe kapa ofe o amanang le mmuso wa selehae kapa motheo ofe kapa ofe wa setjhaba. 20

(2) Motho ofe kapa ofe ya thibelang kapa ya sitisang Khomishene ho sebedisa matla a yona le ho phetha mesebetsi ya yona ho latela Molaotheo, Molao ona, Molao wa Ditshebetso tsa Setjhaba kapa molao ofe kapa ofe o amanang le mmuso wa selehae kapa motheo ofe kapa ofe wa setjhaba, o molato wa tlolo ya molao mme ha a ahlotse o tla lefiswa kotlo e sa feteng R50 000.00 kapa ho kwallwa teronkong nako e sa feteng dikgwedi tse 12 kapa bobedi kotlo le ho kwallwa teronkong. 25

(3) Khomishene e ka bula nyewe ya botlokotsebe seteisheneng sa mapolesa kgahlanong le mang kapa mang ya thibelang kapa ya sitisang Khomishene ho sebedisa matla a yona. 30

KAROLO C**BONGODI BA KHOMISHENE****Bongodi ba Khomishene**

16. (1) Ka hona ho thehwa Bongodi ba Khomishene bo nang le batho ba 15 ba thontsweng ho latela karolwana ya (3). 35

(2) Modulasetulo jwalo ka molaodi wa phethahatso wa Bongodi o na le matla le mesebetsi yohle e hlokehang bakeng sa mokgatlo wa ka hare wa Bongodi, ho kenyelletswa le sebopeho sa mokgatlo le ho thehwa ha sona, phetisetso ya mesebetsi ka hara Bongodi, moralo wa disebediswa tsa botho, ho thehwa le ho fediswa ha mesebetsi le khiro ya batho ba tlatsetsang ho setsi se tsitsitseng. 40

(3) Ho latela karolwana ya (2), Khomishene e lokela ha e sebedisa matla a yona kapa phethahatso ya mesebetsi ya yona ho latela Molaotheo, Molao ona kapa molao ofe kapa ofe o amanang le mmuso wa selehae kapa motheo ofe kapa ofe wa setjhaba, e thuswe ke—

- (a) motho ya nang le mangolo a thuto a tshwanelehang le boiphihlelo ya thontsweng ke Khomishene jwalo ka Mohlanka wa Phethahatso ya ka Sehloohong bakeng sa nako e sa feteng dilemo tse hlano e ka ntjhafatswang nako e le nngwe e sa feteng dilemo tse hlano; 45
- (b) motho ofe kapa ofe kapa batho ba thontsweng ke Khomishene jwalo ka Motlatsi wa Mohlanka wa Phethahatso ya ka Sehloohong kapa jwalo ka Mohlanka wa Ditjhelete ya ka Sehloohong kapa thaetlele e nngwe e jwalo ka ha ho behilwe ke Modulasetulo; le 50
- (c) basebeletsi ba jwalo ba thontsweng ke Mohlanka wa Phethahatso ya ka Sehloohong, ho latela melao e laolang ditshebetso tsa setjhaba, ebang ke ka nako tsohle kapa nakwana, ho Khomishene ho thusa Mohlanka wa Phethahatso ya ka Sehloohong phethahatsong ya mesebetsi ya hae ho latela karolwana ya (7). 55

(4) A person who has served as Chief Executive Officer in terms of subsection (3)(a) is not precluded from applying for the position of Chief Executive Officer after expiry of the renewal period.

(5) The persons appointed in terms of this section—

- (a) are entitled to such remuneration as determined by the Commission, and subject to such terms and conditions of service applicable in terms of the laws governing the public service; and 5
- (b) must enter into performance agreements with the Chairperson and the Chief Executive Officer, as the case may be, on acceptance of appointment and on such regular intervals as determined by the Commission. 10

(6) The Commission must consult with the Cabinet member responsible for finance on issues relating to the remuneration of persons appointed in terms of subsection (3) and prior to submitting its budget and adjustment budget to the National Treasury.

(7) The Chief Executive Officer is responsible for—

- (a) the management of the affairs and operations of the Commission; 15
- (b) the formation and development of an efficient administration;
- (c) the organisation and management of, and administrative control over, all employees appointed in terms of subsection (3)(c) and all employees seconded to the Commission as envisaged in subsection (8);
- (d) the maintenance of discipline in respect of employees; and 20
- (e) the carrying out of the decisions of the Commission, and is in respect thereof and for the purposes of paragraphs (a) to (d) accountable to the Commission and must report thereon to the Commission as often as may be required by the Commission.

(8) The Commission may, in the exercise of its powers or the performance of its functions, at its request, be assisted by employees in the public service, municipality or public entity seconded to the service of the Secretariat in terms of any law regulating such secondment. 25

(9) An employee employed in, or seconded to, the Secretariat must—

- (a) serve impartially and independently and perform their functions in good faith and without fear, favour or prejudice; and 30
- (b) serve in a full-time capacity to the exclusion of any other duty or obligation arising out of any other employment or occupation or the holding of any other office: Provided that the Commission may exempt such employee from the provisions of this paragraph. 35

(10) The Commission may in the exercise of its powers or the performance of its functions by or under the Constitution, this Act or any other law, for specific projects, enter into contracts for the procurement of the services of persons having technical or specialised knowledge of any matter relating to the work of the Commission, and determine the remuneration, including reimbursement for travelling, subsistence and other expenses, of such persons. 40

Delegation of Commission's powers or functions

17. (1) The Commission may delegate to one or more commissioners, or to any committee of the Commission any power conferred upon or function entrusted to the Commission by or under this Act, the Public Service Act, or any other law, excluding the power to delegate referred to in this subsection or a power referred to in section 20, on such conditions as the Commission may determine. 45

(2) The Chairperson may delegate any power referred to in section 16(2) to the Chief Executive Officer on such conditions as the Chairperson may determine.

