THE CONSTITUTIONAL AND LEGISLATIVE MANDATE OF THE PUBLIC SERVICE COMMISSION EXPLAINED

MARCH 2014
# CONTENTS

GLOSSARY OF TERMS .............................................................................................................................. iii

1. INTRODUCTION .............................................................................................................................. 1

2. THE SOURCES OF THE PSC’S MANDATE ................................................................................ 1

2.2 Public Service Commission Act .................................................................................................. 3

2.3 Public Service Act, 1994 (as amended) ....................................................................................... 4

2.4 Public Finance Management Act (PFMA), 1999 .......................................................................... 4

3. UNPACKING THE MANDATE OF THE PUBLIC SERVICE COMMISSION ................................. 5

4. STATUS OF THE PSC RECOMMENDATIONS, ADVISORIES AND DIRECTIONS .................. 9

4.1 Recommendations ......................................................................................................................... 9

4.2 Advisories ..................................................................................................................................... 9

4.3 Directions .................................................................................................................................... 9

5. MEANING OF A SINGLE PSC FOR THE REPUBLIC ................................................................. 10

6. MEANING OF ITS INDEPENDENCE AND IMPARTIALITY ...................................................... 10

7. PSC ACCOUNTABILITY AND REPORTING .................................................................................. 14

8. THE ISSUING OF A SUMMONS TO GIVE EVIDENCE AT AN INQUIRY ................................. 14

9. ESTABLISHMENT OF THE OFFICE OF THE PSC .................................................................... 15

10. CONCLUSION ................................................................................................................................. 16
## GLOSSARY OF TERMS

<table>
<thead>
<tr>
<th>AT</th>
<th>The new Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>CP</td>
<td>Constitutional Principle</td>
</tr>
<tr>
<td>DPSA</td>
<td>Department of Public Service and Administration</td>
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<td>IC</td>
<td>Interim Constitution</td>
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<td>NT</td>
<td>1996 Constitution Text</td>
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<tr>
<td>PFMA</td>
<td>Public Finance Management Act</td>
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<td>PSC</td>
<td>Public Service Commission</td>
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Left: As part of its Centenary Celebrations, the PSC held a Gauteng Stakeholder Engagement in May 2013

Below: Delegates at the SAMEA Conference co-hosted by the PSC in September 2013
1. INTRODUCTION

The Public Service Commission (PSC) is an independent institution established in Chapter 10 of the Constitution with specific focus on the Public Service and oversight of public administration. The prominence given to the PSC in Chapter 10 of the Constitution, 1996, illustrates its importance as an institution supporting democracy as well as the importance of an institution to provide oversight over public administration.

The PSC derives its mandate from sections 195 and 196 of the Constitution, 1996\(^1\), which sets out the values and principles governing public administration which should be promoted by the PSC, as well as the powers and functions of the PSC. The PSC is required by the Constitution to exercise its powers and to perform its functions without fear, favour or prejudice. The Constitution links the PSC’s independence firmly with its impartiality and no organ of state may interfere with the functioning of the PSC.

The Constitution stipulates that there is a single PSC for the Republic of South Africa, consisting of 14 members. The members are referred to as Commissioners. Five Commissioners are based at the National Office, while the remaining Commissioners are based in the respective provinces. The PSC is headed by a Chairperson, appointed by the President from the nominated Commissioners. The PSC is accountable to the National Assembly and must report to it annually. It must also report to the Legislature of the province concerned on its activities in each province.

The President appointed the first members of the PSC with effect from 1 January 1999. However, the commencement of formal operations by the PSC was delayed until 1 July 1999 because of legal difficulties around certain aspects of the Public Service Laws Amendment Act, 1997.

The PSC strives to promote the constitutionally enshrined democratic principles and values governing public administration by investigation, research, monitoring, evaluating, communicating, advising, directing and reporting on the Public Service. In this respect, the PSC sees its role as being a champion of public administration excellence in democratic governance in South Africa.

This booklet briefly explains the constitutional and legislative mandate of the PSC.

