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GOVERNMENT NOTICE

DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

No. R. 590

31 July 2012

AMENDMENT OF PUBLIC SERVICE REGULATIONS, 2001: ESTABLISHMENT OF ADVISORY BODIES

The Minister for the Public Service and Administration has, under section 41, read with section 3(3), of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), amended the Public Service Regulations, 2001 (published under Government Notice No. R.1 of 2001), as amended, as set out in the Schedule.

SCHEDULE

Chapter 7 is hereby substituted for the following Chapter:

“CHAPTER 7

ADVISORY BODIES TO MINISTER FOR PUBLIC SERVICE AND ADMINISTRATION

A. ESTABLISHMENT OF ADVISORY BODIES

- A.1 An Advisory Body is hereby established to advise the Minister on the functions mentioned in section 3(1)(a), (b), (c), (d), (h) and (i) of the Act.
- A.2 An Advisory Body is hereby established to advise the Minister on the functions mentioned in section 3(1)(e), (f), and (g) of the Act.

B. FUNCTION OF ADVISORY BODY

- B.1 An Advisory Body shall advise the Minister on any matter as provided for in regulation A.1 or A.2 as requested by the Minister from time to time and in such manner as the Minister directs.

B.2 Any advice to the Minister must include the minority view of any member of the Advisory Body.

B.3 An Advisory Body is an ad hoc body and its members shall serve in a full-time or part-time capacity.

C. COMPOSITION AND APPOINTMENT OF ADVISORY BODY

C.1 An Advisory Body may consist of up to five persons appointed in writing by the Minister.

C.2 The members of an Advisory Body shall be persons with knowledge or experience related to one or more matters related to the Advisory Body to which they are appointed.

C.3 In appointing members to an Advisory Body, the Minister shall endeavour that the Body represents a broad cross-section of the population of South Africa and comprises of persons who reflect the South African society.

D. DISQUALIFICATION OF MEMBERS OF ADVISORY BODY

A person may not be appointed as a member of an Advisory Body if he or she—

- (a) is not a citizen or a permanent resident of the Republic;
- (b) has been convicted of a criminal offence, whether in the Republic or elsewhere, and was sentenced to imprisonment without the option of a fine, unless it has been established that such a person was granted amnesty in respect of an offence of which he or she was convicted and such an offence was politically motivated; or
- (c) has been disqualified under any law from practising his or her profession.

E. TERM OF OFFICE AND VACATING OFFICE OF MEMBERS OF ADVISORY BODY

- E.1 The members of an Advisory Body shall, subject to regulations E.3 to E.5, hold office for a period of three years with effect from the date of their appointment.
- E.2 The Members of an Advisory Body shall at the expiry of their term of office be eligible for reappointment for not more than one consecutive term.
- E.3 A member of an Advisory Body shall vacate his or her office if that member—
- (a) has been absent from more than three consecutive meetings of an Advisory Body without the permission of the Chairperson, which permission may not be unreasonably withheld;
 - (b) is disqualified under any law from practising his or her profession;
 - (c) gives one month written notice to the Minister, unless the Minister approves a shorter period; or
 - (d) ceases to be a citizen or a permanent resident of the Republic.
- E.4 If the Minister vacates office for any reason, a member of an Advisory Body shall vacate his or her office at the end of the first month after the month in which the Minister vacates office unless the new incumbent Minister determines that the member shall continue in office for the remainder of that member's term.
- E.5 A member of an Advisory Body shall vacate his or her office if the Minister terminates his or her membership for a reason that is justified.

F. ALLOWANCES AND DISBURSEMENT TO MEMBERS OF ADVISORY BODY

- F.1 Subject to the changes required by provisions of the Act and this Chapter, the remuneration and other conditions of appointment of members of an Advisory Body shall be the same as the remuneration and other conditions of service of persons appointed in terms of section 12A of the Act, as amended from time to time.
- F.2 A member of an Advisory Body shall disclose to the Minister particulars of the member's interest as required for designated employees in terms of Chapter 3.
- F.3 The chairperson of an Advisory Body shall be paid an allowance calculated at 5% of her or his remuneration as a member of the Body.
- F.4 A member of an Advisory Body shall be compensated for subsistence, travel and other expenses as a member of an Advisory Body, other than a member referred to in regulation F.5, in terms of the applicable policies of the Department of Public Service and Administration commensurate to her or his full-time employment capacity in the organ of state in question.
- F.5 A member of an Advisory Body who is in the full-time employment of any organ of state may, subject to the laws governing her or his full-time employment, only receive the following compensation as a member of an Advisory Body:
- (a) If he or she is requested by the chairperson to render services in his or her private time, other than the normal preparations for meetings, he or she may be paid an honorarium, as determined by the Minister.
 - (b) Subsistence, travel and other expenses for his or her work as a member of an Advisory Body in terms of the applicable policies of the Department of Public Service and Administration commensurate to her or his full-time employment capacity in the organ of state in question.

G. CHAIRPERSON OF ADVISORY BODY

- G.1 The Minister shall from among the members appoint a chairperson.
- G.2 The chairperson of an Advisory Body may resign as such without terminating his or her membership of an Advisory Body, in which case a new chairperson shall be appointed in terms of regulation G.1.

H. MEETINGS OF ADVISORY BODY

- H.1 Following a request of the Minister in terms of regulation B.1, an Advisory Body shall meet as determined by the chairperson.
- H.2 When the chairperson is absent or unable to perform his or her functions, the Minister must designate another member to act as chairperson. The member so acting is entitled to the remuneration applicable to the chairperson for the duration of the acting period.
- H.3 An Advisory Body must determine the procedure for calling meetings and the procedures to be followed at meetings.
- H.4 The majority of the members of an Advisory Body constitute a quorum for a meeting of an Advisory Body.

I. RESOURCES FOR ADVISORY BODY

- I.1 The Director-General of the Department of Public Service and Administration shall, in consultation with the Minister, designate employees in that Department to provide administrative services to an Advisory Body.
- I.2 If an Advisory Body requires professional services, the Director-General of the Department of Public Service and Administration may, with the approval of the

Minister, designate employees in the Department to provide such services or, if unavailable, procure such services in accordance with applicable supply chain management prescripts.

- I.3 Subject to any law regulating access to information, the Department of Public Service and Administration, Public Administration Leadership and Management Academy and Centre for Public Service Innovation must provide an Advisory Body with such information an Advisory Body may require to perform its functions.
- I.4 The expenses of an Advisory Body shall be paid from the budget of the Department of Public Service and Administration and other funds received from other sources approved by the Minister.”.
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