(3) Any delegation under subsection (1) or (2) may at any time be amended or revoked by the Commission or the Chairperson, as the case may be, subject to any rights that may have become vested as a consequence of a decision made in terms of such delegation. 50

(4) The Commission or Chairperson is not divested of any power or function delegated under subsection (1) or (2) and the Commission or Chairperson, as the case may be, may amend or withdraw any decision made in the exercise of such delegated power or the performance of such delegated function. 55

- (4) Motho ya kileng a sebetsa e le Mohlanka wa Phethahatso ya ka Sehloohong ho latela karolwana ya (3)(a) ha a thibelwe ho etsa kopo ya ho ba Mohlanka wa Phethahatso ya ka Sehloohong ka mora ho fela ha nako ya ntjhafatso.
- (5) Batho ba thontsweng ho latela karolo ena—
- (a) ba na le tokelo ya moputso o jwalo ka ha ho behilwe ke Khomishene, mme ho latela dipehelo le maemo a tshebetso a sebetsang ho latela melao e laolang ditshebeletso tsa setjhaba; mme 5
 - (b) ba tlameha ho kena ditumellanong tsa tshebetso le Modulasetulo le Mohlanka wa Phethahatso ya ka Sehloohong, ka moo ho ka bang ka teng, ka ho amohela ho thonngwa le ka dinako tse tlwaelehileng tse tla behwa ke Khomishene. 10
- (6) Khomishene e tlameha ho buisana le setho sa Kabinete se ikarabellang ho tsa ditjhelete mabapi le ditaba tse amanang le meputso ya batho ba thontsweng ho latela karolwana ya (3) le pele e nehelana ka tekanyetso ya yona le tekanyetso ya tokiso ho Letlotlo la Naha.
- (7) Mohlanka wa Phethahatso ya ka Sehloohong ya ikarabellang bakeng sa— 15
- (a) tsamaiso ya ditaba le tshebetso ya Khomishene;
 - (b) ho theha le ntshetsopele ya tsamaiso e hlwahlwa;
 - (c) tlhophiso le taolo, le taolo ya tsamaiso ya basebeletsi bohle ba thontsweng ho latela karolwana ya (3)(c) le basebeletsi bohle ba rometsweng ho Khomishene jwalo ka ha ho hlalositswe karolwaneng ya (8); 20
 - (d) tlhokomelo ya boitshwaro bo botle mabapi le basebeletsi; le
 - (e) phethahatso ya diqeto tsa Khomishene, mme mabapi le sena le bakeng sa merero ya ditemana tsa (a) ho ya (d) o ikarabella ho Khomishene mme o tlameha ho tlaleha ka hona ho Khomishene nako le nako ka moo Khomishene e ka hloka ka teng. 25
- (8) Khomishene, ha e sebedisa matla a yona kapa e phetha mesebetsi ya yona, ka kopo ya yona, e ka thuswa ke basebeletsi ba ditshebeletso tsa setjhaba, masepala kapa motheo wa setjhaba ba rometsweng tshebeletsong ya Bongodi ho latela molao ofe kapa ofe o laolang ho romelwa ho jwalo.
- (9) Mosebeletsi ya hirilweng kapa ya rometsweng ho Bongodi o tlameha ho— 30
- (a) sebetsa ka ho hloka leeme le ka ho ikemela mme ba phethahatse mesebetsi ya bona ka botshepehi ntle le tshabo, leeme kapa kgethollo; le
 - (b) sebetsa ka nako e felletseng ntle le mesebetsi o mong kapa boitlamo bo bong bo hlahang mosebetsing o mong kapa ho ba le ofisi efe kapa efe e nngwe: Ha feela Khomishene e ka lokolla mosebeletsi ya jwalo dipehelong tsa temana ena. 35
- (10) Khomishene e ka sebedisa matla a yona kapa ho phetha mesebetsi ya yona ho latela Molaotheo, Molao ona kapa molao ofe kapa ofe o mong, bakeng sa diprojeke tse ikgethang, ho kena dikonterakeng bakeng sa theko ya ditshebeletso tsa batho ba nang le tsebo ya setekgeniki kapa ba nang le tsebo e ikgethang ya taba efe kapa efe e amanang le mesebetsi wa Khomishene, le ho etsa qeto ya meputso, ho kenyelletswa le puseletso ya ditshenyehelo tsa maeto, tsa ho phela le ditshenyehelo tse ding tsa batho ba jwalo. 40

