

UITGAWE OP GESAG

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY



OF SOUTH WEST AFRICA

UITGAWE OP GESAG

PUBLISHED BY AUTHORITY

20c

Maandag 14 April 1980

WINDHOEK

Monday 14 April 1980

No. 4116

Goewermentskennisgewing

Government Notice

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

The following Government Notice is published for general information.

N. J. DAVIN

Sekretaris van die Nasionale Vergadering van Suidwes-Afrika

N. J. DAVIN

Secretary of the National Assembly of South West Africa

Windhoek

Windhoek.

No. AG. 28

14 April 1980

No. AG. 28

14 April 1980

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie:—

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979) is hereby published in terms of section 19 of that Proclamation:—

No. 2 van 1980

Regeringsdienswet, 1980

No. 2 of 1980

Government Service Act, 1980

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

(Afrikaanse teks deur die Administrateur-generaal onderteken op 10 April 1980)

WET

Om voorsiening te maak vir die organisasie en administrasie van die regeringsdiens, die reëling van diensvoorwaardes, dienstermyn, dissipline, aftreding, afdanking en ontslag van lede van die regeringsdiens en ander aangeleenthede wat daarmee in verband staan.

INDELING VAN INHOUD

Deel I	Woordomskrywings	Artikel 1.
Deel II	Organisasie en administrasie	Artikels 2 tot 8.
Deel III	Aanstelling, bevordering, oorplasing, aftreding, afdanking en ontslag	Artikels 9 tot 14.
Deel IV	Onbekwaamheid en wangedrag	Artikels 15 tot 20.
Deel V	Algemeen	Artikels 21 tot 34.
Bylae	Departemente en departementshoofde.	

DEEL I**WOORDOMSKRYWINGS**

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:—

Woordomskrywings.

1. (1) In hierdie Wet tensy uit die samehang anders blyk, beteken —

(i) “beampte” ’n persoon —

(a) wat vas aangestel is, al is die aanstelling op proef, in ’n pos van ’n klas wat ingevolge artikel 2(2) deur ’n beampte beklee moet word; of

(b) wat ooreenkomstig ’n aanbeveling gedoen ingevolge artikel 6(2)(e), in ’n pos addisioneel tot die vaste diensstaat in diens gehou word; (vii)

(ii) “departement” ’n departement ingevolge artikel 3(1) ingestel; (ii)

(iii) “hierdie Wet” ook die regulasies; (xii)

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

*(Afrikaans text signed by the Administrator-General on
10 April 1980)*

ACT

To provide for the organization and administration of the government service, the regulation of conditions of employment, tenure of office, discipline, retirement, discharge and dismissal of members of the government service and other incidental matters.

ARRANGEMENT OF CONTENTS

Part I	Definitions	Section 1.
Part II	Organization and administration	Sections 2 to 8.
Part III	Appointment, promotion, transfer, retirement, discharge and dismissal	Sections 9 to 14.
Part IV	Inefficiency and misconduct	Sections 15 to 20.
Part V	General	Sections 21 to 34.
Schedule	Departments and heads of departments.	

PART I**DEFINITIONS**

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

1. (1) In this Act, unless the context otherwise indicates — Definitions.

- (i) "Commission" means the Government Service Commission established by section 4(1); (vi)
- (ii) "department" means any department established under section 3(1); (ii)
- (iii) "employee" means any person —
 - (a) appointed to a post of a class to be held by an employee in terms of section 2(2); or
 - (b) employed temporarily or under a special contract, whether in a full-time or part-time capacity, in accordance with a recommendation made in terms of section 6(2)(d); (xii)

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

- (iv) "hoof", met betrekking tot 'n departement, die hoof van 'n departement soos in artikel 3(1) bedoel; (v)
- (v) "inkomste", met betrekking tot die een of ander persoon, die inkomstefonds of rekening daarvan, waaruit sy besoldiging afkomstig is; (x)
- (vi) "Kommissie" die by artikel 4(1) ingestelde Regeringsdienskommissie; (i)
- (vii) "regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig is; (ix)
- (viii) "skaal", met betrekking tot salaris, ook salaris teen 'n vaste bedrag; (xi)
- (ix) "vaste diensstaat" die poste wat vir die normale en gereelde vereistes van 'n departement geskep is; (iv)
- (x) "voorgeskryf" of "voorgeskrewe" voorgeskryf by of kragtens hierdie Wet; (viii)
- (xi) "wangedrag" wangedrag soos omskrywe in artikel 17; (vi)
- (xii) "werknemer" 'n persoon —
 - (a) wat aangestel is in 'n pos van 'n klas wat ingevolge artikel 2(2) deur 'n werknemer bekleed moet word; of
 - (b) wat tydelik of onder 'n spesiale kontrak, hetsy in 'n voltydse of deeltydse hoedanigheid, ooreenkomstig 'n aanbeveling gedoen ingevolge artikel 6(2)(d) in diens is. (iii)

(2) Waar daar in hierdie Wet met betrekking tot 'n beampte 'n verwysing voorkom na 'n verlaging in 'n salarisskaal, word die verwysing uitgelê ook as die toepassing van 'n salarisskaal wat laer is as die skaal wat tevore van toepassing was wat betref die maksimum of minimum van die skaal of die tempo van vordering in die skaal en so 'n verwysing na 'n verlaging in graad of na 'n graad wat laer as 'n ander graad is, word op 'n ooreenstemmende wyse uitgelê.

DEEL II

ORGANISASIE EN ADMINISTRASIE

Samestelling en indeling
van regeringsdiens.

2. (1) Behoudens die bepalinge van subartikel (3), bestaan die regeringsdiens uit die persone wat voltydse, deeltydse, tydelik of onder 'n spesiale kontrak aangestel is in poste wat deel van die vaste diensstaat uitmaak of ad-disioneel daartoe is.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

- (iv) "fixed establishment" means the posts created for the normal and regular requirements of a department; (ix)
- (v) "head", in relation to a department, means the head of a department referred to in section 3(1); (iv)
- (vi) "misconduct" means misconduct as defined in section 17; (xi)
- (vii) "officer" means any person —
 - (a) appointed permanently, notwithstanding that such appointment may be on probation, to a post of a class to be held by an officer in terms of section 2(2); or
 - (b) retained in employment in any post additional to the fixed establishment in accordance with a recommendation made in terms of section 6(2)(e);
 - (i) *[faint text]*
- (viii) "prescribed" means prescribed by or under this Act; (x)
- (ix) "regulation" means any regulation made under this Act; (vii)
- (x) "revenue", in relation to any person, means the revenue fund or account thereof from which his remuneration is derived; (v)
- (xi) "scale", in relation to salary, includes salary at a fixed rate; (viii)
- (xii) "this Act" includes the regulations. (iii)

(2) Where in this Act reference is made in relation to any officer to a reduction in a scale of salary, the reference shall be construed as including the application of a scale of salary which is lower than the scale previously applied as regards the maximum or minimum of the scale or the rate of progression in the scale and any such reference to a reduction in grade or to a grade being lower than any other grade shall be construed correspondingly.

PART II**ORGANIZATION AND ADMINISTRATION**

2. (1) Subject to the provisions of subsection (3), the government service shall consist of all such persons as may be appointed on a full-time or part-time basis or temporarily or under a special contract to posts constituting part of the fixed establishment or additional thereto.

Composition and classification of government service.

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

(2) Die Kommissie bepaal van tyd tot tyd —

- (a) die klasse waarin poste wat deel van die vaste diensstaat uitmaak, ingedeel moet word;
- (b) die klasse van sodanige poste wat deur beamptes beklee moet word;
- (c) die klasse van sodanige poste wat deur werknemers beklee moet word.

(3) Die Administrateur-generaal kan, nadat die Kommissie 'n aanbeveling gemaak het, van tyd tot tyd by kennisgewing in die *Offisiële Koerant* die bekleders van die in die kennisgewing vermelde klasse van poste in 'n departement, uitsluit van of insluit by die regeringsdiens.

Instelling van departementen.

3. (1) Die Administrateur-generaal kan van tyd tot tyd, vir die doeleindes van hierdie Wet, departemente instel of afskaf en die name van bedoelde departemente en die benamings van die hoofde daarvan bepaal of verander.

(2) Die name van departemente wat by die inwerkingtreding van hierdie artikel in die Bylae vermeld word, word geag die name te wees van departemente wat ingevolge subartikel (1) ingestel is, en die benamings van hoofde van departemente wat aldus vermeld word, word geag ingevolge daardie subartikel bepaal te gewees het.

(3) Wanneer die Administrateur-generaal sy bevoegdhede ingevolge subartikel (1) uitoefen, wysig hy die Bylae dienooreenkomstig by proklamasie in die *Offisiële Koerant*.

(4) Die bevoegdhede, werksaamhede, pligte, regte of verpligtinge van die in die Wet op die Funksies van Direkteur, 1979 (Wet 4 van 1979), bedoelde direktorate of direkteure, word geag die bevoegdhede, werksaamhede, pligte, regte of verpligtinge van die ooreenstemmende departemente of departementshoofde te wees.

Samestelling van Regeringsdienskommissie en ampstermyn, besoldiging, diensvoordele en diensvoorwaardes van lede.

4. (1) Daar word hierby 'n kommissie bekend as die Regeringsdienskommissie ingestel, met die bevoegdhede, werksaamhede en pligte wat by hierdie Wet of enige ander wetsbepaling voorgeskryf word.

(2) (a) Die Kommissie bestaan uit drie lede wat deur die Administrateur-generaal aangestel word, met inagneming van die kennis of ondervinding van regeringsdiensaangeleenthede van die persone wat aangestel word.

(b) Die Administrateur-generaal kan 'n persoon aanstel om tydens die afwesigheid van 'n lid van die Kommissie of wanneer daar 'n vakature in die Kommissie bestaan as lid waar te neem vir solank dit die Administrateur-generaal behaag.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(2) The Commission shall from time to time determine —

- (a) the classes into which posts constituting part of the fixed establishment shall be classified;
- (b) the classes of such posts to be held by officers;
- (c) the classes of such posts to be held by employees.

(3) The Administrator-General may from time to time, after the Commission has made a recommendation, by notice in the *Official Gazette* exclude from or include in the government service the holders of such classes of posts in any department as may be specified in such notice.

3. (1) The Administrator-General may from time to time establish or abolish departments for the purposes of this Act and determine or vary the names of such departments and the designations of the heads thereof.

Establishment of departments.

(2) The names of the departments specified in the Schedule at the commencement of this section, shall be deemed to be the names of departments established under subsection (1), and the designations of heads of departments so specified, shall be deemed to have been determined under the said subsection.

(3) Whenever the Administrator-General exercises any of his powers under subsection (1) he shall by proclamation in the *Official Gazette* amend the Schedule accordingly.

(4) The powers, functions, duties, rights or obligations of directorates or directors referred to in the Functions of Directorates Act, 1979 (Act 4 of 1979), shall be deemed to be the powers, functions, duties, rights or obligations of the corresponding departments or heads of departments.

4. (1) A commission to be known as the Government Service Commission is hereby established with such powers, functions and duties as may be prescribed by this Act or any other law.

Composition of Government Service Commission and tenure of office, remuneration, employment benefits and conditions of employment of members.

(2) (a) The Commission shall consist of three members to be appointed by the Administrator-General, having regard to the knowledge or experience of government service matters of the persons appointed.

(b) The Administrator-General may appoint any person to act as a member during the Administrator-General's pleasure during the absence of any member of the Commission or whenever there is a vacancy in the Commission.

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

(3) Die Administrateur-generaal wys 'n lid as voorsitter van die Kommissie aan en gedurende die afwesigheid van die voorsitter neem 'n ander deur die Administrateur-generaal aangewese lid van die Kommissie as voorsitter waar.

(4) Behoudens die bepalings van subartikels (8), (9), (10), (11), (12) en (14), beklee 'n ander lid van die Kommissie as 'n waarnemende lid sy amp vir 'n tydperk van vyf jaar, maar kan hy by die verstryking van sy ampstermyn weer aangestel word.

(5) 'n Lid van die Kommissie —

(a) is geregtig op die besoldiging wat die Administrateur-generaal van tyd tot tyd bepaal ten opsigte van die klas van lede waartoe bedoelde lid behoort;

(b) is geregtig op die toelaes, bonus, gratifikasie of ander diensvoordele en is onderworpe aan die diensvoorwaardes wat die Administrateur-generaal van tyd tot tyd ten opsigte van bedoelde klas van lede bepaal, met inagneming van die diensvoordele en diensvoorwaardes van beamptes:

Met dien verstande dat die Administrateur-generaal nie verplig is om besoldiging of die een of ander voordeel ingevolge hierdie subartikel ten opsigte van waarnemende lede van die Kommissie wat lede van die regeringsdiens is, te bepaal nie.

(6) Die besoldiging van 'n lid van die Kommissie word nie gedurende sy ampstermyn verminder nie.