2. THE SOURCES OF THE PSC’S MANDATE


The PSC’s specific responsibilities in terms of the Constitution are set out below:

<table>
<thead>
<tr>
<th>Section 196(2)</th>
<th>The PSC must exercise its powers and perform its functions without fear, favour or prejudice.</th>
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<tbody>
<tr>
<td>Section 196(4)(a)</td>
<td>The PSC must promote the values and principles, as set out in section 195, throughout the Public Service.</td>
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<td>Section 196(4)(b)</td>
<td>The PSC must investigate, monitor and evaluate the organisation, administration and the personnel practices of the Public Service.</td>
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<td>Section 196(4)(c)</td>
<td>The PSC must propose measures to ensure effective and efficient performance within the Public Service.</td>
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<td>Section 196(4)(d)</td>
<td>The PSC must 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.</td>
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<td>Section 196(4)(e)</td>
<td>The PSC must report on 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 are complied with.</td>
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| Section 196(4)(f) | The PSC may either of its own accord or on receipt of any complaint,  
  o investigate and evaluate the application of personnel and public administration practices and to report to the relevant executive authority and legislature;  
  o investigate grievances of employees in the Public Service concerning official acts or omissions and to recommend appropriate remedies;  
  o monitor and investigate adherence to applicable procedures in the Public Service; and  
  o 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. |
Additional powers and functions can only be assigned to the PSC through an Act of Parliament, as contemplated in section 196(4)(g) of the Constitution, 1996².

### 2.2 Public Service Commission Act

Apart from the Constitution, the PSC Act, 1997³, provides for the regulation of the PSC with regard to:

a. the constitution of the PSC;

b. appointment of Commissioners;

c. designation of the Chairperson and Deputy Chairperson;

d. conditions of appointment of Commissioners;

e. removal from office of Commissioners;

f. functions of the PSC (inspections, inquiries, etc.);

g. rules according to which the PSC should operate;

h. the Office of the PSC; and

i. transitional arrangements with regard to service commissions (created under the Interim Constitution).

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³ Public Service Commission Act, 1997 (promulgated by Proclamation No. 46 of 1997).
In terms of this Act the PSC may-

a. inspect departments and other organisational components in the Public Service and have access to official documents and information as may be necessary for the performance of its functions;
b. conduct an inquiry into any matter that it is authorised by the Constitution and for purpose of the inquiry it may summons any person who may be able to give information of material importance to the inquiry;
c. make rules as to the investigation, monitoring and evaluation of those matters to which section 196(4) of the Constitution relate, the powers and duties of Commissioners including delegations to Commissioners and the manner in which meetings of the PSC shall be convened.

2.3 Public Service Act, 1994 (as amended)

Section 5(8) of the Public Service Act, 1994 (as amended)\(^4\), reiterates the PSC’s constitutional power to issue directions as contemplated in section 196(4)(d) of the Constitution, 1996. Amongst others, it stipulates that an executive authority or head of department has to implement a 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.

Section 35 provides for the PSC to investigate and consider the grievances of employees and Heads of Departments under certain circumstances.

2.4 Public Finance Management Act (PFMA), 1999

In line with the PSC’s mandate to promote and monitor the efficient, economic and effective use of resources, section 85(1)(a) and (e) of the PFMA, 1999\(^5\), read with Treasury Regulation 4.3, determines that the accounting officer must, as soon as the disciplinary proceedings are completed, report to, amongst others, the PSC on the outcome, including:

(a) the name and rank of the official against whom the proceedings were instituted;
(b) the charges, indicating the financial misconduct the official is alleged to have committed;
(c) the findings;
(d) any sanction imposed on the official; and
(e) any further action to be taken against the official, including criminal charges or civil proceedings.