Phetisetso ya matla kapa mesebetsi ya Khomishene

17. (1) Khomishene e ka abela mokomishenara a le mong kapa ba fetang, kapa ho komiti efe kapa efe ya Khomishene matla afe kapa afe kapa mesebetsi ofe kapa ofe o nehetsweng Khomishene ka tlasa Molao ona, ke Molao wa Ditshebeletso tsa Setjhaba kapa molao ofe kapa ofe o mong, ho sa kenyeletswe matla a ho abela a boletsweng karolwaneng ena kapa matla a boletsweng karolong ya 20, ho latela maemo ao Khomishene e ka a behang. 45
- (2) Modulasetulo a ka nehelana ka matla afe kapa afe a boletsweng karolong ya 16(2) ho Mohlanka wa Phethahatso ya ka Sehloohong tlasa dipehelo tseo Modulasetulo a ka di behang. 50
- (3) Matla afe kapa afe a fanweng tlasa karolwana ya (1) kapa (2) a ka fetolwa kapa a hlakolwa ke Khomishene kapa Modulasetulo neng kapa neng, ka moo ho ka bang ka teng, ho itshetlehile ka ditokelo dife kapa dife tse ka bang teng ka lebaka la qeto e entsweng ho latela matla a jwalo. 55
- (4) Khomishene kapa Modulasetulo ha a lahlehelwe ke matla kapa mesebetsi ofe kapa ofe o abetsweng tlasa karolwana ya (1) kapa (2) mme Khomishene kapa Modulasetulo, ka moo ho ka bang ka teng, a ka fetola kapa a hula qeto efe kapa efe e entsweng tshebedisong ya matla a jwalo a abetsweng kapa phethahatsong ya mesebetsi o jwalo o abetsweng. 60

PART D FINANCES AND ACCOUNTABILITY

Finances and accountability

18. (1) The expenditure incidental to the exercise or performance of the powers and functions of the Commission must be defrayed from— 5
- (a) monies appropriated by Parliament for that purpose;
 - (b) monies received, with the approval of Parliament, granted in a particular case or generally, subject to such conditions as Parliament may determine, as donations or grants;
 - (c) the Commission may at a management fee, and without compromising the independence and role of the Commission, provide advice, conduct investigations into personnel and public administration management practices in municipalities and public entities or any department or render specific services as prescribed. 10
- (2) Subject to the Public Finance Management Act— 15
- (a) the Chief Executive Officer—
 - (i) is charged with the responsibility of accounting for monies received or paid out for or on account of the Secretariat and the Commission; and
 - (ii) must cause the necessary accounting and other related records to be kept; and 20
 - (b) may exercise such powers and perform such functions as the Commission may from time to time assign to the Chief Executive Officer, and is in respect thereof accountable to the Commission.
- (3) The Commission must budget for the necessary resources or additional resources to enable it to exercise its powers and perform its functions effectively. 25
- (4) The Chairperson is, for purposes of the Public Finance Management Act, the executive authority of the Commission.
- (5) The records referred to in subsection (2)(a)(ii) must be audited by the Auditor General.

PART E GENERAL 30

Legal proceedings by or against Commission

19. (1) The Commission is a juristic person.
- (2) The State Liability Act, 1957 (Act No. 20 of 1957), applies with the necessary changes in respect of the Commission, and in relation thereto a reference in that Act to “the executive authority of the department concerned” must be construed as a reference to the Chairperson. 35
- (3) A commissioner or an employee of the Secretariat is not liable for anything done in good faith in the exercise or performance or purported exercise or performance of any power or function, or in respect of anything reflected in any report, finding, point of view or recommendation made or expressed in good faith and submitted to the National Assembly or a provincial legislature or made known in terms of this Act. 40

Rules

20. (1) The Commission may by notice in the Gazette make rules which are not inconsistent with this Act or the Constitution as to— 45
- (a) the manner in which and the circumstances under which—
 - (i) grievances by heads of departments, or employees, in the public service must be lodged with, or referred to, executive authorities or the Commission; and
 - (ii) the manner in which any complaint by any person must be lodged with the Commission; 50

KAROLO D DITJHELETE LE BOIKARABELO

Ditjhelete le boikarabelo

18. (1) Ditshenyehelo tse amanang le ho sebedisa kapa ho phethahatsa matla le mesebetsi ya Khomishene di lokela ho lefella ho tswa ho— 5
- (a) ditjhelete tse abetsweng morero oo ke Palamente;
- (b) ditjhelete tse amohetsweng, ka tumello ya Palamente, tse fanweng nyeweng e itseng kapa ka kakaretso, ho latela maemo ao Palamente e ka a behang, e le menehelo kapa dikrante;
- (c) Khomishene e ka fumana tefello ya tsamaiso, mme ntle le ho sekisetsa 10 boikemelo le karolo ya Khomishene, ho fana ka keletso, ho etsa dipatlisiso mabapi le mekgwa ya tsamaiso ya basebetsi le ya tsamaiso ya setjhaba ka hara bomasepala le metheo ya setjhaba kapa lefapha lefe kapa lefe kapa ho fana ka ditshebeletso tse itseng jwalo ka ha ho laetswe.
- (2) Ho latela Molao wa Taolo ya Ditjhelete tsa Setjhaba— 15
- (a) Mohlanka wa Phethahatso ya ka Sehloohong—
- (i) o fuwa boikarabelo ba ho ikarabella bakeng sa ditjhelete tse amohetsweng kapa tse lefuwang bakeng sa kapa ka lebaka la Bongodi le Khomishene; mme
- (ii) o tlameha ho etsa hore diakhaonto tse hlokehang le direkoto tse ding tse amanang le tsona di bolokwe; mme 20
- (b) a ka sebedisa matla a jwalo le ho etsa mesebetsi eo Khomishene e ka a abelang Mohlanka wa Phethahatso ya ka Sehloohong nako le nako, mme a ikarabelle ho Khomishene mabapi le hona.
- (3) Khomishene e tlameha ho etsa tekanyetso bakeng sa disebediswa tse hlokehang kapa disebediswa tse eketsehileng ho e nolofalletsa ho sebedisa matla a yona le ho phetha mesebetsi ya yona ka katleho. 25
- (4) Modulasetulo, bakeng sa merero ya Molao wa Taolo ya Ditjhelete tsa Setjhaba, ke molaodi wa phethahatso wa Khomishene.
- (5) Direkoto tse boletsweng karolwaneng ya (2)(a)(ii) di tlameha ho hlalohjwa ke Mohlahlobi Kakaretso wa Ditjhelete. 30