(7) Geen lid van die Kommissie wat ingevolge subartikel (2)(a) aangestel is, mag sonder toestemming van die Administrateur-generaal besoldigde werk buite sy ampspligte verrig of hom verbind om dit te verrig nie.

(8) (a) Die Administrateur-generaal kan 'n lid van die Kommissie weens wangedrag of onbekwaamheid of indien dit doeltreffendheid sal bevorder, in sy amp skors en moet die skorsing van 'n lid en die rede daarvoor per boodskap aan die Nasionale Vergadering binne veertien dae na die skorsing meedeel, indien die Nasionale Vergadering dan byeen is, of indien die Nasionale Vergadering nie dan byeen is nie, op die eerste dag waarop hy weer byeenkom.

(b) Indien daar binne een-en-twintig dae van die datum waarop bedoelde skorsing en die rede daarvoor aldus aan die Nasionale Vergadering meegedeel is, 'n adres van die Nasionale Vergadering aan die Administrateur-generaal voorgelê word waarin versoek word dat die lid weens 'n in paragraaf (a) bedoelde rede van sy amp onthef word, kan die Administrateur-generaal hom van sy amp onthef met ingang van die datum waarop hy in sy amp geskors was.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(3) The Administrator-General shall designate any member as chairman of the Commission and during the absence of the chairman any other member designated by the Administrator-General shall act as chairman.

(4) Subject to the provisions of subsections (8), (9), (10), (11), (12) and (14), any member of the Commission other than an acting member shall hold office for a period of five years, but shall be eligible for reappointment on expiry of his period of office.

(5) Any member of the Commission —

- (a) shall be entitled to such remuneration as the Administrator-General may from time to time determine in respect of such class of members to which such member may belong;
- (b) shall be entitled to such allowances, bonus, gratuity or other employment benefits and shall be subject to such conditions of employment as the Administrator-General may from time to time determine in respect of the said class of members, having regard to the employment benefits and conditions of employment of officers:

Provided that the Administrator-General shall not be obliged to determine any remuneration or other benefit under this subsection, in respect of acting members of the Commission who are members of the government service.

(6) The remuneration of any member of the Commission shall not be reduced during his period of office.

(7) No member of the Commission appointed under subsection (2)(a) shall perform or engage himself to perform any remunerative work outside the duties of his office, without the permission of the Administrator-General.

(8) (a) The Administrator-General may suspend any member of the Commission for misconduct or inefficiency or if it will promote efficiency, and shall communicate the suspension of any member and the reason for doing so, by message to the National Assembly within fourteen days after the suspension, if the National Assembly is then assembled, or if the National Assembly is not then assembled, on the first day of its next ensuing assembly.

(b) If within twenty-one days from the date on which the aforesaid suspension and the reason therefor have been so communicated to the National Assembly the Administrator-General is presented with an address from the National Assembly praying for the removal of the member from office for any reason referred to in paragraph (a), the Administrator-General may remove him from office with effect from the date of his suspension.

- (c) Indien geen sodanige adres binne die in paragraaf (b) bedoelde tydperk aan die Administrateur-generaal voorgelê word nie, moet die lid in sy amp herstel word.
- (9) (a) Die Administrateur-generaal kan op versoek van 'n lid van die Kommissie die diens van daardie lid beëindig op grond van voortdurende swak gesondheid wat sonder toedoen van daardie lid ontstaan het.
- (b) In die geval van 'n lid wat by aanstelling 'n beampte of werknemer was, word die beëindiging van sy diens ingevolge paragraaf (a), by die toepassing van die wetsbepalings op pensioene, geag beëindiging van sy diens as beampte of werknemer te wees.
- (10) Behoudens die bepalinge van subartikels (11) en (12), moet 'n ander lid van die Kommissie as 'n waarnemende lid sy amp ontruim wanneer hy die ouderdom van sestig jaar bereik: Met dien verstande dat indien hy bedoelde ouderdom ná die eerste dag van 'n maand van die jaar bereik, hy geag word bedoelde ouderdom op die eerste dag van die eersvolgende maand te bereik het.
- (11) Die Administrateur-generaal kan, indien hy dit in die openbare belang wenslik ag —
- (a) bepaal dat 'n lid van die Kommissie ná bereiking van die ouderdom van sestig jaar, in sy amp in diens behou mag word vir 'n tydperk wat verstryk nie later nie as die laaste dag van die maand waarin bedoelde lid die ouderdom van sewe-en-sestig jaar bereik;
- (b) 'n persoon bô die ouderdom van sestig jaar as lid van die Kommissie aanstel op die voorwaardes wat hy goeddunk en vir 'n tydperk wat verstryk nie later nie as op die laaste dag van die maand waarin daardie lid die ouderdom van sewe-en-sestig jaar bereik.
- (12) Indien 'n beampte of werknemer as lid of waarnemende lid van die Kommissie aangestel word —
- (a) word die tydperk van sy diens as so 'n lid gereken as deel van en aaneenlopend met sy diens as beampte of werknemer vir doeleindes van verlof en pensioen, en bly die wetsbepalings op pensioene vir beamptes of werknemers, behoudens andersluidende bepalinge van hierdie artikel, *mutatis mutandis* van toepassing op hom of, ná sy dood, sy afhanklikes, asof hy 'n beampte of werknemer gebly het;
- (b) behou so 'n lid die reg om op of by bereiking van 'n bepaalde ouderdom sy amp te ontruim en af te tree, wat hy sou gehad het indien hy 'n beampte of werknemer gebly het.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

- (c) If within the period referred to in paragraph (b) no such address is presented to the Administrator-General, the member shall be restored to office.
- (9) (a) The Administrator-General may at the request of any member of the Commission terminate the service of such member by reason of continued ill-health not occasioned by his own fault.
(b) In the case of any member having been an officer or employee on appointment, the termination of his service under paragraph (a), shall for the purposes of the laws relating to pensions, be deemed to be termination of his service as an officer or employee.
- (10) Subject to the provisions of subsections (11) and (12), any member of the Commission other than an acting member shall vacate his office on attaining the age of sixty years: Provided that if he attains the said age after the first day of any month in the year, he shall be deemed to have attained that age on the first day of the next succeeding month.
- (11) The Administrator-General may, if he deems it to be desirable in the public interest —
 - (a) determine that any member of the Commission may be retained in office beyond the age of sixty years, for any period expiring not later than the last day of the month in which the said member attains the age of sixty-seven years;
 - (b) appoint any person over the age of sixty years as a member of the Commission on such conditions as he may deem fit and for any period expiring not later than the last day of the month in which such member attains the age of sixty-seven years.
- (12) If any officer or employee is appointed as a member or acting member of the Commission —
 - (a) the period of his service as such member shall be reckoned as continuous with his service as an officer or employee for the purposes of leave and pension, and the laws relating to pensions for officers or employees shall, subject to anything to the contrary in this section contained, continue to apply *mutatis mutandis* to him or, after his death to his dependants, as if he had continued to be an officer or employee;
 - (b) such member shall retain such right to vacate his office and to retire at or on attaining any specified age, as he would have had if he had continued to be an officer or employee.

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

(13) 'n Ander lid van die Kommissie as 'n waarnemende lid

(a) wat onmiddellik voor sy aanstelling as lid 'n beampte of werknemer was;

(b) wat op die datum van verstryking van sy ampstermyn as lid van die Kommissie nie weer daarin aangestel of na 'n pos wat deel van die vaste diensstaat uitmaak of addisioneel daartoe is, oorgeplaas word nie; en

(c) wat op daardie datum nog nie die ouderdom bereik het nie waarop hy as beampte of werknemer die reg sou gehad het om af te tree en verplig sou wees om af te tree, as hy 'n beampte of werknemer gebly het,

het die reg om op daardie datum af te tree, of kan deur die Administrateur-generaal aangesê word om dan af te tree, en as hy aldus aftree of aangesê word om af te tree, word hy by die toepassing van die wetsbepalings op pensioene geag uit diens te getree het vanweë sy diensbeëindiging as gevolg van die reorganisasie van die regeringsdiens.

(14) 'n Lid van die Kommissie wat hom as lid van 'n wetgewende liggaam verkiesbaar stel, ontruim sy amp.

Uitoefening, verrigting en delegasie van bevoegdhede en werksaamhede van Kommissie.

5. (1) 'n Beslissing van twee lede van die Kommissie word 'n beslissing van die Kommissie geag.

(2) Die Kommissie kan van tyd tot tyd die een of ander van sy bevoegdhede of werksaamhede, behalwe die bevoegdhede in artikel 6(2)(a), (g) of (i), 6(3)(b) of (e), 14(4), (5)(a) tot en met (e), of (6), of Deel IV, of artikel 27 vermeld, ingevolge 'n algemene of spesiale delegasie deleger aan een van sy lede of aan die bekleder van 'n pos wat deel van die vaste diensstaat uitmaak: Met dien verstande dat die Kommissie nie onthef is van 'n bevoegdheid of werksaamheid wat hy aldus gedelegeer het nie en 'n beslissing gegee ingevolge so 'n delegasie te eniger tyd kan intrek of wysig.

(3) Die Kommissie kan een van sy lede of die bekleder van 'n pos wat deel van die vaste diensstaat uitmaak, aanwys om 'n ondersoek in te stel na die een of ander aangeleentheid waarvoor hy ingevolge hierdie Wet of 'n ander wetsbepaling die bevoegdheid het om 'n aanbeveling te doen of voorskrifte uit te vaardig.

Kommissie se bevoegdhede, werksaamhede en pligte.

6. (1) (a) Die Kommissie is bevoeg —

(i) om die werksaamhede te verrig, die pligte na te kom en die bevoegdhede uit te oefen wat ingevolge hierdie Wet of 'n ander wetsbepaling aan hom opgedra of verleen word, en om in die algemeen, behoudens die bepalings van paragraaf (b), aanbevelings te doen of voorskrifte uit te vaardig in verband met die diens of diensvoorwaardes van beamptes of werknemers of van voormalige beamptes of werknemers tydens hul dienstermyne;

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(13) Any member of the Commission other than an acting member —

(a) who immediately before his appointment as a member, was an officer or employee;

(b) who at the date of expiration of his period of office as a member of the Commission is not reappointed thereto or transferred to a post constituting part of the fixed establishment or additional thereto; and

(c) who has not attained on that date the age at which he, as an officer or employee, would have had the right to retire and would have had to retire, if he had continued to be an officer or employee,

shall have the right to retire on that date, or may be required by the Administrator-General then to retire, and if he so retires or is required to retire, he shall, for the purposes of the laws relating to pensions, be deemed to have retired from service on account of the termination of his service as a result of the reorganization of the government service.

(14) A member of the Commission who seeks election as a member of any legislative body shall vacate his office.

5. (1) Any decision of two members of the Commission shall be deemed to be a decision of the Commission.

Exercise, performance and delegation of powers and functions of Commission.

(2) The Commission may from time to time delegate any of its powers or functions, except the powers referred to in section 6(2)(a), (g) or (i), 6(3)(b) or (e), 14(4), (5)(a) to (e), both inclusive, or (6), or Part IV, or section 27, under a general or special delegation to any of its members or to the holder of any post constituting part of the fixed establishment: Provided that the Commission shall not be divested of any power or function which it may so have delegated and may at any time withdraw or amend any decision given under any such delegation.

(3) The Commission may designate any of its members or the holder of any post constituting part of the fixed establishment, to conduct an enquiry into any matter upon which in terms of this Act or any other law it is empowered to make any recommendation or issue any directions.

6. (a) The Commission shall have power —

Commission's powers, functions and duties.