\(^4\) Republic of South Africa. Public Service Act, Act 1994 (promulgated by Proclamation No. 103 of 1994), as amended
\(^5\) Republic of South Africa. The Public Finance Management Act, 1999. (promulgated by Proclamation No. 1 of 1999), as amended
3. UNPACKING THE MANDATE OF THE PUBLIC SERVICE COMMISSION

The PSC derives its mandate from sections 195 and 196 of the Constitution, 1996, which sets out the values and principles governing public administration which should be promoted by the PSC, as well as the powers and functions of the PSC. This part briefly provides an overview of the PSC’s interpretation of some of the phrases in the Constitution pertaining to its mandate.

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<th>CONSTITUTIONAL PROVISION</th>
<th>TERM</th>
<th>UNDERSTANDING OF THE TERM</th>
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<tr>
<td>Public administration as reflected in the Constitution</td>
<td>Public administration</td>
<td>The Constitution distinguishes between public “administration” (section 195) and public “service” (section 196 and 197). In respect of public administration, section 195(2) makes it clear that the principles of public administration apply to administration in “every sphere of government”. The PSC’s understanding of public administration in the manner that it implements its mandate “…generally includes all the government departments, whether at national or provincial level”.</td>
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<tr>
<td>To promote the values and principles, as set out in section 195, throughout the Public Service (S 196 (4)(a))</td>
<td>Promote</td>
<td>In the certification of the amended text of the Constitution of the Republic of South Africa, 1996, it was held that “The PSC’s primary function is to promote ‘a high standard of professional ethics in the public service’”. Although there was emphasis on professional ethics in the certification case, the PSC’s promotional role extends to all the constitutional values and principles set out in section 195. The PSC’s promotional role is executed through its reports on areas of public administration in which findings, recommendations and directions are contained for improvement, conferences, roundtable discussions, workshops, public hearings, etc. In particular, in respect of all the values and principles, the PSC publishes the State of the Public Service Report.</td>
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<tr>
<td>To investigate, monitor and evaluate the organisation and administration, and the personnel practices of the Public Service (S 196 (4)(b))</td>
<td>Investigate</td>
<td>Investigations are conducted by obtaining factual information and documentation from the parties involved, examining and evaluating the information against prevailing legislation and sub-ordinate legislation and compiling a report or letter with findings and recommendations. The findings and recommendations are generally advisory in nature. However, if the findings relate to any of the personnel practices mentioned in section 196 (4) (d) of the Constitution the PSC may issue directions. The PSC investigates complaints submitted to it through various access mechanisms, such as the PSC’s Complaint’s Rules and the National Anti-Corruption Hotline. These complaints pertain to a variety of public administration practices, including alleged poor service delivery, maladministration or corruption. The PSC has defined monitoring and evaluation in its document “Basic Concepts in Monitoring and Evaluation” published in 2008. The manner in which the PSC applies monitoring and evaluation can best be illustrated through the</td>
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8 Rules of the Public Service Commission: Lodging of complaints regarding the Public Service, published in Government Gazette No 23635 dated 19 July 2003  
9 The NACH Toll-free number is 0800 701 701
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<tr>
<td>State of the Public Service Reports which the PSC publishes. The reports were based on the monitoring and evaluation of selected departments against the nine Constitutional values and principles governing public administration. The instruments applied in this regard included indicators to measure performance against each principle. The reports contained findings and recommendations which were advisory in nature.</td>
<td>Organisation</td>
