

28 March 1995

MEMORANDUM TO SUB THEME COMMITTEE 6.1  
PUBLIC ADMINISTRATION

SUBMITTED BY THE NATIONAL PARTY

INTRODUCTION

The National Party is emphatic about the decisive role that the Public Service has to play to ensure stability, investor's confidence, economic growth, the upholding of the Constitution and the promotion of the democratic rights and freedoms of all South Africans.

For this reason it is imperative that South Africa should at all times - right now and in the future - have a strong, professional, impartial and highly competent Public Service, which is responsive to the will and the needs of the people, and which enjoys the trust and the respect of all South Africans and which is broadly representative of the South African community.

The Constitution should lay the foundation for the building and maintenance of such a Public Service, and should, therefore, provide for a number of vital issues in regard to the Public Service. These are:

the nature and value system of the Public Service

the institutions and mechanisms for the rendering of advice on management and personnel policies

the institutions and mechanisms for the implementation of policies

the institutions and mechanisms for the evaluation and control of policy implementation

2. NATURE AND VALUE SYSTEM

The National Party submits that Constitutional Principle XXX contained in Schedule 4 of the present Constitution is of such a binding nature on the Constitutional Assembly, that provisions in regard to the Public Service must be incorporated in the final Constitution.

Such provisions, should only serve as a basic cornerstone. The actual building blocks should be provided for in separate statutes. Constitutional provisions should, therefore be:

of a fundamental or principle nature only

clearly understandable

implementable

brief

inspiring

Matters of administrative and managerial nature and detail should be dealt with in separate statutes, in the interest of flexibility and adaptability, in the light of changing circumstances.

The provisions in the Constitution should commit Parliament and all the people of South Africa to a Public Service which is:

professional

stable

non-partisan

broadly representative

a-political

fair

loyal to lawful government policies responsive to the needs and the will of the people  
development orientated  
respectful of the fundamental rights and freedoms of all South Africans  
and which renders services which are efficient, effective and economic.

The National Party believes that these principles should apply to the whole of the Public Service (national, provincial and the security services).

The Constitution should also provide that separate statutes should govern the management, administration and regulation of the Public Service. This would allow for separate statutes for the security services and other arms of the Public Service.

### 3. POLICY ADVICE

The National Party firmly believes that the people of South Africa are its most important asset. Similarly, the people employed in the Public Service are its most important asset - an asset which must be valued, cared for, upgraded through training and enriched by the appointment of outside expertise where and when it is needed.

#### i) NATIONAL LEVEL

The Constitution should provide for an autonomous, independent and legitimate institution such as a Public Service Commission, which should advise the government on personnel and management matters and particularly in regard to policy frameworks for personnel administration and management within individual departments.

Members of the Commission should be appointed by the State President for a period of 5 years, subject to confirmation by Parliament. Membership should consist of a Chairman and not fewer than two members and not more than four members.

The Public Service Commission should report to Parliament and be accountable to Parliament.

The conditions of service of members of the Public Service Commission, as well as the detailed functions and regulation of the PSC should not be provided for in the Constitution but in a separate statute.

The PSC should not be responsible for policy implementation, nor should it act as an appeal body in personnel matters. Its role should be an advisory one.

#### ii) PROVINCIAL LEVEL

The Constitution should provide for a Provincial Legislature to establish a Provincial Service Commission which should advise the provincial government on personnel and management matters. Members of the Provincial Service Commission should be appointed by the Premiers for a period of 5 years, subject to confirmation by Provincial Legislatures. Membership should consist of a chairman and not fewer than two members and not more than four members.

The Provincial Service Commission should report to the Provincial Legislature and be accountable to it.

#### 4. IMPLEMENTATION OF POLICY

The National Party submits that the implementation of personnel policies should be entrusted to a National Personnel Department supplemented by similar Provincial Personnel Departments. Such departments should, inter alia, be responsible for managerial efficiency and training, labour relations, promotions, appointments, transfers etc. There should, however, be the maximum devolution of powers to individual departments.

Implementation should be strictly in accordance with the policy frameworks laid down by Government upon the advice of the PSC.

#### 5. EVALUATION AND CONTROL

Within the National Personnel Department there should be an inspectorate which should inspect personnel managements practices within individual departments and report thereon on an annual basis. There should be statutory provision for such an inspectorate.

Within the Provincial Personnel Departments there should similarly be an inspectorate which should inspect personnel management practices within individual departments and report thereon on an annual basis.

Reports of the Inspectorate should be submitted to Parliament in the case of National Departments, and to Provincial Legislatures in the case of Provincial Departments.

Reports of the Inspectorate in regard to all departments should also be submitted to the PSC, which should study the reports and advise Government there about.

#### 6. CONCLUSION

The National Party believes that provisions along the lines suggested, will give overdue recognition to the importance of the personnel and management function in departments, that it will ensure uniformity, equity and fairness and that it will restore confidence and trust.

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