(i) to perform the functions, carry out the duties and exercise the powers assigned to or imposed or conferred upon it by this Act or any other law, and generally, subject to the provisions of paragraph (b), to make recommendations or give directions relating to the employment or conditions of employment of officers or employees or of former officers or employees during their terms of office;

- (ii) om op versoek van die Administrateur-generaal aanbevelings aan hom te doen oor die een of ander aangeleentheid wat hy na die Kommissie verwys, hetsy so 'n aangeleentheid op die regeringsdiens betrekking het, al dan nie.
 - (b) Die in paragraaf (a)(i) vermelde aanbevelings of voorskrifte mag nie 'n voormalige beampte of werknemer benadeel nie en mag slegs gedoen of uitgevaardig word binne twee jaar na die verstryking van die beampte of werknemer se dienstermyn.
- (2) Die Kommissie doen aanbevelings —
- (a) met betrekking tot die instelling of afskaffing van departemente of onderafdelings daarvan, die oordrag van werksaamhede van een departement aan 'n ander of van 'n departement aan 'n ander liggaam of van 'n ander liggaam aan 'n departement;
 - (b) met betrekking tot die beheer, organisasie of herreëling van departemente of onderafdelings daarvan;
 - (c) met betrekking tot die getal, gradering, hergradering en omskepping van poste wat deel van die vaste diensstaat uitmaak;
 - (d) met betrekking tot die getal persone wat tydelik of onder 'n spesiale kontrak, hetsy in 'n voltydse of 'n deeltydse hoedanigheid, in diens geneem moet word —
 - (i) teen poste wat deel van die vaste diensstaat uitmaak wat nie permanent gevul is nie; of
 - (ii) in poste addisioneel tot die vaste diensstaat, hetsy weens die afwesigheid of siekte van die bekleder van 'n pos, of wanneer dit nodig is om personeel te voorsien vir die verrigting van 'n klas van werk waarvoor personeel nie onder gewone omstandighede op 'n permanente basis aangehou word nie, of wanneer dit om die een of ander rede nodig is om die personeel van 'n departement tydelik te vergroot;
 - (e) vir die indienshouding van 'n beampte in 'n pos addisioneel tot die vaste diensstaat, of 'n pos wat hoër of laer as sy eie graad gegradeer is;
 - (f) vir die teweegbring van besuiniging en die bevordering van doeltreffendheid in die bestuur en funksionering van departemente of onderafdelings daarvan deur —
 - (i) verbeterde organisasie, prosedure of metodes;
 - (ii) verbeterde toesig;

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

- (ii) at the request of the Administrator-General to make recommendations to him concerning any matter which he may refer to the Commission, whether such matter concerns the government service or not.
- (b) The recommendations or directions referred to in paragraph (a)(i) shall not be to the detriment of any former officer or employee and may only be made or given within two years after the expiration of the term of office of such officer or employee.
- (2) The Commission shall make recommendations —
 - (a) as to the establishment or abolition of departments or subdivisions thereof, the transfer of functions from one department to another or from a department to any other body or from any other body to a department;
 - (b) as to the control, organization and readjustment of any departments or subdivisions thereof;
 - (c) as to the number, grading, regrading and conversion of posts constituting part of the fixed establishment;
 - (d) as to the number of persons to be employed temporarily or under a special contract, whether in a full-time or part-time capacity —
 - (i) against posts constituting part of the fixed establishment which have not been permanently filled; or
 - (ii) in posts additional to the fixed establishment, whether by reason of the absence or illness of the holder of any post, or when it is necessary to provide staff for the performance of any class of work for which staff is not ordinarily maintained on a permanent basis, or when it is necessary for any other reason to increase the staff of any department temporarily;
 - (e) for the retention in employment of any officer in any post additional to the fixed establishment, or any post graded lower or higher than his own grade;
 - (f) for effecting economy and promoting efficiency in the management and functioning of departments or subdivisions thereof by —
 - (i) improved organization, procedure or methods;
 - (ii) improved supervision;

- (iii) vereenvoudiging van werk of die uitskakeling van onnodige werk;
- (iv) koördinasie van werk;
- (v) beperking van die getal beamptes of werknemers en die aanwending van die dienste van beamptes of werknemers op die voordeligste wyse;
- (vi) opleiding van beamptes of werknemers;
- (g) met betrekking tot die skale van salarisse, lone of toelaes van al die verskillende klasse of grade van beamptes of werknemers;
- (h) met betrekking tot die persoon wat aangestel of bevorder moet word, wanneer dit nodig is om 'n aanstelling of bevordering van 'n beampte of werknemer te maak in of tot 'n pos wat deel van die vaste diensstaat uitmaak of addisioneel daartoe is, hetsy dit nodig is weens die feit dat die pos vakant of hergradeer of omgeskep is;
- (i) met betrekking tot die uitvaardiging van regulasies.

(3) Die Kommissie —

- (a) hou aantekening van beamptes of werknemers wat in diens geneem is in poste wat deel van die vaste diensstaat uitmaak of addisioneel daartoe is;
- (b) stel ondersoek in na griewe van beamptes en doen, behoudens die bepalings van hierdie Wet, aanbevelings daaroor wat hy goeddunk;
- (c) vaardig voorskrifte uit met betrekking tot die ouderdoms-, opvoedkundige, taal- en ander kwalifikasies, met inbegrip van opleiding en ervaring waarvoor persone moet beskik by aanstelling, oorplasing of bevordering in of na die regeringsdiens, waar die kwalifikasies nie by of kragtens hierdie Wet of enige ander wetsbepaling voorgeskryf word nie;
- (d) indien hy dit nodig ag, verskaf of laat verskaf opleiding, of neem eksamens af of laat dit afneem in die vakke, met inbegrip van tale, wat hy gelas, of wat voorgeskryf word as 'n kwalifikasie wat persone by aanstelling, oorplasing of bevordering in of na die regeringsdiens moet besit;
- (e) stel so spoedig doenlik na die dertigste dag van die jaar wat die Administrateur-generaal bepaal, 'n verslag op oor aangeleenthede wat die Kommissie gedurende die tydperk met ingang van die datum van inwerkingtreding van hierdie Wet tot die dertigste dag van daardie jaar behandel het en daarna so spoedig doenlik na die dertigste dag van Junie van elke jaar, 'n verslag oor aangeleenthede wat die Kommissie

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

- (iii) simplification of work or the elimination of unnecessary work;
 - (iv) co-ordination of work;
 - (v) limitation of the number of officers or employees and the utilization of the services of officers or employees to the best advantage;
 - (vi) training of officers or employees;
 - (g) as to the scales of salaries, wages or allowances of all the various classes or grades of officers or employees;
 - (h) as to the person to be appointed or promoted, whenever it may be necessary to make any appointment or promotion of any officer or employee in or to any post constituting part of the fixed establishment or additional thereto, whether it is necessary owing to the fact that the post is vacant or has been regraded or converted;
 - (i) as to the making of regulations.
- (3) The Commission —
- (a) shall keep a record of officers or employees employed in posts constituting part of the fixed establishment or additional thereto;
 - (b) shall enquire into the grievances of officers and subject to the provisions of this Act, make such recommendations in respect thereof as it may deem fit;
 - (c) shall give directions as to the age, educational, language and other qualifications, including training and experience, to be possessed by persons on appointment, transfer or promotion to or in the government service, where such qualifications are not prescribed by or under this Act or any other law;
 - (d) if it deems it necessary, shall provide training or cause training to be provided, or conduct examinations or cause examinations to be conducted in such subjects, including languages, as may be directed by it or be prescribed as a qualification to be possessed by persons on appointment, transfer or promotion to or in the government service;
 - (e) shall as soon as practicable after the thirtieth day of such year as the Administrator-General may determine, compile a report on matters dealt with by the Commission during the period with effect from the date of commencement of this Act to the thirtieth day of the said year and thereafter as soon as practicable after the thirtieth day of June of each year, compile a

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

behandel het gedurende die jaar wat op daardie dag geëindig het, en ook van tyd tot tyd die spesiale verslae wat die Kommissie wenslik ag;

- (f) oefen die ander bevoegdhede uit, verrig die ander werksaamhede en kom die ander pligte na wat nie met hierdie Wet strydig is nie en wat die Administrateur-generaal aan hom verleen, opdra of oplê.

(4) Die Administrateur-generaal kan die bevoegdhede, werksaamhede of pligte wat by die een of ander wetsbepaling aan hom verleen, opgedra of opgelê word ten opsigte van die aanstelling, gradering, indeling, bevordering, aftreding, dissipline, diensure, afwesigheidsverlof of, in die algemeen, die diensvoorwaardes van persone in diens van landbanke, rade en dergelike instellings of liggame, aan die Kommissie delegeer.

Die uitvoering, terugtrekking, verwerping of wysiging en goedkeuring van aanbevelings van Kommissie.

7. (1) 'n Aanbeveling wat die Kommissie ooreenkomstig die een of ander wetsbepaling gedoen het en wat op 'n besondere persoon betrekking het, word aan die Administrateur-generaal meegedeel en —

- (a) kan, voordat dit uitgevoer is, deur die Kommissie ingetrek of gewysig word of, behoudens subartikel (6), deur die Administrateur-generaal verwerp of gewysig word, te eniger tyd binne 'n tydperk van ses maande vanaf die datum waarop dit deur die Kommissie gedoen of gewysig is : Met dien verstande dat die Kommissie nie 'n aanbeveling wat deur die Administrateur-generaal gewysig is, mag intrek of wysig nie;
- (b) word, indien dit deur die Administrateur-generaal gewysig is, onverwyld soos aldus gewysig, deur of ten opsigte van die betrokke departementshoof uitgevoer, al na gelang van die geval;
- (c) word, indien die Administrateur-generaal dit goedkeur soos deur die Kommissie gedoen of gewysig, onverwyld deur of ten opsigte van die betrokke departementshoof, al na gelang van die geval, uitgevoer soos aldus goedgekeur;
- (d) word, indien die in paragraaf (a) bedoelde tydperk verstryk het, en die aanbeveling nie uitgevoer of deur die kommissie ingetrek of deur die Administrateur-generaal verwerp of gewysig is nie, onverwyld soos deur die Kommissie gedoen of gewysig, deur of ten opsigte van die betrokke departementshoof uitgevoer, al na gelang van die geval.

(2) 'n Ander aanbeveling as 'n aanbeveling om regulasies uit te vaardig, deur die Kommissie ooreenkomstig die een of ander wetsbepaling gedoen en wat nie op 'n besondere persoon betrekking het nie —

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

report on matters dealt with by the Commission during the year which ended on that day, and also from time to time such special reports as the Commission may deem desirable;

- (f) exercise such other powers, perform such other functions and carry out such other duties not repugnant to this Act as the Administrator-General may confer, entrust or impose upon it.

(4) The Administrator-General may delegate to the Commission such powers, functions or duties as may be conferred upon, entrusted to or imposed upon him by any law in respect of the appointment, grading, classification, promotion, retirement, discipline, hours of attendance, leave of absence or, generally, the conditions of employment of persons in the employment of land banks, boards and like institutions or bodies.

7. (1) Any recommendation made by the Commission in accordance with the provisions of any law and which relates to any particular person, shall be reported to the Administrator-General, and —

The carrying out, withdrawal, rejection or variation and approval of recommendations of Commission.

- (a) may be withdrawn or varied by the Commission or, subject to subsection (6), be rejected or varied by the Administrator-General before having been carried out, at any time within a period of six months from the date when made or varied by the Commission: Provided that the Commission may not withdraw or vary any recommendation varied by the Administrator-General;
- (b) shall, if varied by the Administrator-General, be carried out forthwith as so varied, by or in respect of the head of the department concerned, as the case may be;
- (c) shall, if approved by the Administrator-General, as made or varied by the Commission, be carried out forthwith as so approved, by or in respect of the head of the department concerned, as the case may be;
- (d) shall, if the period referred to in paragraph (a) has expired, and the recommendation has not been carried out or has not been withdrawn by the Commission or rejected or varied by the Administrator-General, be carried out forthwith as made or varied by the Commission, by or in respect of the head of the department concerned, as the case may be.

(2) Any recommendation other than a recommendation for making regulations, made by the Commission in accordance with the provisions of any law, and which does not relate to any particular person —

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

- (a) kan, behoudens die bepalings van subartikel (3), voordat dit uitgevoer is, deur die Kommissie ingetrek of gewysig word te eniger tyd binne 'n tydperk van ses maande vanaf die datum waarop dit deur die Kommissie gedoen of gewysig is; en
 - (b) word, behoudens die bepalings van subartikel (3), indien bedoelde tydperk verstryk het en die aanbeveling nie uitgevoer of deur die Kommissie teruggetrek is nie, onverwyld deur of ten opsigte van die betrokke departementshoof uitgevoer, al na gelang van die geval, soos deur die Kommissie gedoen of gewysig.
- (3) 'n Aanbeveling van die Kommissie met betrekking tot —
- (a) die getal, gradering, hergradering of omskepping van poste wat deel van die vaste diensstaat uitmaak;
 - (b) die indiensneming en indienshouding van beamptes of werknemers in poste addisioneel tot die vaste diensstaat of in poste wat laer gegradeer is as hulle eie gradering;
 - (c) die skale van salarisse, lone of toelaes van beamptes of werknemers;
 - (d) die betaling aan beamptes of werknemers, of klasse van beamptes of werknemers, van salarisse teen hoër koerse as dié van die laagste kerwe van skale wat op hul poste by aanstelling, oorplasing of bevordering van toepassing is;
 - (e) die spesiale verhoging van beamptes of werknemers, of klasse van beamptes of werknemers, binne die salarisskale wat op hul poste van toepassing is of die betaling aan hulle van salarisse ooreenkomstig hoër skale;
 - (f) die betaling aan beamptes of werknemers van ekstra besoldiging vir die verrigting van oortyd diens;
 - (g) die bedrae van bonusse, toekennings, gratifikasies, honorariums of ander ekstra betalings wat aan beamptes of werknemers gedoen moet word;
 - (h) die toekenning van beurse of hulptoelaes vir studie- of navorsingsdoeleindes;
 - (i) die diensvoorwaardes in die algemeen van beamptes of werknemers;
 - (j) die bepalings van die regulasies,

wat nie op 'n besondere persoon betrekking het nie, word, indien dit uitgawes uit inkomste meebring, nie uitgevoer nie tensy goedkeuring vir daardie uitgawes vooraf verkry is.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(a) may, subject to the provisions of subsection (3), be withdrawn or varied by the Commission before it has been carried out, at any time within a period of six months from the date when made or varied by the Commission;

(b) shall, subject to the provisions of subsection (3), if the said period has expired and the recommendation has not been carried out or withdrawn by the Commission, be carried out forthwith as made or varied by the Commission, by or in respect of the head of the department concerned, as the case may be.