<td>In as far as the PSC’s mandate contained in Section 196(4)(b) of the Constitution 1996, is concerned, the word “organisation” is interpreted to refer to the structural arrangements of departments in the Public Service and the Public Service as a whole as summarized by section 3(7) of the Public Service Act, 1994 (as amended). The term is therefore wide, but in essence refers to the structural setup of the Public Service.</td>
</tr>
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<td>To propose measures to ensure effective and efficient performance within the Public Service (S 196 (4)(c))</td>
<td>Measures</td>
<td>The PSC proposes measures to executive authorities, heads of department and Parliament to deal with particular problems that the PSC has identified that inhibit effective and efficient performance in the Public Service.</td>
</tr>
<tr>
<td>The PSC has defined the terms “Effectiveness” and “Efficiency” in its document “Basic Concepts in Monitoring and Evaluation” published in 2008: Effectiveness is how well the output and outcome objectives of the department or programme are achieved and how well the outputs produce the desired outcomes. Effectiveness also has to do with alternative strategies to produce the same outcome – that is, which of the available alternative strategies will work best and cost less. Efficiency is the relationship between inputs and outputs, that is, to deliver more output for the same amount of input or the same output for a decreased amount of input.</td>
<td>Effective and efficient</td>
<td></td>
</tr>
<tr>
<td>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 (S 196 (4)(d))</td>
<td>Directions</td>
<td>According to the Oxford Dictionary, the word &quot;direction&quot; is defined as “the act or process of directing; supervision; an order or instruction; the course or line along which a person or things moves or looks, or which must be taken to reach a destination”. The Public Service Act provides in section 5(8)(b) that the directions of the PSC are binding on the executive authority (the Minister or the Member of the Executive Council) or the Head of Department which is required to implement the directions as soon as possible and within 60 days of receiving the written directions.</td>
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<td>Either of its own accord, or on receipt of any complaint to investigate and evaluate the application of personnel and public administration practices and to report to the relevant executive authority and legislature (S 196 (4)(f)(i))</td>
<td>Complaint</td>
<td>A Complaint is defined in the Complaints Rules(^{10}) as any dissatisfaction regarding an act or omission within the Public Service which adversely affects a person, or may be detrimental to public administration.</td>
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<td>Public administration practices</td>
<td>Although there is no clear definition for public administration practices, the term covers all the functions and activities executed to provide a service to the people, e.g. financial management, personnel provisioning and administration, supply chain management processes (including demand management, procurement, disposal management), service delivery, application of policies and procedures to attain proficiency, etc.</td>
</tr>
<tr>
<td>Either of its own accord, or on receipt of any complaint, to investigate grievances of employees in the Public Service concerning official acts or omissions and to recommend appropriate remedies (S 196 (4)(f)(ii))</td>
<td>Grievance</td>
<td>A grievance is defined in terms of the PSC’s Grievance Rules(^{11}) as “a dissatisfaction regarding an official act or omission by the employer which adversely affects an employee in the employment relationship, excluding an alleged unfair dismissal”.</td>
</tr>
<tr>
<td>Either of its own accord, or on receipt of any complaint, to monitor and investigate adherence to applicable procedures in the Public Service (S 196 (4)(f)(iii))</td>
<td>Adherence</td>
<td>In the context of section 196 (4)(f)(iii) adherence in legal terms refers to <strong>compliance</strong> with the letter and law of prescribed rules / polices / procedures.</td>
</tr>
<tr>
<td></td>
<td>Applicable procedures</td>
<td>Applicable procedures in the context of this section of the Constitution refer to all procedures issued in terms of legislation and all forms of sub-ordinate legislation that regulates public administration practices in the Public Service.</td>
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\(^{10}\) Rules of the Public Service Commission: Lodging of complaints regarding the Public Service, published in Government Gazette No 23635 dated 19 July 2003