KAROLO E KAKARETSO

Ditsamaiso tsa molao ka Khomishene kapa kgahlano le yona

19. (1) Khomishene ke motho ya kgonang ho qosa le ho qoswa. 35
- (2) *State Liability Act*, 1957 (Molao wa 20 wa 1957), o sebetse ka diphetoho tse hlokehang mabapi le Khomishene, mme mabapi le sena moo ho bolelwang Molaong oo, ho “bolaodi ba phethahatso ba lefapha le amehang” bo tlameha ho hlaloswa e le moo ho bolelwang ka Modulasetulo.
- (3) Mokomishenara kapa mosebeletsi wa Bongodi ha a ikarabelle bakeng sa ntho efe kapa efe e entsweng ka botshepehi tshebedisong kapa phethahatsong kapa tshebedisong e rerilweng kapa phethahatsong ya matla kapa mosebetsi ofe kapa ofe, kapa mabapi le ntho efe kapa efe e hlahellang tlalehong efe kapa efe, se fumanweng, maikutlong kapa dikgothaletso tse entsweng kapa tse hlahisitsweng ka botshepehi mme tsa romelwa Sebokeng sa Naha kapa lekgotla la ketsamolao la provense kapa tsa tsebahatswa ho latela Molao ona. 40 45

Melawana

20. (1) Khomishene e ka etsa melao ka tsebiso Koranteng ya Mmuso e sa hanyetsaneng le Molao ona kapa Molaotheo mabapi le—
- (a) mokgwa le maemo ao ka ona— 50
- (i) ditletlebo tsa dihlooho tsa mafapha, kapa basebeletsi, ditshebeletsong tsa setjhaba di lokelang ho hlahiswa kapa ho lebiswa ho bolaodi ba phethahatso kapa Khomishene; le
- (ii) mokgwa oo tletlebo efe kapa efe ya motho ofe kapa ofe e tlameha ho hlahiswa ho Khomishene; 55

- (b) the procedure, including a process of mediation, to be followed by the Commission in investigating any grievances or complaints;
 - (c) the form and manner in which a summons must be served on persons in terms of section 11;
 - (d) the code of conduct for commissioners and employees; 5
 - (e) any matter relating to the terms and conditions of service of employees appointed in terms of section 16(3)(a) to (c), including matters relating to remuneration, grievances and complaints and duties;
 - (f) the manner in which it will carry out services, including any management fees payable in respect of such services rendered by the Commission in terms of section 18(1)(c); 10
 - (g) the conduct of its business including the appointment of caretaker commissioners, the manner in which the meetings of the Commission will be convened, the procedure to be followed at these meetings, the quorum at those meetings, and the manner in which minutes of those meetings will be kept; 15
and
 - (h) any matter required or permitted to be prescribed by rule under this Act or which is necessary or expedient for the effective carrying out or furtherance of the provisions and objects of this Act.
- (2) The Commission must, within a period of 12 months of the date of 20
commencement of this Act, ensure that the rules referred in subsection (1)(a) to (d) are prescribed.

Repeal and amendment of laws

21. The laws mentioned in the first column of Schedule 2 are hereby repealed or amended to the extent set out in the third column thereof. 25

Transitional provisions

22. (1) Notwithstanding the repeal of any law by section 21—
- (a) the persons occupying the posts of Director-General or Deputy Directors-General, as the case may be, immediately prior to the commencement of section 16, must be deemed to have been appointed in terms of section 16(3)(a) as the Chief Executive Officer or Deputy Chief Executive Officers or other title determined by the Chairperson, as the case may be, of the Commission for the unexpired period, if any, of his or her term of service by virtue of any performance agreement to which he or she is a party; 30
 - (b) any person who was, immediately prior to such commencement, employed in the service of the Public Service Commission by virtue of the provisions of section 14(2)(b) of the Public Service Commission Act, 1997 (Act No 46 of 1997), or appointed in terms of the Public Service Act must, subject to the provisions of subsection (3), be deemed to have been appointed, without any interruption of service, by the Commission in terms of section 16(3)(b); 35
40
 - (c) the remuneration and other conditions of service determined in terms of the Public Service Act applicable to the persons referred to in paragraphs (a) and (b), must be deemed to have been determined by the Commission under section 16(4), until amended by the Commission, provided that any such amendment may not be less favourable than the remuneration and other conditions of service such person was entitled to immediately prior to the commencement of section 16; 45
 - (d) any collective agreement relating to employees referred to in paragraphs (a) and (b) concerning their conditions of employment or matters of mutual interest which is still of force and effect immediately prior to the commencement of section 16 remains of force and effect as if it were concluded between the relevant trade union and the Commission; 50
 - (e) any performance agreement concluded, prior to the commencement of section 16, by the Director-General, the Deputy-Director General or any other employee, must be deemed to have been concluded in terms of section 16(4); 55