(3) Any recommendation of the Commission as to —

(a) the number, grading, regrading or conversion of posts constituting part of the fixed establishment;

(b) the employment and retention in employment of officers or employees in posts additional to the fixed establishment or in posts graded lower than their own grading;

(c) the scales of salaries, wages and allowances of officers or employees;

(d) the payment to officers or employees, or classes of officers or employees of salaries at higher rates than those of the lowest notches of the scales applicable to their posts on appointment, transfer or promotion;

(e) the special advancement of officers or employees, or classes of officers or employees, within the scales of salary applicable to their posts or the payment to them of salaries in accordance with higher scales;

(f) the payment to officers or employees of extra remuneration for the performance of overtime duties;

(g) the amounts of bonuses, awards, gratuities, honoraria or any other extra payments to be made to officers or employees;

(h) the granting of bursaries or grants-in-aid for purposes of study or research;

(i) the conditions of employment generally of officers or employees;

(j) the provisions of the regulations,

which does not relate to any particular person shall, if it involves expenditure from revenue, not be carried out unless prior approval for such expenditure has been obtained.

(4) Wanneer die Administrateur-generaal 'n aanbeveling van die Kommissie oor die een of ander aangeleentheid gewysig het, word daar aan die gewysigde aanbeveling gevolg gegee sonder die verkryging van 'n verdere aanbeveling van die Kommissie.

(5) By die toepassing van subartikel (1) met betrekking tot die verwerping of wysiging deur die Administrateur-generaal van 'n aanbeveling van die Kommissie, word 'n weiering deur of 'n versuim van die Kommissie om 'n aanbeveling te doen, geag 'n aanbeveling van die Kommissie te wees.

(6) Minstens veertien dae voordat hy 'n aanbeveling van die Kommissie kragtens subartikel (1)(a) verwerp of wysig, deel die Administrateur-generaal die Kommissie die gronde mee waarop hy van voorneme is om die aanbeveling te verwerp of te wysig, en versoek hy die Kommissie om kommentaar te lewer oor die voorgename verwerping of wysiging.

(7) By die toepassing van hierdie Wet of enige ander wetsbepalings, word 'n aanbeveling geag —

- (a) gedoen te gewees het op die datum van die skriftelike mededeling waarin so 'n aanbeveling oorgedra word; en
- (b) indien dit op 'n bepaalde persoon betrekking het, deur die Administrateur-generaal of 'n departementshoof uitgevoer te gewees het op die datum van die skriftelike mededeling aan daardie persoon waarin verklaar word dat die Administrateur-generaal die aanbeveling goedgekeur het of dat dit uitgevoer moet word.

Kommissie se bevoegdheid om departemente te inspekteer, om insae in amptelike dokumente te lê en om ondersoek in te stel.

8. (1) Die Kommissie is bevoeg om departemente te inspekteer, om insae te lê in die amptelike dokumente en stukke en om al die inligting by hoofde van departemente en ander beamptes of werknemers of ander persone in diens by departemente te verkry wat na sy oordeel nodig is vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte ingevolge hierdie Wet of 'n ander wetsbepaling.

(2) Die Kommissie kan —

- (a) 'n persoon wat na die oordeel van die Kommissie in staat is om inligting van wesenlike belang oor die onderwerp van 'n ondersoek deur hom ingestel of inspeksie deur hom uitgevoer, te verstrek, of wat, na hy vermoed of glo, 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer het wat betrekking op die onderwerp van die ondersoek of inspeksie het, dagvaar om op die tyd en plek in die dagvaarding vermeld, voor hom te verskyn om ondervra te word of om daardie boek, dokument of saak oor te lê en kan 'n boek, dokument of saak aldus oorgelê, vir ondersoek behou;

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(4) Whenever the Administrator-General has varied any recommendation of the Commission in regard to any matter, the recommendation so varied shall be carried out without obtaining a further recommendation of the Commission.

(5) For the purposes of the application of subsection (1) in regard to the rejection or variation by the Administrator-General of a recommendation of the Commission, any refusal or failure by the Commission to make a recommendation, shall be deemed to be a recommendation of the Commission.

(6) At least fourteen days before rejecting or varying any recommendation of the Commission under subsection (1)(a), the Administrator-General shall convey to the Commission the facts by reason of which he intends rejecting or varying the recommendation and shall request the Commission to furnish him with its comments in regard to the proposed rejection or variation.

(7) For the purposes of this Act or any other law, any recommendation shall be deemed—

(a) to have been made on the date of the written communication conveying such recommendation; and

(b) if it relates to any particular person, to have been carried out by the Administrator-General or any head of a department on the date of the written communication to such person stating that the Administrator-General approved such recommendation or that it has to be carried out.

8. (1) The Commission shall have power to inspect departments, to have access to such official documents and records, and to obtain all such information from heads of departments and other officers or employees or other persons employed by departments as in its opinion may be necessary for the exercise of its powers, the performance of its functions and the carrying out of its duties under this Act or under any other law.

Commission's power to inspect departments, to have access to official documents and to hold an enquiry.

(2) The Commission may —

(a) summon any person who in the opinion of the Commission may be able to give material information concerning the subject of any enquiry held or inspection made by it, or whom it suspects of having or believes to have in his possession or custody or under his control any book, document or thing which may have a bearing upon the subject of the enquiry or inspection, to appear before it at such time and place as may be specified in the summons, to be interrogated or to produce such book, document or thing and may retain for inspection any book, document or thing so produced;

(b) 'n persoon wat by die ondersoek of inspeksie teenwoordig is en wat ingevolge paragraaf (a) gedagvaar is of gedagvaar kon gewees het, oproep en hom 'n eed oplê of van hom 'n bevestiging aanneem, en kan hom ondervra en aansê om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer wat, na die Kommissie vermoed of glo, betrekking op die onderwerp van die ondersoek of inspeksie het, oor te lê.

(3) 'n Dagvaarding van 'n persoon om voor die Kommissie te verskyn of om 'n boek, dokument of saak oor te lê, moet in die voorgeskrewe vorm wees, moet deur die voor-sitter van die Kommissie of 'n deur die Kommissie daartoe gemagtigde persoon onderteken wees, en word bestel op die wyse wat die Kommissie van tyd tot tyd bepaal.

(4) Indien 'n persoon wat behoorlik kragtens hierdie artikel gedagvaar is, sonder voldoende rede in gebreke bly om op die in die dagvaarding bepaalde tyd en plek te verskyn, of om teenwoordig te bly totdat hy deur die Kommissie van verdere bywoning onthef word, of indien 'n persoon wat ingevolge subartikel (2)(b) opgeroep is, weier om as getuie beëdig te word of om te bevestig, of sonder voldoende rede in gebreke bly om volledig en bevredigend na sy beste wete en geloof alle vrae wat wettiglik aan hom gestel word, te beantwoord, of om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy aangesê is om oor te lê, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand: Met dien verstande dat in verband met die onder-vraging van so 'n persoon deur, of die oorlegging van so 'n boek, dokument of saak aan die Kommissie, die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n gereghof getuie af te lê, of 'n boek, dokument of saak oor te lê, van toepassing is.

(5) 'n Getuie wat, nadat hy behoorlik beëdig is of bevestig het, 'n valse antwoord gee op 'n vraag wettiglik deur die Kommissie aan hom gestel, of 'n valse verklaring doen oor 'n aangeleentheid, terwyl hy weet dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die by wet voorgeskrewe straf vir meened.

(6) 'n Persoon wat 'n ander persoon verhinder om gehoor te gee aan 'n dagvaarding ingevolge hierdie artikel uitgereik of om getuie af te lê of om 'n boek, dokument of saak oor te lê wat hy aangesê word om af te lê of oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

(7) 'n Persoon wat 'n ondersoek instel of 'n inspeksie uitvoer uit hoofde van 'n delegasie kragtens artikel 5(2) of 'n ondersoek instel uit hoofde van 'n aanwysing of 'n aanstelling kragtens artikel 5(3), 15(1), 16(1) of 18(5), het vir die

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(b) call upon and administer an oath to or take an affirmation from any person present at the enquiry or inspection who has or might have been summoned in terms of paragraph (a), and may interrogate him and require him to produce any book, document or thing in his possession or custody or under his control which the Commission suspects or believes to have a bearing upon the subject of the enquiry or inspection.

(3) Any summons for any person to appear before the Commission or to produce any book, document or thing, shall be in the prescribed form, shall be signed by the chairman of the Commission or any person authorized by the Commission to do so, and shall be served in such manner as the Commission may from time to time determine.

(4) If any person, having been duly summoned under this section, fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused by the Commission from further attendance, or if any person called in terms of subsection (2)(b) refuses to be sworn or to affirm as a witness, or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him, or to produce any book, document or thing in his possession or custody or under his control which he was required to produce, he shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or thing to, the Commission, the law relating to privilege, as applicable to any witness summoned to give evidence or to produce any book, document or thing in any court of law, shall apply.

(5) Any witness who, after having been sworn or after having affirmed, gives any false answer to any question lawfully put to him by the Commission, or makes any false statement in regard to any matter, knowing such answer or statement to be false, shall be guilty of an offence and liable on conviction to the punishment prescribed by law for perjury.

(6) Any person who prevents any other person from attending in obedience to any summons issued under this section or from giving any evidence or producing any book, document or thing which he may be required to give or produce, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(7) Any person holding any enquiry or making any inspection by virtue of a delegation under section 5(2), or holding an enquiry by virtue of any designation or appointment under section 5(3), 15(1), 16(1) or 18(5), shall for the

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

doeleindes van die ondersoek of inspeksie al die bevoegdhede wat by hierdie artikel aan die Kommissie verleen word, en by die toepassing van die bepalings van hierdie artikel op so 'n ondersoek of inspeksie word 'n verwysing daarin na die Kommissie uitgelê ook as 'n verwysing na 'n persoon soos voormeld.

DEEL III

AANSTELLING, BEVORDERING, OORPLASING,
AFTREDING, AFDANKING EN ONTSLAG

Aanstellings en bevorderings.

9. Sonder om afbreuk te doen aan die werksaamhede wat deur die Kommissie ingevolge hierdie Wet verrig moet word, word die aanstelling of bevordering van 'n persoon in die regeringsdiens gemaak deur die Administrateur-generaal of deur die bekleder van 'n pos wat deel van die vaste diensstaat uitmaak, aan wie die Administrateur-generaal die bevoegdheid om so 'n aanstelling te maak of om 'n persoon te bevorder, gedelegeer het.

Voorwaardes met betrekking tot die vul van poste.

10. (1) Behoudens die bepalings van hierdie artikel en van artikels 11 en 12, geskied aanstellings, oorplasinge of bevorderings in die regeringsdiens op die wyse en onderworpe aan die voorwaardes (met inbegrip van voorwaardes met betrekking tot kennis van die amptelike of ander tale) wat voorgeskryf word of wat die Kommissie bepaal.

(2) Geen persoon word as beampte of werknemer vas aangestel of oorgeplaas en vas aangestel nie, hetsy op proef al dan nie, tensy daardie persoon —

(a) van goeie karakter is; en

(b) na die oordeel van die Kommissie vry is van 'n siekte of liggaams- of geestesgebrek wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer.

(3) By die vul van 'n pos of die maak van 'n aanstelling in die regeringsdiens, word daar behoorlik rekening gehou met die kwalifikasies, relatiewe verdienstelikheid, bekwaamheid en geskiktheid van die persone wat vir bevordering, oorplasing of aanstelling in aanmerking kom.

(4) Vir die vul van 'n pos van 'n klas wat deur beamptes beklee word, moet die Kommissie, behoudens die bepalings van subartikel (3), of —

(a) die oorplasing of bevordering van 'n beampte aanbeveel; of

(b) indien die pos nie op bevredigende wyse deur so 'n oorplasing of bevordering gevul kan word nie, die aanstelling aanbeveel van 'n persoon wat nie 'n beampte is nie.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

purposes of the enquiry or inspection have all the powers conferred upon the Commission by this section, and in applying the provisions of this section to any such enquiry or inspection any reference therein to the Commission shall be construed as including a reference to any person aforementioned.

PART III**APPOINTMENT, PROMOTION, TRANSFER,
RETIREMENT, DISCHARGE AND DISMISSAL**

9. Without derogation from the functions to be performed by the Commission under this Act, the appointment or promotion of any person in the government service shall be by the Administrator-General or by the holder of a post constituting part of the fixed establishment, to whom the Administrator-General has delegated the power to make such an appointment or to promote any person.

Appointments and promotions.