4. STATUS OF THE PSC RECOMMENDATIONS, ADVISORIES AND DIRECTIONS

4.1 Recommendations

A recommendation is as a measure taken by the PSC of its own accord or on receipt of a complaint regarding the organisation, administration and application of personnel practices in the Public Service, with the aim of either providing guidance (generic recommendation) or requiring very specific administrative action (specific recommendation) from departments with reasons having to be furnished by the recipient for not implementing a specific recommendation.

4.2 Advisories

Advice is defined as a measure taken by the PSC of its own accord, on receipt of a complaint or as requested regarding the organisation, administration and application of personnel practices in the Public Service, with the aim of expressing an opinion and providing guidance in general on improving public administration or service delivery without any obligation on the recipient to follow the advice provided.

4.3 Directions

A direction is defined as a measure taken by the PSC of its own accord or on receipt of a complaint regarding personnel procedures relating to recruitment, transfers, promotions and dismissals. The measure is taken with the aim of giving effect to the PSC’s constitutional mandate, ensuring compliance with the PSA, 1994 (as amended), and the acts governing, inter alia, the services and the educators. The aim is also to provide advice on the implementation of the direction to promote sound public administration. Executive Authorities and Heads of Department are compelled to implement the direction within a prescribed period of 60 days and disciplinary action is to be taken against Heads of Department for non-implementation. Executive Authorities are to be reported to Parliament for non-implementation.

Above: Members of the PSC, December 2013
5. **MEANING OF A SINGLE PSC FOR THE REPUBLIC**

Section 196(1) of the Constitution, 1996, determines that there is a single PSC for the Republic. The Constitution envisages that there will be national and provincial commissioners, approved by the National Assembly and each of the Provincial Legislatures. Although Commissioners are appointed with a national or provincial “portfolio”, they form part of a single PSC.

6. **MEANING OF ITS INDEPENDENCE AND IMPARTIALITY**

Section 196(2) guarantees the independence of the PSC and provides as follows:

Members of the

“The Commission is independent and must be impartial, and must exercise its powers and perform its functions without fear, favour or prejudice in the interest of the maintenance of effective and efficient public administration and a high standard of professional ethics in the public service. The Commission must be regulated by national legislation.”

Various decisions of the Constitutional Court make it clear that for an institution to meet the constitutional requirement of independence, it is not sufficient merely that a statute directs an institution to act independently and be independent. Rather, an institution will only be considered sufficiently independent if it enjoys a sufficient degree of structural protection from governmental control. Thus the critical question is whether there are indeed sufficient structural protections of the PSC to ensure its independence, particularly with regards to appointment, security of tenure and financial security of its Commissioners. In this regard, the PSC Act satisfies the requirement that the PSC be independent, because the provisions of the PSC Act which deal with the appointment and removal of Commissioners is required to take place with the approval of the National Assembly or the Provincial Legislature concerned, rather than the President, for example. This is in line with the provisions of section 196. The Constitution therefore links the PSC’s independence firmly with its impartiality and no organ of state may interfere with the functioning of the PSC.

The independence and impartiality of the PSC was also discussed during the Constitutional negotiations and was encapsulated in Constitutional principle (CP) XXIX. These principles were adopted as a guide to the drafting of the 1996 Constitution.

*CP XXIX reads:*

“The independence and impartiality of a Public Service Commission, a Reserve Bank, an Auditor-General and a Public Protector shall be provided for and safeguarded by the Constitution in the
interests of the maintenance of effective public finance and administration and a high standard of professional ethics in the public service.”

During the first certification case, an objection was taken to the 1996 Constitution Text (NT) “on the ground that the independence and impartiality of these four institutions has not been “provided for and safeguarded” as required by the CP. A decision as to whether this direction has been met can be made only by considering each institution separately. The functions and powers of each institution need to be understood to determine whether the particular provisions governing its independence and impartiality meet the test in CP XXIX. Factors that may be relevant to independence and impartiality, depending on the nature of the institution concerned, include provisions governing appointment, tenure and removal as well as those concerning institutional independence. Against the background of the nature of the particular institution, these factors must, when considered together, ensure independence and impartiality”\(^{12}\).

The Constitutional Court held that CP XXIX “requires at least that there be an independent and impartial PSC. Implicit in the insistence upon independence and impartiality is that the PSC will constitute a check upon political executive power in the administration of the public service. Without knowing what the functions and powers of the PSC will be and what protection it will have in order to ensure that it is able to discharge its constitutional duties independently and impartially, we are unable to certify that this requirement has been complied with”\(^{13}\). It therefore refused to certify the provisions relating to the independence and impartiality of the PSC.

In the second certification case\(^{14}\), the Court was then presented with the full Constitutional provisions relating to the PSC, including its powers and functions.

The Court had to deal with the contention that “the role of the PSC is similar to the roles of the Public Protector and the Auditor-General, and that the procedures laid down for the protection of the independence of public service commissioners should be no less stringent than those for the removal from office of the Public Protector and the Auditor-General, which require a resolution of at least two-thirds of the members of the NA”.