- (b) tsamaiso, ho kenyeletswa le tshebetso ya bonamodi, e lokelang ho latelwa ke Khomishene ha e fuputsa dingongoreho kapa ditletlebo dife kapa dife;
 - (c) tsela le mokgwa oo samane e tlamehang ho fuwa batho ho latela karolo ya 11;
 - (d) melawana ya boitshwaro bakeng sa dikomishenara le basebetsi;
 - (e) taba efe kapa efe e amanang le dipehelo le maemo a tshebeletso ya basebetsi ba thontsweng ho latela karolo ya 16(3)(a) ho ya ho (c), ho kenyeletswa ditaba tse amanang le meputso, dingongoreho le ditletlebo le mesebetsi; 5
 - (f) mokgwa oo e tla phethahatsa ditshebeletso ka ona, ho kenyeletswa ditefello dife kapa dife tsa tsamaiso tse lefuwang mabapi le ditshebeletso tse jwalo tse fanweng ke Khomishene ho latela karolo ya 18(1)(c); 10
 - (g) tsamaiso ya mosebetsi wa yona ho kenyelletswa le ho thongwa ha dikomishenara tsa bahlokomedi, mokgwa oo dikopano tsa Khomishene di tla tshwarwa ka ona, tsamaiso e tla latelwa dikopanong tse, khoramo dikopanong tseo, le mokgwa oo metsotso ya dikopano tseo e tla bolokwa ka teng; le 15
 - (h) morero ofe kapa ofe o hlokehang kapa o dumelletsweng ho laelwa ke molao tlasa Molao ona kapa o hlokehang kapa o loketseng phethahatso kapa ntshetsopele ya dipehelo le maikemisetso a Molao ona.
- (2) Khomishene e tlameha, nakong ya dikgwedi tse 12 ho tloha ka letsatsi la qaleho ya Molao ona, e netefatse hore melao e boletsweng karolwaneng ya (1)(a) ho isa ho (d) e laetswe. 20

Ho fediswa le ho fetolwa ha melao

21. Melao e boletsweng kholomong ya pele Shejuleng sa 2 e fedisitswe kapa e fetotswe ho isa tekanyong e boletsweng kholomong ya boraro ya sona.

Dipehelo tsa nakwana

22. (1) Ho sa tsotellehe ho fediswa ha molao ofe kapa ofe ka karolo ya 21—
- (a) batho ba maamong a Molaodi-Kakaretso kapa Motlatsi wa Molaodi-Kakaretso, ka moo ho ka bang ka teng, hang-hang pele ho qaleho ya karolo ya 16, ba lokela ho nkuwa e le ba thontsweng ho latela karolo ya 16(3)(a) jwalo ka Mohlanka wa Phethahatso ya ka Sehloohong kapa Motlatsi wa Mohlanka wa Phethahatso ya ka Sehloohong kapa thaetlele e nngwe e kgethilweng ke Modulasetulo, ka moo ho ka bang ka teng, ba Khomishene bakeng sa nako e saletseng morao, haeba e le teng, ya nako ya hae ya tshebetso ka lebaka la tumellano efe kapa efe ya tshebetso eo a leng karolo ya yona; 30
 - (b) motho ofe kapa ofe eo, hang-hang pele ho qaleho e jwalo, a neng a hirilwe tshebeletsong ya Khomishene ya Ditshebeletso tsa Setjhaba ho latela dipehelo tsa karolo ya 14(2)(b) ya Molao Khomishene ya Ditshebeletso tsa Setjhaba, 1997 (Molao wa 46 wa 1997), kapa ya thontsweng ho latela Molao wa Ditshebeletso tsa Setjhaba, o lokela hore, ho latela dipehelo tsa karolwana ya (3), a nkuwe jwalo ka motho ya thontsweng ke Khomishene, ntle le tshitiso efe kapa efe ya tshebeletso, ho latela karolo ya 16(3)(b); 40
 - (c) moputso le maemo a mang a tshebeletso a behilweng ho latela Molao wa Ditshebeletso tsa Setjhaba o sebetsang ho batho ba boletsweng ditimaneng tsa (a) le (b), di tlameha ho nkuwa e le tse behilweng ke Khomishene ho latela karolo ya 16(4), ho fihlela di fetolwa ke Khomishene, ha feela phetoho efe kapa efe e jwalo e ke ke ya ba tlase ho moputso le maemo a mang a tshebeletso ao motho ya jwalo a neng a na le tokelo ya ho a fumana pele ho qaleho ya karolo ya 16; 45
 - (d) tumellano efe kapa efe e kopanetsweng e amanang le basebeletsi ba boletsweng ditimaneng tsa (a) le (b) e mabapi le maemo a bona a khiro kapa ditaba tsa thahasello e kopanetsweng tse ntseng di le matla le ho sebetsa hang-hang pele ho qaleho ya karolo ya 16 di dula di le matla le ho sebetsa jwalo ka ha eka di ne di entswe pakeng tsa mokgatlo wa basebetsi o amehang le Khomishene; 50
 - (e) tumellano efe kapa efe ya tshebetso e phethetsweng pele ho qaleho ya karolo ya 16, ke Molaodi-Kakaretso, Motlatsi wa Molaodi-Kakaretso kapa mosebetsi ofe kapa ofe, e tlameha ho nkuwa e phethetswe ho latela karolo ya 16(4); 55