10. (1) Subject to the provisions of this section and of sections 11 and 12, appointments, transfers or promotions in the government service shall be made in such manner and subject to such conditions (including conditions in regard to the possession of knowledge of the official and other languages) as may be prescribed or as the Commission may direct.

Conditions in regard to the filling of posts.

(2) No person shall be appointed permanently or be transferred and appointed permanently as an officer or employee, whether on probation or not, unless such person —

(a) is of good character; and

(b) is in the opinion of the Commission free from any disease or physical or mental defect likely to interfere with the proper carrying out of his duties.

(3) In filling any post or making any appointment in the government service, due regard shall be had to the qualifications, relative merit, efficiency and suitability of the persons being considered for promotion, transfer or appointment.

(4) For filling any post of any class to be held by officers, the Commission shall, subject to the provisions of subsection (3), recommend, either —

(a) the transfer or promotion of an officer; or

(b) if the post cannot be satisfactorily filled by any such transfer or promotion, the appointment of any person who is not an officer.

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

Aanstellings op spesiale
voorwaardes.

11. 'n Persoon wat elders as in die regeringsdiens in diens is, kan op aanbeveling van die Kommissie as 'n beampte aangestel word op die spesiale voorwaardes wat die Kommissie bepaal, met inagneming van daardie persoon se senioriteit, opgeloopte vakansie- of siekteverlof en sy bestaande diensvoordele en verpligtinge, mits goedkeuring vooraf verkry is vir uitgawes uit inkomste wat die aanstelling meebring.

Aanstellings, oorplasinge
en bevorderings op proef.

12. (1) Aanstellings, oorplasinge of bevorderings na of in poste van die klasse wat deur beamptes beklee word, geskied op proef indien deur die Kommissie aanbeveel.

(2) Die aldus aanbevole proeftydperk is minstens twaalf maande: Met dien verstande dat indien 'n beampte wat diens op proef doen, oorgeplaas of bevorder word na 'n ander pos, 'n korter diens tyd op proef in die nuwe pos aanbeveel kan word, wat, saam met die proeftyd in diens in die vorige pos minstens twaalf maande is: Met dien verstande voorts dat die proeftyd van 'n beampte verleng word met die getal dae verlof wat hy gedurende die proeftyd of enige verlenging daarvan geneem het.

(3) (a) Indien die departementshoof of hoof van die onderafdeling van die departement waar 'n beampte op proef in diens is, sertifiseer dat gedurende die proeftyd of verlengde proeftyd, die betrokke beampte ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee. kan die Administrateur-generaal of die bekleder van 'n pos in 'n departement, aan wie hy sy bevoegdhede ten opsigte van aanstellings, oorplasinge of bevorderings gedelegeer het, die aanstelling, oorplasing of bevordering van die beampte bekragtig, indien hy voldoen het aan al die voorwaardes waaraan sy aanstelling, oorplasing of bevordering onderworpe was.

(b) Indien die aanstelling, oorplasing of bevordering op proef nie bekragtig word nie, moet die departementshoof die redes daarvoor rapporteer aan die Kommissie wat, behoudens die bepalings van subartikel (5), dié aanbeveling oor die aangeleentheid kan doen wat hy goeddunk.

(4) Ondanks andersluidende bepalings van subartikel (2) of Deel IV, maar behoudens die bepalings van subartikel (5), kan 'n beampte wat op proef in diens is, nadat die Kommissie 'n aanbeveling gedoen het, deur die Administrateur-generaal of die bekleder van 'n pos in 'n departement, aan wie hy die bevoegdheid om te ontslaan gedelegeer het, uit die regeringsdiens ontslaan word, hetsy gedurende, by of ná die verstryking van die proeftyd —

GOVERNMENT SERVICE ACT, 1980**Act No. 2, 1980**

11. Any person employed elsewhere than in the government service, may on the recommendation of the Commission, be appointed as an officer on such special conditions as the Commission may determine, having regard to the seniority of such person, his accumulated vacation or sick leave and his existing employment benefits and obligations, provided prior approval has been obtained for expenditure from revenue incurred by such appointment.

Appointments on special conditions.

12. (1) Appointments, transfers or promotions to or in posts of the classes to be held by officers shall be on probation if the Commission so recommends.

Appointments, transfers and promotions on probation.

(2) The period of probation so recommended shall not be less than twelve months : Provided that if any officer serving on probation is transferred or promoted to any other post, a lesser period of service on probation in the new post may be recommended, which, together with the period of probation served in the former post, shall amount to not less than twelve months : Provided further that the probationary period of any officer shall be extended by the number of days leave taken by him during the period of probation or any extension thereof.

(3) (a) If the head of the department or any subdivision thereof where any officer is employed on probation, certifies that during the period of probation or extended period of probation the officer concerned has been diligent and his conduct has been consistently satisfactory and that he is in all respects suitable for the post which he holds, the Administrator-General, or the holder of any post in any department, to whom he has delegated his powers in respect of appointments, transfers or promotions, may, if the officer has complied with all the conditions to which his appointment, transfer or promotion was subject, confirm the appointment, transfer or promotion of such officer.

(b) If the probationary appointment, transfer or promotion is not confirmed, the head of department shall report the reasons for the non-confirmation to the Commission which, subject to the provisions of subsection (5), may make such recommendation in the matter as it may deem fit.

(4) Notwithstanding anything to the contrary in subsection (2) or in Part IV contained, but subject to the provisions of subsection (5), any officer serving on probation may, after the Commission has made a recommendation, be discharged from the government service by the Administrator-General or the holder of a post in any department to whom he has delegated such power of discharge, either during, at or after the expiration of the period of probation —

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

- (a) deur een maand kennis te gee; of
- (b) indien sy gedrag onbevredigend is, sonder kennisgewing vooraf.

(5) Nadat die Kommissie 'n aanbeveling gedoen het en ondanks andersluidende bepalings van subartikel (3) of (4) of artikel 13 of 22, keer 'n persoon wat onmiddellik voor sy oorplasing of bevordering op proef 'n ander beampte as 'n beampte op proef was, terug na die pos wat hy tevore beklee het, of na 'n pos van gelyke gradering, en na die salaris wat hy in sy vorige pos sou bereik het, indien sy oorplasing of bevordering op proef nie bekragtig word nie.

Oorplasing en afstaan van beamptes en werknemers.

13. (1) Behoudens die bepalings van hierdie Wet, kan 'n beampte of werknemer, wanneer die openbare belang dit vereis, oorgeplaas word van die pos of betrekking wat hy beklee, na 'n ander pos of betrekking in dieselfde of 'n ander departement, hetsy so 'n ander pos of betrekking van 'n laer of hoër graad is, al dan nie, of hetsy so 'n pos of betrekking in of buite die gebied Suidwes-Afrika is: Met dien verstande dat —

- (a) by oorplasing 'n beampte of werknemer se salarisskaal nie sonder sy toestemming verlaag mag word nie, behalwe in ooreenstemming met die bepalings van Deel IV;
- (b) 'n beampte of werknemer wat oorgeplaas is na of in diens is in 'n pos van 'n laer of hoër graad as sy eie graad sonder 'n verandering in sy salarisskaal, deur die Kommissie aanbeveel moet word vir oorplasing na 'n pos waarby sy salarisskaal pas, sodra 'n geskikte vakature ontstaan;
- (c) 'n beampte of werknemer wat oorgeplaas is na of in diens is in 'n pos wat hoër as sy eie graad gegradeer is, of wat hergradeer word na, of omgeskep word in 'n pos van 'n hoër graad as sy eie graad, nie uit hoofde alleen van bedoelde oorplasing of diens, op die hoër salarisskaal wat op die pos van toepassing is, geregtig is nie.

(2) Die oorplasing van 'n beampte of werknemer van een pos of betrekking na 'n ander pos of betrekking kan, behoudens die bepalings van subartikel (3), gedoen word op gesag van die Administrateur-generaal of die bekleder van 'n pos in 'n departement, aan wie hy die bevoegdheid om oor te plaas, gedelegeer het.

(3) 'n Beampte of werknemer word nie van een pos oorgeplaas na 'n ander wat van 'n hoër of laer graad as sy eie graad is of 'n ander benaming het nie, tensy die Kommissie die oorplasing aanbeveel het.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

- (a) by giving one month's notice; or
- (b) without any prior notice, if his conduct is unsatisfactory.

(5) After the Commission has made a recommendation and notwithstanding anything to the contrary in subsection (3) or (4) or section 13 or 22 contained, any person who immediately prior to his transfer or promotion on probation was an officer, not being a probationary officer, shall, if his probationary transfer or promotion is not confirmed, revert to the post formerly held by him, or to any post of equivalent grading, and to the salary he would have attained in his former post.

13. (1) Subject to the provisions of this Act, any officer or employee shall, whenever the public interest so requires, be liable to be transferred from the post or appointment held by him, to any other post or appointment in the same or any other department, whether or not such other post or appointment is of a lower or higher grade, or whether such post or appointment, is within or outside the territory of South West Africa: Provided that —

Transfer and secondment
of officers and employees.

- (a) upon transfer any officer or employee shall not suffer any reduction in his scale of salary without his consent, except in accordance with the provisions of Part IV;
- (b) an officer or employee transferred to or employed in any post of a lower or higher grade than his own grade without any change in his scale of salary, shall be recommended by the Commission for transfer to a post to which his scale of salary is appropriate, as soon as a suitable vacancy occurs;
- (c) an officer or employee transferred to or employed in a post which is graded higher than his own grade, or which is regarded or converted to a post of a grade higher than his own grade, shall not by reason only of such transfer or employment be entitled to the higher scale of salary applicable to the post.

(2) The transfer of any officer or employee from one post or appointment to another post or appointment may, subject to the provisions of subsection (3), be made on the authority of the Administrator-General or the holder of a post in any department, to whom such power to transfer has been delegated by the Administrator-General.

(3) Any officer or employee shall not be transferred from one post to another post which is of a higher or lower grade than his own grade or bears a different designation, unless the Commission has recommended the transfer.

(4) 'n Beampte of werknemer word nie van of ná 'n in artikel 31(2) bedoelde departement sonder sy toestemming oorgeplaas nie.

(5) 'n Persoon buite die regeringsdiens kan op aanbeveling van die Kommissie deur 'n departement in diens geneem word vir 'n besondere diens of vir 'n tydperk en op die voorwaardes wat die Kommissie aanbeveel, mits goedkeuring vooraf verkry is vir uitgawes uit inkomste wat die in-diensneming meebring.

(6) 'n Beampte of werknemer kan met sy toestemming en op aanbeveling van die Kommissie en op die voorwaardes (benewens dié wat by of kragtens die een of ander wetsbepaling voorgeskryf word) wat die Kommissie aanbeveel, hetsy vir 'n besondere diens of vir 'n tydperk, aan die diens van 'n ander regering, of van 'n raad, inrigting of liggaam wat by of kragtens die een of ander wetsbepaling ingestel is, of van 'n ander liggaam of persoon, afgestaan word, mits goedkeuring vooraf verkry is vir uitgawes uit inkomste wat die afstaan van bedoelde beampte of werknemer meebring, en so 'n beampte of werknemer bly, terwyl hy aldus afgestaan is, onderworpe aan die wetsbepalings wat op beamptes of werknemers in die regeringsdiens van toepassing is.

(7) Die salaris, toelae, geld, bonus of honorarium wat betaalbaar is ten opsigte van die dienste van 'n beampte of werknemer wat ingevolge subartikel (6) afgestaan is, word in inkomste gestort: Met dien verstande dat die Kommissie onder spesiale omstandighede kan aanbeveel dat 'n bedrag wat gelyk is aan bedoelde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, uit inkomste aan die beampte of werknemer betaal word.

Aftreding, afdanking en
ontslag van beamptes.

14. (1) Behoudens die bepalinge van subartikels (2), (3) en (4), het 'n beampte die reg om uit die regeringsdiens af te tree wanneer hy die ouderdom van sestig jaar bereik en moet hy aldus aftree wanneer hy genoemde ouderdom bereik.

(2) Behoudens die bepalinge van subartikel (3), behou 'n beampte wat in diens van die Regering van die Republiek van Suid-Afrika was en sonder onderbreking van diens in die regeringsdiens aangestel word, die reg, indien hy dit as 'n voorwaarde van sy aanstelling stel, wat hy in eersgenoemde diens gehad het om op die een of ander bepaalde ouderdom af te tree.

(3) Indien dit in die openbare belang is om 'n beampte in sy pos in diens te hou ná die ouderdom waarop hy ooreenkomstig subartikels (1) en (2) moet aftree, kan hy aldus van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die Administrateur-generaal in diens behou word vir 'n verdere tydperk wat verstryk nie later nie as op die laaste dag van die maand waarin hy die ouderdom van sewe-en-sestig jaar bereik.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(4) Any officer or employee shall not be transferred without his consent, from or to any department referred to in section 31(2).

(5) Any person outside the government service, may, on the recommendation of the Commission, be employed by any department for any particular service or for any period of time and on such conditions as may be recommended by the Commission, provided prior approval has been obtained for expenditure from revenue incurred as a result of such employment.