The Court decided that Section 196(1) “provides that there shall be a single PSC for the Republic. As a commission it will have joint responsibility for the work that it does. This, and the fact that it consists of 14 members appointed by 10 different legislatures, enhances its independence and makes any individual commissioner less vulnerable to unfair dismissal than the Public Protector and the Auditor-General might be. The dismissal of one of 14 commissioners will not necessarily have a

\(^{13}\) Ibid (para 176)
\(^{14}\) Ex Parte Chairperson of the Constitutional Assembly: In Re Certification of the Amended Text of the Constitution of the Republic Of South Africa, 1996 1997 (2) SA 97 (CC)
significant impact on the work of the PSC; the removal of the Public Protector or the Auditor-General could have a profound impact on the functioning of that office.”

During the proceedings, the Court also dealt with the argument that Section 196(13) provides that a commissioner appointed by a province may perform the functions of the commission in that province 'as prescribed by national legislation'. The Court found that “that is so, but it will not relieve the PSC of joint responsibility for the work that it does, nor prevent the 13 remaining commissioners from coming to the support of an individual commissioner wrongly accused of misconduct, incompetence or incapacity.”

The Court also held that “The functions of the PSC are materially different to those of the Public Protector and the Auditor-General. Inherent in the functions of the Public Protector is the 'investigation of sensitive and potentially embarrassing affairs of government', whilst the Auditor-General has a crucial role in 'ensuring that there is openness, accountability and propriety in the use of public funds'. They perform sensitive functions which require their independence and impartiality to be beyond question, and to be protected by stringent provisions in the Constitution.

The PSC’s primary function is to promote 'a high standard of professional ethics in the public service'. While it has important supervisory and watchdog functions, a good deal of its work will be of a routine or advisory nature. As an institution it cannot be equated with the Public Protector or the Auditor-General. A similar distinction is to be found in the IC which affords a lesser protection to the PSC than it does to the Public Protector and the Auditor-General...”

In addition, the Court found that “'Misconduct, incapacity or incompetence', the only grounds on which a commissioner can be removed from office in terms of AT, are legitimate grounds for dismissal. The removal of a commissioner from office depends upon the passing of a resolution by the relevant legislature that the commissioner has been guilty of such conduct. In the view that we take of this issue it is not necessary to decide whether a finding to that effect by the committee of the relevant legislature could be challenged in the Courts. If it can, that is an added protection. If it cannot, and if there is any suspicion that the vote has been taken on other grounds, and that the removal is not justified, the decision could be made the subject of a complaint to the Public Protector. The political consequences attaching to an unfounded attempt to remove a commissioner, and an adverse finding by the Public Protector, are likely to be considerable.”
In conclusion, the Court found that “The protection afforded to the PSC has been substantially strengthened by the AT, and is of a much higher standard than that provided by the NT or the IC. If due regard is had to the functions of the PSC, and the ambit of the protection given to commissioners by the provisions of the AT to which we have referred, the requirements of CP XXIX have clearly been complied with.”

Given the above, the Court in the Certification case\textsuperscript{15} highlighted the difference between the Public Protector and the PSC. In relation to the Public Protector, the Court found that “The purpose of the office of Public Protector is to ensure that there is an effective public service which maintains a high standard of professional ethics. NT 182(1) provides that the Public Protector has the power “to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice”. NT 182(4) provides that the Public Protector must be “accessible to all persons and communities”. The Public Protector is an office modelled on the institution of the ombudsman, whose function is to ensure that government officials carry out their tasks effectively, fairly and without corruption or prejudice. The NT clearly envisages that members of the public aggrieved by the conduct of government officials should be able to lodge their complaints with the Public Protector, who will investigate them and take appropriate remedial action.”

On the other hand, the Court decided that “the PSC will constitute a check upon political executive power in the administration of the public service…” (own emphasis).