- (f) any rules made by the Commission before the commencement of section 23, must be deemed to have been made by the Commission under section 20 until amended or repealed by the Commission; and
- (g) any bank account in the name of the Office of the Public Service Commission or any cash in hand held or administered by that Office must, as from the commencement of section 16, be deemed to be a bank account or cash held or administered by the Secretariat. 5
- (2) Any person referred to in subsection (1)(a) or (b) is entitled to the same remuneration and other conditions of service he or she was entitled to immediately prior to the commencement of section 16. 10
- (3)(a) A person referred to in subsection (1)(a) or (b) has the right to exercise in writing, within a period of 30 days as from the commencement of section 16 or such longer period as the Commission may allow, a choice indicating that he or she wishes not to be deemed to be an employee appointed in terms of section 16(3)(b).
- (b) A person contemplated in paragraph (a) must inform the Minister for Public Service and Administration accordingly. 15
- (c) The Commission must, in the case of an employee referred to in paragraph (a), retain such employee in its employ on the same remuneration and other conditions of service he or she was entitled to immediately prior to the commencement of this section, until such time he or she can be accommodated elsewhere in terms of the Public Service Act in a similar or higher post or he or she is in terms of the Public Service Act seconded to the Commission. 20
- (d) In facilitating the transitional arrangement contemplated in subsection (1) and (2), the Executive Authority of the Commission must establish a joint task team comprising two representatives from each of the members of the recognised trade unions in the Office of the Public Service Commission Bargaining Forum and five members from the employer party to form a joint task team to drive the smooth migration and function shift process of employees of the Commission into the Secretariat and to deal with matters related thereto. 25
- (e) The Bargaining Forum of the Office of the Public Service Commission shall continue to function as Bargaining Forum of the Secretariat in the role of social partner on collective bargaining issues in the Secretariat and shall retain its recognition and rights in line with applicable legislation and policies governing the public service. 30
- (f) The implementation of the Commission mandate in relation to municipalities and public entities is suspended for a period of 12 calendar months from the date of coming into effect of this Act. 35
- (g) The implementation of the Commission mandate in relation to municipalities and public entities must be executed on a progressive scale, which period may not exceed three years from the period contemplated in paragraph (f), subject to availability of resources. 40

Short title and commencement

23. (1) This Act is called the Public Service Commission Act, 2026, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

(2) Different dates may be so determined—

- (a) in respect of different provisions of this Act; and 45
- (b) subject to section 22(3)(f) and (g), to ensure a progressive phasing in of implementation of the mandate of the Commission in relation to—
- (i) municipalities or categories of municipalities; and
 - (ii) public entities or categories of public entities.

- (f) melao efe kapa efe e entsweng ke Khomishene pele ho qaleho ya karolo ya 23, e tlameha ho nkuwa e entswe ke Khomishene ka tlasa karolo ya 20 ho fihlela e fetotswe kapa e fedisitswe ke Khomishene; mme
- (g) akhaonte efe kapa efe ya banka e lebitsong la Ofisi ya Khomishene Ditshebeletso tsa Setjhaba kapa tjelele efe kapa efe e tshwerweng kapa e laolwang ke Ofisi eo, ho tloha qalehong ya karolo ya 16, e lokela ho nkuwa e le akhaonte ya banka kapa tjelele e tshwerweng kapa e laolwang ke Bongodi. 5
- (2) Motho ofe kapa ofe ya boletsweng karolwaneng ya (1)(a) kapa (b) o na le tokelo ya moputso o tshwanang le maemo a mang a tshebeletso ao a neng a na le tokelo ya ho fumana hang-hang pele ho qaleho ya karolo ya 16. 10
- (3)(a) Motho ya boletsweng karolwaneng ya (1)(a) kapa (b) o na le tokelo ya ho etsa kgetho ka ho ngola, nakong ya matsatsi a 30 ho tloha qalehong ya ho sebetsa ha karolo ya 16 kapa nako e teletsana e ka dumellwang ke Khomishene, e bontshang hore ha a lakatse ho nkuwa e le mosebeletsi ya thontsweng ho latela karolo ya 16(3)(b). 15
- (b) Motho ya hlalositsweng temaneng ya (a) o tlameha ho tsebisa Letona la Tshebeletso le Tsamaiso ya Setjhaba ka nepo. 15
- (c) Khomishene, tabeng ya mosebeletsi ya boletsweng temaneng ya (a), e tlameha ho boloka mosebeletsi ya jwalo mosebetsing wa hae ka moputso o tshwanang le maemo a mang a tshebeletso ao a neng a na le tokelo ya ho a fumana hang-hang pele ho qaleho ya karolo ena, ho fihlela ka nako eo a ka amohelwang sebakeng se seng ho latela Molao wa Ditshebeletso tsa Setjhaba mosebetsing o tshwanang kapa o phahameng kapa a romelwa ho Khomishene ho latela Molao wa Ditshebeletso tsa Setjhaba. 20
- (d) Ka ho tsamaisa tokisetso ya phetoho e hlalositsweng karolwaneng ya (1) le (2), Bolaodi ba Phethahatso ba Khomishene bo tlameha ho theha sehlopha sa tshebetso se kopanetsweng se nang le baemedi ba babedi ho tswa ho e mong le e mong wa ditho tsa mekgatlo ya basebetsi e ananelwang Ofising ya Foramo ya Ditherisano tsa Khomishene ya Ditshebeletso tsa Setjhaba le ditho tse hlano ho tswa ho mokga wa bahiri ho theha sehlopha sa tshebetso se kopanetsweng ho tsamaisa phallo e bonolo le tshebetso ya phetoho ya basebetsi ba Khomishene ka hara Bongodi le ho sebetsana le ditaba tse amanang le hona. 30
- (e) Foramo ya Ditherisano ya Ofisi ya Khomishene ya Ditshebeletso tsa Setjhaba e tla tswelapele ho sebetsa e le Foramo ya Ditherisano ya Bongodi karolong ya molekane wa setjhaba ditabeng tse kopanetsweng tsa ditherisano ka hara Bongodi mme e tla boloka ho ananelwa le ditokelo tsa yona ho latela melao le dipholisi tse laolang ditshebeletso tsa setjhaba. 35
- (f) Ho kenngwa tshebetsong ha thomo ya Khomishene mabapi le bomasepala le mekgatlo ya setjhaba ho emisitswe nako ya dikgwedi tse 12 tsa khalendara ho tloha ka letsatsi la ho qala ho sebetsa ha Molao ona.
- (g) Ho kenngwa tshebetsong ha thomo ya Khomishene mabapi le bomasepala le metheo ya setjhaba ho tlameha ho phethwa ka tekanyo e tswelang pele, eo nako ya yona e ke keng ya feta dilemo tse tharo ho tloha nakong e hlalositsweng temaneng ya (f), ho latela ho fumaneha ha mehlodi. 40