(6) Any officer or employee may, with his consent and on the recommendation of the Commission and on such conditions (in addition to those prescribed by or under any law) as it may recommend, be seconded either for any particular service or for any period, to the service of any other government, or of any board, institution or body established by or under any law, or of any other body or person, provided prior approval has been obtained for expenditure from revenue incurred by the secondment of the said officer or employee, and any such officer or employee while so seconded, shall remain subject to the laws governing officers or employees in the government service.

(7) The salary, allowance, money, bonus or honorarium payable in respect of the services of any officer or employee seconded under subsection (6), shall be paid into revenue: Provided that the Commission may in special circumstances recommend that an amount equal to the said salary, allowance, money, bonus or honorarium, or any portion thereof, shall be paid from revenue to the said officer or employee.

14. (1) Subject to the provisions of subsections (2), (3) and (4), any officer shall have the right to retire from the government service on attaining the age of sixty years and shall be so retired on reaching the said age.

Retirement, discharge and dismissal of officers.

(2) Subject to the provisions of subsection (3), any officer in the employment of the Government of the Republic of South Africa who is appointed in the government service without interruption of service shall, if he stipulates it as a condition of his appointment, retain such right as he may have had in the employment aforesaid to retire at any particular age.

(3) If it is in the public interest to retain any officer in employment in his post beyond the age at which in accordance with subsections (1) and (2), he shall be retired, he may be so retained from time to time on the recommendation of the Commission and subject to the approval of the Administrator-General, for any further period expiring not later than the last day of the month in which he attains the age of sixty-seven years.

(4) 'n Beampte wat die ouderdom van vyf-en-vyftig jaar bereik het, kan, onderworpe aan die aanbeveling van die Kommissie en die goedkeuring van die Administrateur-generaal, verplig word om uit die regeringsdiens af te tree.

(5) 'n Beampte kan uit die regeringsdiens ontslaan word —

(a) weens voortdurende swak gesondheid;

(b) weens die afskaffing van sy pos of 'n vermindering in of reorganisasie of herreëling van 'n departement of 'n onderafdeling daarvan;

(c) indien sy ontslag om ander redes as sy ongeskiktheid of onvermoë, doeltreffendheid of besuiniging in die departement waarin hy in diens is, sal bevorder;

(d) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(e) weens wangedrag;

(f) indien, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekragtig word nie;

(g) indien die Administrateur-generaal hom in die openbare belang kragtens 'n bepaling van 'n ander wet aanstel in 'n amp waarop die bepalings van hierdie Wet nie van toepassing is nie.

(6) (a) 'n Beampte wat sonder verlof van die hoof van die departement of onderafdeling daarvan waar hy in diens is —

(i) vir 'n tydperk van meer as dertig dae van sy ampspligte afwesig is; of

(ii) van sy ampspligte afwesig is en ander werk aanvaar,

word geag uit die regeringsdiens weens wangedrag ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was.

(b) Die Kommissie kan, ondanks andersluidende wetsbepalings, aanbeveel dat, onderworpe aan die goedkeuring van die Administrateur-generaal, 'n beampte wat aldus geag ontslaan te gewees het, in die regeringsdiens in sy vorige of 'n ander pos of betrekking herstel word op die voorwaardes wat die Kommissie aanbeveel, en daarna word die tydperk van sy afwesigheid van sy ampspligte, geag afwesigheid met vakansieverlof sonder besoldiging te wees of verlof op die ander voorwaardes wat die Kommissie aanbeveel.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(4) Any officer who has reached the age of fifty-five years may, subject to the recommendation of the Commission and the approval of the Administrator-General, be retired from the government service.

(5) Any officer is liable to be discharged from the government service —

- (a) on account of continued ill-health;
 - (b) owing to the abolition of his post or any reduction in or reorganization or readjustment of any department or subdivision thereof;
 - (c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the department in which he is employed;
 - (d) on account of unfitness for his duties, or incapacity to carry them out efficiently;
 - (e) on account of misconduct;
 - (f) if, in the case of an officer appointed on probation, his appointment is not confirmed;
 - (g) if the Administrator-General, in the public interest, appoints him under any provision of any other law to any office to which the provisions of this Act do not apply.
- (6) (a) Any officer who without permission of the head of the department or subdivision thereof where he is employed —
- (i) absents himself from his official duties for any period exceeding thirty days; or
 - (ii) absents himself from his official duties and assumes duty in other employment,

shall be deemed to have been discharged from the government service on account of misconduct, with effect from the date immediately succeeding his last day of attendance at his place of employment.

- (b) The Commission may, notwithstanding anything to the contrary in any law contained, recommend that, subject to the approval of the Administrator-General, any officer so deemed to have been discharged, be reinstated in the government service in his former or any other post or work, on such conditions as the Commission may recommend, and thereupon the period of his absence from his official duties shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Commission may recommend.

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

(7) Die bevoegdheid om 'n beampte of werknemer in-gevolge hierdie artikel te verplig om af te tree of om hom te ontslaan, berus by die Administrateur-generaal of die bekleder van 'n pos in 'n departement aan wie hy so 'n bevoegdheid gedelegeer het en word in die geval van 'n beampte, slegs op aanbeveling van die Kommissie uitgeoefen.

DEEL IV

ONBEKWAAMHEID EN WANGEDRAG

Onbekwame
beamptes.

15. (1) Indien 'n beampte na die oordeel van die hoof van die departement waarin die beampte 'n pos beklee of van 'n persoon wat aangewys is om daardie departement te inspekteer, ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, stuur bedoelde departementshoof 'n verslag oor die aangeleentheid deur homself of deur voormelde persoon opgestel, na gelang van die geval, aan die Administrateur-generaal wat die bekleder van 'n pos in 'n departement as ondersoekbeampte aanstel om ondersoek in te stel oor die bewerings (hieronder in hierdie artikel die aanklag genoem) in die verslag vervat.

(2) Die ondersoekbeampte stel in oorleg met die departementshoof, die tyd en die plek van die ondersoek vas en die departementshoof gee aan die betrokke beampte redelike skriftelike kennis van bedoelde tyd en plek en verstrekk aan hom in 'n skriftelike uiteensetting besonderhede van die aanklag.

(3) Die departementshoof kan 'n persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer en om 'n persoon wat getuienis afgelê het om die aanklag te weerlê, onder kruisverhoor te neem.

(4) (a) By die ondersoek het die betrokke beampte die reg om teenwoordig te wees en aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om 'n persoon wat as getuie ter stawing van die aanklag opgeroep is, onder kruisverhoor te neem, om alle dokumente wat as getuienis oorgelê is, te ondersoek, om self getuienis af te lê en om 'n ander persoon as getuie op te roep.

(b) Die ondersoekbeampte moet notule hou van die verrigtinge by die ondersoek en van alle getuienis wat aldaar afgelê word.

(c) Die versuim van die betrokke beampte om die ondersoek by te woon, maak die verrigtinge nie ongeldig nie.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(7) The power to retire or discharge an officer or employee under this section shall be vested in the Administrator-General or the holder of any post in any department, to whom he has delegated any such power and shall, in the case of any officer, be exercised only on the recommendation of the Commission.

PART IV**INEFFICIENCY AND MISCONDUCT**

15. (1) If, in the opinion of the head of the department in which any officer holds any post or of any person designated to inspect such department, such officer is unfit for his duties or incapable of carrying out his duties efficiently, the said head shall submit a report on the matter, compiled by himself or the person aforesaid, as the case may be, to the Administrator-General who shall appoint the holder of any office in any department, as investigating officer to enquire into the allegations (hereinafter in this section referred to as the charge) contained in the report. Inefficient officers.

(2) The investigating officer shall, in consultation with the head of the department, fix the time and place of the enquiry and the said head shall give the officer concerned reasonable notice in writing of the said time and place and shall furnish him with particulars of the charge in a statement in writing.

(3) The head of the department may authorize any person to attend the enquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person who has given evidence in rebuttal of the charge.

(4) (a) At the enquiry the officer concerned shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the charge, to examine any documents produced in evidence, to give evidence himself and to call any other person as a witness.

(b) The investigating officer shall keep a record of the proceedings at the enquiry and of all evidence given thereat.

(c) The failure of the officer concerned to attend the enquiry shall not invalidate the proceedings.

(5) Na afloop van die ondersoek moet die ondersoekbeampte —

- (a) bevind of die betrokke beampte ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, al dan nie;
- (b) die betrokke beampte van sy bevinding verwittig; en
- (c) oor die uitslag van die ondersoek aan die Administrateur-generaal verslag doen.

(6) Indien die ondersoekbeampte bevind dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie —

- (a) verstrek hy aan die Kommissie die notule van die verrigtinge by die ondersoek, met inbegrip van dokumentêre getuienis wat aldaar toegelaat is, tesame met 'n skriftelike uiteensetting van sy bevindinge en sy redes daarvoor en enige opmerkings wat hy wil maak;

- (b) verstrek die Kommissie aan die betrokke beampte op sy versoek gedoen binne veertien dae nadat hy van die bevinding van die ondersoekbeampte verwittig is, 'n afskrif van bedoelde notule, uiteensetting en redes;

- (c) kan bedoelde beampte binne veertien dae ná ontvangs deur hom van die in paragraaf (b) bedoelde afskrif, by die Kommissie teen die bevinding van die ondersoekbeampte appelleer by wyse van 'n skriftelike kennisgewing waarin die gronde van appèl volledig uiteengesit word en vertoë ter stawing van die appèl voorgelê word.

- (7) (a) Indien die beampte teen die bevinding van die ondersoekbeampte appelleer, stuur die Kommissie 'n afskrif van die in subartikel (6)(a) bedoelde notule, uiteensetting en redes en 'n afskrif van die in subartikel (6)(c) bedoelde kennisgewing aan die betrokke departementshoof, wat binne veertien dae na die datum van ontvangs van bedoelde afskrifte —

- (i) skriftelike vertoë ter stawing van die bevindings waarteen die appèl aangeteken is, tot die Kommissie kan rig; en

- (ii) 'n afskrif van bedoelde vertoë moet verstrek aan die betrokke beampte, wat binne veertien dae na ontvangs daarvan sy skriftelike repliek daarop aan die Kommissie kan voorlê.

- (b) Die Kommissie verstrek 'n afskrif van bedoelde repliek aan die departementshoof, wat met verlof van die Kommissie verdere vertoë in antwoord daarop kan voorlê.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(5) At the conclusion of the enquiry the investigating officer —

- (a) shall find whether or not the officer concerned is unfit for his duties or incapable of carrying out his duties efficiently;
- (b) shall advise the officer concerned of his finding; and
- (c) shall report the result of the enquiry to the Administrator-General.

(6) If the investigating officer finds that the officer concerned is unfit for his duties or incapable of carrying them out efficiently —

- (a) he shall furnish the Commission with the record of the proceedings at the enquiry, including documentary evidence admitted at the enquiry, together with a written statement of his findings and his reasons for such findings and any observations he may desire to make;
- (b) the Commission shall furnish the officer concerned at his request, made within fourteen days after his having been advised of the finding of the investigating officer, with a copy of the said record, statement and reasons;
- (c) the said officer may, within fourteen days after receipt by him of the copy referred to in paragraph (b), appeal to the Commission against the finding of the investigating officer, by written notice stating fully the grounds of appeal and submitting representations in support of the appeal.

(7) (a) If the officer appeals against the finding of the investigating officer, the Commission shall forward a copy of the record, statement and reasons referred to in subsection (6)(a) and a copy of the notice referred to in subsection (6)(c), to the head of the department concerned, who, within fourteen days after the date of receipt of the said copies —

- (i) may submit to the Commission written representations in support of the findings against which the appeal is brought; and
 - (ii) shall furnish a copy of such representations to the officer concerned, who may submit to the Commission his written reply thereto, within fourteen days after receipt thereof.
- (b) The Commission shall furnish a copy of the said reply to the head of the department who, with leave of the Commission, may submit further representations in answer to the said reply.

(8) (a) Na oorweging van al die stukke aan hom voorgelê, kan die Kommissie die appèl in sy geheel of gedeeltelik toestaan en die bevinding tersyde stel of wysig, of die appèl van die hand wys en die bevinding in sy geheel of gedeeltelik bekragtig, of kan die Kommissie, voordat hy tot 'n finale beslissing oor die appèl geraak, die een of ander vraag in verband met die ondersoek na die ondersoekbeampte terugverwys om verslag daaroor te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding te geraak.

(b) By so 'n terugverwysing is die bepalings van subartikels (3) en (4) *mutatis mutandis* van toepassing.

(9) Wanneer die Kommissie tot 'n finale beslissing oor 'n appèl geraak, deel hy daardie beslissing aan die appellant en aan die Administrateur-generaal mee.