7. **PSC ACCOUNTABILITY AND REPORTING**

The Constitution in section 196 (4)(d), requires of the PSC 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 are complied with. These reporting requirements are discussed extensively in paragraph 1.6 above.

The PSC is accountable to the National Assembly in terms of the constitutional provisions and is expected to report at least once a year. The PSC has performed well in terms of this obligation through the multiple reports it had presented and published regarding its work and its activities. The key problem with the reporting and accountability of the PSC was that it lacked the authority to enforce its recommendations and its reporting arrangements did not provide for a mechanism to enforce recommendations. Thus the PSC is severely constraint in accounting to Parliament on the actual impact that it makes in promoting the Constitutional values and principles of public administration and other aspects of its mandate.

8. **THE ISSUING OF A SUMMONS TO GIVE EVIDENCE AT AN INQUIRY**

The mandate of the PSC to issue summonses, is contained in section 10 read with section 11 of the PSC Act, 1997, as well as section 196 (3) of the Constitution of the Republic of South Africa. In terms of the PSC Act, the PSC has the power to conduct an inquiry into any matter that it is authorised by the Constitution and for purpose of the inquiry it may summons any person who may be able to give information of material importance to the inquiry.

In order to manage the process in terms of which witnesses can be summonsed, the PSC published Rules for the summoning of witnesses\(^\text{16}\). The Rules provide for the process that should be followed when a person is summonsed to appear before an inquiry of the PSC.

\(^{16}\) Rules for the summoning of witnesses in connection with inquiries and investigations of the Public Service Commission, published in Government Gazette No.23267 dated 28 March 2002
In short, the procedure is as follows:

1. **The Chairperson signs the summons in duplicate and issues a certificate authorizing a person to serve the summons.**
2. **Person (a Commissioner) designated by the Chairperson provides date for Inquiry – preferably within 14 days.**
3. **Summons is served on relevant person personally by Designated Official – at least 7 days before date of Inquiry.**
4. **Return of service must be completed by Designated Official then filed for record.**
5. **If a person so summoned is unable to attend Inquiry, written reasons must be provided – new date must be determined by PSC.**

Section 10(4)(a) and (c) of the PSC Act, 1997 determines that a person that failed to comply with summons of the PSC, is guilty of an offence and liable on conviction to a fine or imprisonment. The Chairperson of an inquiry will, upon failure by a person to appear before the PSC, submit a statement to the South African Police Service.

9. **ESTABLISHMENT OF THE OFFICE OF THE PSC**

Section 14 of the PSC Act provides that the Director-General: Office of the PSC shall, subject to the control and directions of the PSC, be responsible for the administration of the relevant office. The Office of the PSC is listed in Schedule 1 of the Public Service Act, 1994\(^\text{17}\), as a national department.

In terms of section 1 of the Public Service Act, 1994, the Chairperson of the PSC is the executive authority of the Office of the PSC and as such has all the powers vested with executive authorities in terms of section 3 of the Public Service Act, 1994\(^\text{18}\) and the Public Service Regulations, 2001\(^\text{19}\).

The budget of the PSC is located within the budget appropriation of the Department of Public

\(^{17}\) Public Service Act, 1994, as amended

\(^{18}\) Public Service Act, 1994, as amended, Section 3

\(^{19}\) Public Service Regulations, 2001, as amended
Service and Administration (DPSA). However, the DPSA does not have any authority to adjust the allocation to the PSC, and merely acts as a conduit for the transfer of monies to the PSC.

10. CONCLUSION

The PSC, as an independent and impartial institution, amongst other functions and powers, investigates, monitors and evaluates the organisation and administration of the Public Service. This mandate also entails the evaluation of achievements, or lack of these in Government programmes. Linked to the aforementioned powers, the PSC also promotes measures to ensure effective and efficient performance within the Public Service and promotes values and principles of public administration as set out in the Constitution, throughout the Public Service.

The PSC is confident that the body of work that it has already generated since its inception will influence its stakeholders to take appropriate steps to ensure that the impact of the PSC’s work continues to grow within the Public Service.