Sehlooho se kgutshwane le qaleho

23. (1) Molao ona o bitswa Molao wa Khomishene ya Ditshebeletso tsa Setjhaba, 2026, mme o kena tshebetsong ka letsatsi le kgethilweng ke Mopresidente ka phatlalatso Koranteng ya Mmuso. 45

(2) Matsatsi a fapaneng a ka behwa—

- (a) mabapi le diphelelo tse fapaneng tsa Molao ona; mme
- (b) ho latela karolo ya 22(3)(f) le (g), ho netefatsa ho kenngwa tshebetsong hanyane-hanyane ha phethahatso ya thomo ya Khomishene mabapi le— 50
- (i) bomasepala kapa dihlopha tsa bomasepala; le
- (ii) mekgatlo ya setjhaba kapa dihlopha tsa mekgatlo ya setjhaba.

SCHEDULE 1
OATH AND SOLEMN AFFIRMATION OF COMMISSIONER

I, A.B., do hereby swear/solemnly affirm, as a commissioner of the Public Service Commission, to be faithful to the Republic of South Africa and to hold my office as commissioner with honour and dignity, to respect and uphold the Constitution and the law; to be a true and faithful commissioner; not to divulge directly or indirectly any matter entrusted to me under secrecy; and to perform the powers and functions of my office without fear, favour or prejudice in accordance with the Constitution and the law to the best of my ability. 5

SHEJULE YA 1
KANO LE TISETSO YA MOKOMISHENARA

Nna, A.B, ka hona, ke ikana/ke itlama, jwalo ka Mokomishenara wa Khomishene ya Ditshebeletso tsa Setjhaba, ho tshepahala ho Rephaboliki ya Afrika Borwa ho etsa mosebetsi wa ka jwalo ka mokomishenara ka tlhompho le seriti, ho hlompha le ho tshehetsa Molaotheo le molao; ho ba mokomishenara wa nnete le ya tshepahalang, ho se senole ka ho otlooha kapa ka tsela e sa otlohang taba efe kapa efe e tshepetsweng ho nna tlasa sephiri; le ho phetha matla le mosebetsi ya ofisi ya ka ntle ho tshabo, leeme kapa kgethollo ho latela Molaotheo le molao ka hohle ka moo nka kgonang ka bokgoni ba ka.

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SCHEDULE 2
LAWS REPEALED OR AMENDED

No. and year of law	Short title	Extent of amendments or repeal	
Proclamation 103 of 1994	Public Service Act, 1994	The deletion in section 1 of paragraph (c) of the definition of “executive authority”. The deletion from Schedule 1 in Column 1 of “Office of the Public Service Commission” and deletion in Column 2 of “Office of the Director-General: Office of the Public Finance Service Commission”.	5 10
Act 46 of 1997	Public Service Commission Act, 1997	Repeal of the whole	
Act 92 of 1997	Independent Commission for the Remuneration of Public Office-bearers Act, 1997	The substitution in section 1 for the definition of “constitutional institution” of the following definition: “constitutional institution” means the Public Protector, the Auditor General and any commission established by Chapter 9 or 10 of the Constitution, including the Independent Communications Authority of South Africa contemplated in section 192 of the Constitution and the Financial and Fiscal Commission referred to in section 220 of the Constitution;”	15 20 25
Act 1 of 1999	Public Finance Management Act, 1999	The amendment of Schedule 1 by the addition of the expression “Public Service Commission”.	30
Act 32 of 2000	The Local Government: Municipal Systems Act, 2000	The insertion of the following section after section 68: Investigation and directions of Public Service Commission 68A. (1) In this section “Commission” means the Public Service Commission referred to in section 196(1) of the Constitution. (2)(a) The Commission may investigate whether the organisation and administration, and the personnel practices, of a municipality are in compliance with the Constitution and this Act, and may— (i) issue directions contemplated in section 196(4)(d) of the Constitution in order to ensure compliance with the Constitution or this Act; or (ii) provide advice in order to promote sound public administration. (b) If the Commission issues a direction contemplated in paragraph (a), the municipal council or municipal manager, as the case may be, must implement the direction as soon as possible after receipt of the written communication conveying the direction but, in any event, within 60 days after the date of such receipt. (3)(a) For the purposes of asserting the right to have a grievance investigated and considered by the Commission— (i) an employee may lodge that grievance with the municipal council or municipal manager under the prescribed circumstances, prescribed conditions and in the prescribed manner; and (ii) if that grievance is not resolved to the satisfaction of the employee, the municipal council must submit the grievance to the Public Service Commission in the manner and within the period prescribed by the Commission.	35 40 45 50 55 60 65 70