(10) Indien die beampte nie teen die bevinding van die ondersoekbeampte appelleer nie, of sy appèl van die hand gewys word, stuur die Kommissie al die stukke wat op die ondersoek betrekking het, aan die Administrateur-generaal en beveel hy aan —

(a) dat geen verdere stappe in die saak gedoen word nie; of

(b) dat die betrokke beampte na 'n ander pos oorgeplaas of in diens gehou word in 'n pos addisioneel tot die vaste diensstaat; of

(c) dat sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of

(d) dat teen hom opgetree word ingevolge paragraaf (b) sowel as ingevolge paragraaf (c); of

(e) dat hy uit die regeringsdiens met ingang van 'n datum wat deur die Administrateur-generaal bepaal word, ontslaan word.

(11) Die Administrateur-generaal kan die stappe doen wat die Kommissie kragtens subartikel (10) aanbeveel of, behoudens die bepalings van artikel 7(1), enige ander stappe doen wat die Kommissie aldus sou kon aanbeveel.

Onbekwame
departements hoofde.

16. (1) Indien die Administrateur-generaal rede het om te vermoed dat 'n departementshoof ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, kan hy 'n persoon aanstel om ondersoek na die aangeleentheid in te stel.

(2) Die bepalings van artikel 15(2) tot en met (11) is *mutatis mutandis* van toepassing op 'n ondersoek ingevolge subartikel (1) van hierdie artikel, en by sodanige toepassing word 'n verwysing in eersbedoelde artikel na 'n

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(8) (a) After consideration of all the documents submitted to it, the Commission may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Commission may, before arriving at a final decision on the appeal, remit any question in connection with the enquiry to the investigating officer for his report thereon or for a further enquiry and finding.

(b) For the purposes of such a remittal, the provisions of subsections (3) and (4) shall *mutatis mutandis* apply.

(9) Whenever the Commission arrives at a final decision on an appeal, it shall convey such decision to the appellant and to the Administrator-General.

(10) If the officer does not appeal against the finding of the investigating officer, or his appeal is dismissed, the Commission shall forward all the documents relating to the enquiry to the Administrator-General and recommend —

(a) that no further action be taken in the matter; or

(b) that the officer concerned be transferred to another post or be retained in employment in a post additional to the fixed establishment; or

(c) that his salary or grade or both his salary and grade be reduced to such extent as may be recommended; or

(d) that action be taken against him under paragraph (b) as well as paragraph (c); or

(e) that he be discharged from the government service with effect from such date as the Administrator-General may determine.

(11) The Administrator-General may take such action as the Commission may recommend under subsection (10) or, subject to the provisions of section 7(1), any such other action as the Commission could so have recommended.

16. (1) If the Administrator-General has reason to believe that any head of a department is unfit for his duties or incapable of carrying out his duties efficiently, he may appoint any person to enquire into the matter.

Inefficient heads of departments.

(2) The provisions of section 15(2) to (11), both inclusive, shall, *mutatis mutandis*, apply to any enquiry under subsection (1) of this section, and for the purposes of such application any reference in such first-mentioned section to

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

departementshoof uitgelê as 'n verwysing na die Administrateur-generaal en word 'n verwysing na die ondersoekbeampte, uitgelê as 'n verwysing na die in bedoelde sub-artikel vermelde persoon.

Omskrywing van wangedrag.

17. (1) 'n Beampte is aan wangedrag skuldig indien hy —

(a) 'n bepaling van hierdie Wet oortree of in gebreke bly om daaraan te voldoen indien dit sy plig is om daaraan te voldoen; of

(b) 'n daad wat tot nadeel strek van die administrasie, dissipline of doeltreffendheid van 'n departement of onderafdeling daarvan verrig, laat verrig of toelaat of ooglukkig toelaat dat dit verrig word; of

(c) 'n wettige bevel aan hom gegee deur 'n persoon wat bevoeg is om dit te gee, nie gehoorsaam nie, dit verontagsaam of opsetlik in gebreke bly om dit uit te voer, of deur woord of gedrag hom aan verset skuldig maak; of

(d) nalatig of traag is by die nakoming van sy pligte; of

(e) sonder die toestemming van sy departementshoof, verleen op aanbeveling van die Kommissie, 'n private agentskap of private werk met betrekking tot 'n aangeleentheid wat in verband staan met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte behartig of onderneem; of

(f) in die openbaar kritiek uitspreek oor die administrasie van 'n departement; of

(g) lid word van 'n liggaam of organisasie wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* verklaar as 'n liggaam of organisasie waarvan 'n beampte nie 'n lid mag wees nie; of

(h) 'n aktiewe rol in party-politieke aangeleenthede speel of van sy posisie in die regeringsdiens gebruik maak om die belange van 'n politieke party te bevorder of te benadeel; of

(i) 'n poging aanwend om vanuit politieke of buite-bronne tussenbeidekoms in verband met sy posisie of diensvoorwaardes as beampte te bewerkstellig, behalwe deur bemiddeling van die Nasionale Vergadering of 'n ander wetgewende liggaam; of

(j) hom op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy aan diens is, hom aan growwe onbeleefdheid teenoor 'n persoon skuldig maak; of

(k) buitensporig gebruik maak van sterk drank of sonder voorskrif van 'n geneesheer van bedwelmende middels gebruik maak; of

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

any head of any department shall be construed as a reference to the Administrator-General and any reference to the investigating officer shall be construed as a reference to the person referred to in the said subsection.

17. (1) Any officer shall be guilty of misconduct if he — Definition of misconduct.

- (a) contravenes any provision of this Act or fails to comply with any provision thereof with which it is his duty to comply; or
- (b) performs, or causes or permits to be performed or, connives at, any act prejudicial to the administration, discipline or efficiency of any department or subdivision thereof; or
- (c) disobeys, disregards or makes wilful default in carrying out any lawful order given to him by any person authorized to do so, or by word or conduct is guilty of insubordination; or
- (d) is negligent or indolent in the discharge of his duties; or
- (e) operates or undertakes, without the permission of the head of his department, granted on the recommendation of the Commission, any private agency or private work in regard to any matter connected with the performance of his official functions or the carrying out of his official duties; or
- (f) in public criticises the administration of any department; or
- (g) becomes a member of any body or organization which the Administrator-General, by proclamation in the *Official Gazette*, declares to be a body or organization of which an officer may not be a member; or
- (h) takes an active part in party-political matters or uses his position in the government service to further or prejudice the interests of a political party; or
- (i) attempts to secure intervention from political or outside sources in relation to his position or conditions of employment as an officer, except through the National Assembly or any other legislative body; or
- (j) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person; or
- (k) uses intoxicating liquor excessively or uses stupefying drugs without a prescription from a medical practitioner; or

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

- (l) gedurende voorgeskrewe amptelike werksure onder die invloed van sterk drank of bedwelmende middels is; of
- (m) onderhewig word aan 'n bevel dat sy boedel gesekwestreer word of hy met sy skuldeisers 'n skikking aangaan of in geldelike verleentheid geraak, tensy daar bewys word dat die sekwestrasie, skikking of verleentheid die gevolg van onvermydelike teenspoed is; of
- (n) sonder die voorafverkreë toestemming van sy departementshoof, inligting wat hy ingewin het of hom meegedeel is as gevolg van sy werk in die regeringsdiens, openbaar maak anders as by die nakoming van sy ampspligte, of sodanige inligting gebruik vir 'n ander doel as vir die nakoming van sy ampspligte, hetsy hy die inligting openbaar maak, al dan nie; of
- (o) enige kommissie, geld of geldelike of ander beloning waarop hy nie weens sy amp geregtig is nie, sonder die toestemming van sy departementshoof, verleen op aanbeveling van die Kommissie, aanneem of eis ten opsigte van die nakoming of nalating van sy pligte, of versuim om aan sy departementshoof die aanbod van so 'n kommissie, geld of beloning onverwyld te rapporteer; of
- (p) hom eiendom van sy werkgever wederregtelik toeëien of onbehoorlike gebruik daarvan maak sonder om 'n misdryf te pleeg; of
- (q) 'n misdryf pleeg; of
- (r) sonder verlof of gegronde rede van sy kantoor of diens wegbly; of
- (s) met die oog op die verkryging van 'n guns of voordeel met betrekking tot sy amptelike posisie of sy pligte, of die teweegbring van enige nadeel of skade aan sy werkgever of 'n departement of die regeringsdiens of 'n lid van die regeringsdiens, 'n valse of onjuiste verklaring aflê, terwyl hy weet dat dit vals of onjuis is; of
- (t) 'n regulasie met betrekking tot 'n mediese hulpskema waarvan hy lid is oortree of as lid, teenstrydig met sy plig, versuim om daaraan te voldoen.

(2) By die toepassing van subartikel (1) op 'n beampte wat 'n departementshoof is, beteken die uitdrukking "sy departementshoof" die Administrateur-generaal.

Wangedrag en skorsing
van ander beamptes as de-
partementshoofde.

18. (1) Indien 'n departementshoof rede het om te vermoed dat 'n beampte in sy departement hom aan wangedrag skuldig gemaak het, kan hy of die bekleder van 'n pos in sy departement deur hom daartoe gemagtig, skriftelik onder sy handtekening daardie beampte weens wangedrag aankla.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

- (l) is under the influence of intoxicating liquor or stupefying drugs during the prescribed official hours of attendance; or
 - (m) becomes subject to an order for the sequestration of his estate or compromises with his creditors or becomes financially embarrassed, unless it is shown that the sequestration, composition or embarrassment is the result of unavoidable misfortune; or
 - (n) without first having obtained the permission of the head of his department discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him as a result of his employment in the government service, or uses such information for any purpose other than the discharge of his official duties, whether or not he discloses such information; or
 - (o) accepts without the permission of the head of his department, granted on the recommendation of the Commission, or demands in respect of the carrying out of or the failure to carry out his duties any commission, fee or reward, pecuniary or otherwise, to which he is not entitled by virtue of his office, or fails to report forthwith to the said head the offer of any such commission, fee or reward; or
 - (p) misappropriates or improperly uses any property of his employer without committing an offence; or
 - (q) commits an offence; or
 - (r) absents himself from his office or duty without leave or valid cause; or
 - (s) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to his employer or any department or the government service or any member of the government service, makes a false or incorrect statement, knowing it to be false or incorrect; or
 - (t) contravenes any regulation relating to any medical aid scheme of which he is a member or, as a member, fails to comply therewith contrary to his duty.
- (2) For the purposes of the application of subsection (1) to any officer who is the head of any department the expression "the head of his department" means the Administrator-General.

18. (1) If the head of any department has reason to believe that any officer in his department is guilty of misconduct, he or the holder of any post in his department authorized by him, may charge such officer in writing under his hand with misconduct.

Misconduct and suspension of officers other than heads of departments.

- (2) (a) Die Administrateur-generaal of, indien deur hom daartoe gemagtig, hetsy in 'n besondere geval of in die algemeen, 'n departementshoof of die bekleder van 'n ander pos in 'n departement, kan te eniger tyd voor of nadat 'n beampte kragtens hierdie artikel aangekla word, die beampte in sy diens skors indien hy rede het om te vermoed dat daardie beampte hom aan wangedrag skuldig gemaak het.
- (b) 'n Beampte wat ingevolge paragraaf (a) in sy diens geskors is, is nie op enige besoldiging vir die tydperk van sy skorsing geregtig nie behalwe vir sover die Administrateur-generaal anders gelas.
- (c) 'n Beampte wat in sy diens geskors is, word onverwyld toegelaat om weer diens te aanvaar en word sy volle besoldiging vir die tydperk van sy skorsing betaal —
- (i) indien geen aanklag ingevolge hierdie artikel binne 'n redelike tyd teen hom ingebring word nie;
 - (ii) indien hy onskuldig bevind word op so 'n aanklag;
 - (iii) indien sy appèl teen skuldigbevinding op so 'n aanklag toegestaan word;
 - (iv) indien daar met hom gehandel word ooreenkomstig paragraaf (a), (b), (c) of (d) van of die tweede voorbehoudsbepaling by subartikel (11):

Met dien verstande dat waar daar ooreenkomstig subartikel (11)(c) gehandel word, diens aanvaar word in 'n daarin bedoelde pos en dat waar daar ooreenkomstig subartikel (11)(d) gehandel word, diens aanvaar word teen die verminderde salaris of in die pos van 'n laer graad en die verminderde salaris ook vir die tydperk van skorsing betaal word tensy betaling teen die vorige hoër salaris reeds gedurende daardie tydperk plaasgevind het.