SHEJULE SA 2
MELAO E FEDISITSWENG KAPA E FETOTSWENG

No. en jaar van Wet	Kort titel	Omvang van wysigings of herroeping	
Proklamasie 103 van 1994	Staatsdienswet, 1994	Deur in artikel 1 paragraaf (c) van die omskrywing van "uitvoerende gesag" te skrap. Deur uit Bylae 1 in Kolom 1 "Kantoor van die Staatsdienskommissie" en in Kolom 2 "Kantoor van die Direkteur-generaal: Kantoor van die Kommissie op die Staatsfinansieringsdiens" te skrap.	5 10
Wet 46 van 1997	Wet op Staatsdienskommissie, 1997	Herroeping van die geheel.	
Wet 92 van 1997	Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997	Die vervanging in artikel 1 van die omskrywing van "grondwetlike instelling" deur die volgende omskrywing: " 'grondwetlike instelling' die Openbare Beskermer, die Ouditeur-generaal en enige kommissie by Hoofstuk 9 of 10 van die Grondwet ingestel, met inbegrip van die Onafhanklike Kommunikasie-owerheid van Suid-Afrika in artikel 192 van die Grondwet beoog en die Finansiële en Fiskale Kommissie in artikel 220 van die Grondwet bedoel;".	15 20 25
Wet 1 van 1999	Wet op Openbare Finansiële Bestuur, 1999	Die wysiging van Bylae 1 deur die uitdrukking "Staatsdienskommissie" by te voeg.	30
Wet 32 van 2000	Wet op Plaaslike Regering: Munisipale Stelsels, 2000	Die invoeging van die volgende artikel na artikel 68: "Ondersoeke deur en opdragte van Staatsdienskommissie" 68A. (1) In hierdie artikel beteken 'Kommissie' die Staatsdienskommissie in artikel 196(1) van die Grondwet bedoel. <u>(2)(a) Die Kommissie kan ondersoek instel na die voldoening van die organisasie en administrasie, en die personeelpraktjke, van 'n munisipaliteit aan die Grondwet en hierdie Wet, en kan—</u> <u>(i) opdragte beoog in artikel 196(4)(d) van die Grondwet uitreik ten einde voldoening aan die Grondwet of hierdie Wet te verseker; of</u> <u>(ii) raad gee ten einde gesonde staatsadministrasie te verseker.</u> <u>(b) Indien die Kommissie 'n opdrag in paragraaf (a) beoog, uitreik, moet die munisipale raad of munisipale bestuurder, na gelang van die geval, so gou as moontlik, hoogstens 60 dae, na ontvangs van die skriftelike kommunikasie wat die opdrag oordra, gevolg gee aan die opdrag.</u> <u>(3)(a) Vir die doeleindes om die reg toe te pas om 'n grief deur die Kommissie te laat ondersoek en oorweeg—</u> <u>(i) kan 'n werknemer daardie grief by die munisipale raad of munisipale bestuurder indien onder die voorgeskrewe omstandighede, voorgeskrewe voorwaardes en op die voorgeskrewe wyse; en</u> <u>(ii) indien daardie grief nie na wense van die werknemer opgelos word nie, moet die munisipale raad die grief aan die Staatsdienskommissie voorleë op die wyse en binne die tydperk deur die Kommissie voorgeskryf.</u>	35 40 45 50 55 60 65 70

No. and year of law	Short title	Extent of amendments or repeal	
		<u>(b) After the Commission has investigated and considered any such grievance, the Commission may recommend that the relevant municipal council or municipal manager, as the case may be, acts in terms of a particular provision or particular provisions of this Act or any other law if, having regard to the circumstances of the case, the Commission considers it appropriate to make such a recommendation.</u> <u>(c) A municipal manager may lodge any such grievance with—</u> <u>(i) the municipal council in terms of paragraph (a)(i); or</u> <u>(ii) directly with the Commission under the circumstances, on the conditions and in the manner prescribed by the Commission.”.</u>	5 10 15

No. en jaar van Wet	Kort titel	Omvang van wysigings of herroeping	
		<u>(b) Nadat die Kommissie enige sodanige grief ondersoek en oorweeg het, kan die Kommissie aanbeveel dat die tersaaklike munisipale raad of munisipale bestuurder, na gelang van die geval, ingevolge 'n bepaalde bepaling of bepaling van hierdie Wet of enige ander wetsbepaling handel, indien, met inagneming van die omstandighede van die saak, die Kommissie dit gepas ag om so 'n aanbeveling te doen.</u> <u>(c) 'n Munisipale bestuurder kan enige sodanige grief indien by—</u> <u>(i) die munisipale raad ingevolge paragraaf (a)(i);</u> <u>of</u> <u>(ii) direk by die Kommissie onder die omstandighede, op die voorwaardes en op die wyse deur die Kommissie voorgeskryf.”.</u>	5 10 15

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