- (d) Die skorsing van 'n beampte kan te eniger tyd ingetrek word deur die persoon wat dit gelas het of deur 'n persoon van 'n hoër rang as eersbedoelde persoon wat dit kon gelas het, maar ondanks die intrekking kan daar met die verrigtinge in verband met die aanklag van wangedrag voortgegaan word.
- (3) Die persoon wat die aanklag ingevolge subartikel (1) onderteken, moet dit aan die aangeklaagde beampte laat bestel, tesame met 'n uiteensetting van besonderhede van die beweerde wangedrag en 'n versoek om binne 'n in die versoek vermelde redelike tyd aan 'n aldus vermelde persoon 'n skriftelike erkenning of ontkenning van die aanklag te besorg.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

- (2) (a) The Administrator-General, or if authorized thereto by him, either specially in any particular case or generally, the head of any department, or the holder of any other post in any department, may at any time before or after any officer is charged under this section, suspend the officer if he has reason to believe that such officer is guilty of misconduct.
- (b) Any officer suspended in terms of paragraph (a), shall not be entitled to any remuneration for the period of his suspension, except to such extent as the Administrator-General may otherwise direct.
- (c) Any officer who has been suspended shall forthwith be permitted to reassume duty and shall be paid his full remuneration for the period of his suspension —
- (i) if no charge is brought against him under this section within a reasonable time;
 - (ii) if he is found not guilty on any such charge;
 - (iii) if his appeal is allowed against any finding that he is guilty on any such charge;
 - (iv) if he is dealt with in accordance with paragraph (a), (b), (c) or (d) of the second proviso to subsection (11):

Provided that where he is dealt with in accordance with subsection (11)(c), duty shall be assumed in any post referred to therein and that where he is dealt with in accordance with subsection (11)(d), duty shall be assumed at the reduced salary or in the post of a lower grade and the reduced salary shall also be paid for the period of suspension unless payment at the former higher salary has already taken place during that period.

- (d) The suspension of any officer may at any time be cancelled by the person who ordered it or any person of a higher rank than such first-mentioned person, who could have ordered it, but notwithstanding the cancellation the proceedings in connection with the charge of misconduct may be proceeded with.
- (3) The person signing the charge in terms of subsection (1), shall cause it to be served on the officer charged, together with any statement of particulars of the alleged misconduct and a request to furnish a person mentioned in the request within a reasonable time so mentioned, with a written admission or denial of the charge.

(4) Indien die aangeklaagde beampte die aanklag erken, word hy by die toepassing van subartikel (11) geag aan die wangedrag waarvan hy aangekla is, skuldig bevind te gewees het op die datum waarop hy die aanklag erken het, en geen appèl teen sy skuldigbevinding aan te geteken het nie, tensy die Kommissie gelas dat dit by die toepassing van hierdie artikel geag word dat hy die aanklag ontken het.

(5) Indien die aangeklaagde beampte die aanklag ontken of versuim om aan die in subartikel (3) bedoelde versoek te voldoen, stel die Administrateur-generaal 'n persoon as ondersoekbeampte aan om ondersoek na die aanklag in te stel.

(6) Die ondersoekbeampte stel in oorleg met die persoon wat die aanklag onderteken het, die tyd en plek van die ondersoek vas, en bedoelde persoon gee aan die aangeklaagde beampte redelike skriftelike kennis van bedoelde tyd en plek, en daarna is die bepalinge van artikel 15(3) en (4) *mutatis mutandis* ten opsigte van die ondersoek van toepassing en by sodanige toepassing word 'n verwysing in artikel 15(3) na die departementshoof uitgelê as 'n verwysing na die persoon wat die aanklag onderteken het.

(7) Die vryspreking of die skuldigbevinding van 'n beampte deur 'n geregshof op 'n aanklag van 'n misdryf, belet nie dat stappe ingevolge hierdie Wet op 'n aanklag van wangedrag teen hom ingestel word nie, ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, indien dit bewys sou word, die misdryf sou uitmaak wat uiteengesit word in die aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op eersbedoelde aanklag skuldig bevind kon geword het.

(8) Indien die wangedrag waarvan die beampte aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gewaarmerkte afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat bedoelde beampte geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy bedoelde misdryf gepleeg het, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is of tensy die aangeklaagde bewys dat hy in werklikheid verkeerdelik skuldig bevind was.

(9) Na afloop van die ondersoek bevind die ondersoekbeampte die aangeklaagde beampte skuldig of onskuldig op die aanklag teen hom ingebring en verwittig hy die aangeklaagde beampte en die Administrateur-generaal van sy bevinding.

(10) Indien die ondersoekbeampte die aangeklaagde beampte skuldig bevind aan die wangedrag waarvan hy aangekla is, is die bepalinge van artikel 15(6) tot en met (9) *mutatis mutandis* van toepassing.

(11) Indien 'n beampte geen appèl teen sy skuldigbevinding aanteken nie, of sy appèl in die geheel of gedeeltelik van die hand gewys word, kan die Kommissie by die Administrateur-generaal aanbeveel —

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(4) If the person charged admits the charge, he shall for the purposes of subsection (11) be deemed to have been found guilty of the misconduct charged, on the date of admitting the charge and not to have noted an appeal against the finding of guilty, unless the Commission directs that for the purposes of this section he shall be deemed to have denied the charge.

(5) If the officer charged denies the charge or fails to comply with the request referred to in subsection (3), the Administrator-General shall appoint any person as investigating officer to enquire into the charge.

(6) The investigating officer shall, in consultation with the person who signed the charge, fix the time and place of the enquiry, and such person shall give the officer charged reasonable notice in writing of the said time and place, and thereupon the provisions of section 15(3) and (4) shall *mutatis mutandis* apply in respect of the enquiry and for the purposes of such application any reference in section 15(3) to the head of the department shall be construed as a reference to the person who signed the charge.

(7) The acquittal or the conviction of any officer by a court of law upon a charge of any offence shall not be a bar to proceedings against him under this Act on a charge of misconduct, notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the charge on which he was so acquitted or convicted or any other offence on which he might have been convicted on his trial on the said first-mentioned charge.

(8) If the misconduct with which the officer is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such officer as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court or unless the person charged proves that he had in fact been wrongly convicted.

(9) At the conclusion of the enquiry the investigating officer shall find whether the officer charged is guilty or not guilty on the charge brought against him and shall inform the officer charged and the Administrator-General of his finding.

(10) If the investigating officer finds the officer charged guilty of the misconduct with which he has been charged, the provisions of section 15(6) to (9), both inclusive, shall, *mutatis mutandis*, apply.

(11) If an officer does not note an appeal against the finding, or if his appeal is dismissed wholly or in part, the Commission may recommend to the Administrator-General —

- (a) dat bedoelde beampte gewaarsku of berispe word; of
- (b) dat 'n boete van hoogstens vyfhonderd rand hom opgelê word, wat verhaal kan word deur aftrekking van sy besoldiging in dié paaielemente wat die Administrateur-generaal bepaal; of
- (c) dat hy na 'n ander pos oorgeplaas of addisioneel tot die vaste diensstaat in diens gehou word; of
- (d) dat sy salaris of graad of sowel sy salaris as sy graad verminder of verlaag word in die mate wat aanbeveel word; of
- (e) dat hy ontslaan word of aangesê word om uit die regeringsdiens te bedank met ingang van 'n datum wat die Administrateur-generaal bepaal:

Met dien verstande dat —

- (i) behalwe waar 'n aanbeveling kragtens paragraaf (e) gedoen word, die Kommissie nie belet word om 'n aanbeveling kragtens meer as een van die voorafgaande paragrawe te doen nie;
- (ii) die Kommissie die maak van 'n aanbeveling vir 'n tydperk van hoogstens twaalf maande vanaf die datum van skuldigbevinding kan uitstel; en
- (iii) indien 'n beampte wat aangesê word om met ingang van 'n bepaalde datum uit die regeringsdiens te bedank, versuim om aldus te bedank, hy geag word weens wangedrag op daardie datum daaruit ontslaan te gewees het.

(12) Die Kommissie stuur saam met sy aanbeveling ingevolge subartikel (11), al die stukke wat op die ondersoek of op die appèl betrekking het, aan die Administrateur-generaal.

(13) Behoudens die bepalings van artikel 7(1), kan die Administrateur-generaal ooreenkomstig die aanbeveling van die Kommissie handel of dié ander stappe doen wat ingevolge subartikel (11) aanbeveel kon gewees het.

(14) 'n Beampte wat terwyl hy ingevolge subartikel (2)(a) in sy diens geskors is, of terwyl 'n aanklag wat teen hom ingevolge hierdie artikel ingebring is nog nie finaal ooreenkomstig die bepalings van hierdie artikel afgehandel is nie, uit die regeringsdiens bedank of ander werk aanvaar, word, tensy die Kommissie anders gelas, geag weens wangedrag ontslaan te gewees het met ingang van die datum waarop hy bedank het of ander werk aanvaar het.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

- (a) that the said officer be cautioned or reprimanded; or
- (b) that a fine not exceeding five hundred rand be imposed upon him, which fine may be recovered by deduction from his remuneration in such instalments as the Administrator-General may determine; or
- (c) that he be transferred to any other post or be employed additional to the fixed establishment; or
- (d) that his salary or grade or both his salary and grade be reduced or decreased to such extent as may be recommended; or
- (e) that he be discharged or be called upon to resign from the government service with effect from a date to be specified by the Administrator-General:

Provided that —

- (i) except where a recommendation is made under paragraph (e), the Commission shall not be precluded from making a recommendation under more than one of the foregoing paragraphs;
- (ii) the Commission may postpone the making of a recommendation for a period not exceeding twelve months from the date on which the finding has been made; and
- (iii) if any officer who has been called upon to resign from the government service with effect from a specified date, fails so to resign, he shall be deemed to have been discharged therefrom on such date, owing to misconduct.

(12) The Commission shall forward to the Administrator-General with its recommendation in terms of subsection (11) all documents relating to the enquiry or to the appeal.

(13) Subject to the provisions of section 7(1), the Administrator-General may act in accordance with the recommendation of the Commission or take such other action as could have been recommended under subsection (11).

(14) Any officer, who while suspended in terms of subsection (2)(a), or while a charge preferred against him under this section, has not been finally dealt with in accordance with the provisions of this section, resigns from the government service or assumes duty in other employment, shall be deemed to have been discharged on account of misconduct, with effect from the date on which he resigned or assumed duty in other employment, unless the Commission otherwise directs.

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

Wangedrag en skorsing
van departementshoofde.

19. (1) Indien die Administrateur-generaal rede het om te vermoed dat 'n departementshoof hom aan wangedrag skuldig gemaak het, kan hy skriftelik onder sy handtekening daardie departementshoof weens daardie wangedrag aankla.

(2) Die bepalinge van artikel 18(2) tot en met (14) is *mutatis mutandis* van toepassing ten opsigte van 'n in sub-artikel (1) bedoelde departementshoof en 'n aanklag ingevolge daardie subartikel ingebring, en by sodanige toepassing word 'n verwysing in bedoelde artikel of in ander bepalinge van hierdie Wet in daardie artikel vermeld, na 'n departementshoof as 'n verwysing na die Administrateur-generaal uitgelê.

Wyse waarop kennis ge-
gee of sekere stukke bestel
kan word.

20. Waar daar in hierdie Deel bepaal word —

(a) dat kennis of 'n kennisgewing, verklaring of ander dokument aan 'n persoon gegee of verstrekk of bestel of gestuur moet word of dat die een of ander aangeleentheid skriftelik aan 'n persoon meegedeel moet of kan word, kan die kennisgewing, verklaring, dokument of geskrif aan hom gestuur word per aangetekende pos gerig aan sy jongsbekende adres, of persoonlik aan hom oorhandig word of by sy jongsbekende woonplek gelaat word; of

(b) dat 'n persoon 'n beslissing of bevinding meegedeel of daarvan verwittig moet word, kan hy mondeling daarvan verwittig word, of deur middel van 'n geskrif aan hom gestuur per aangetekende pos gerig aan sy jongsbekende adres, of persoonlik aan hom oorhandig, of by sy jongsbekende woonplek gelaat.

DEEL V

ALGEMEEN

Besoldiging van beamptes
en werknemers.

21. (1) Behoudens die bepalinge van artikels 7 en 13(7), word aan beamptes en werknemers salarisse, lone en toelaes betaal ooreenkomstig die skale wat vir hulle grade deur die Kommissie ingevolge artikel 6(2)(g) aanbeveel is.

(2) Op aanbeveling van die Kommissie, maar behoudens die bepalinge van artikel 7 —

(a) kan aan beamptes of werknemers of klasse van beamptes of werknemers by aanstelling, oorplasing of bevordering salarisse of lone teen hoër bedrae as die minimum bedrae van die toepaslike skale betaal word; en

(b) kan beamptes of werknemers of klasse van beamptes of werknemers spesiale verhoging toegestaan word binne die skale wat op hulle van toepassing is; en

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

19. (1) If the Administrator-General has reason to believe that any head of a department is guilty of misconduct he may in writing under his hand charge him with such misconduct.

Misconduct and suspension of heads of departments.

(2) The provisions of section 18(2) to (14), both inclusive, shall *mutatis mutandis* apply in respect of any head of a department referred to in subsection (1) and any charge preferred under that subsection, and for the purposes of such application any reference in the said section or in any other provisions of this Act referred to in that section, to the head of a department shall be construed as a reference to the Administrator-General.

20. Whenever this Part provides —

Manner in which notices may be given or certain documents may be served.

(a) that any notice, statement or other document shall be given or furnished to or served upon or sent to any person or that any matter shall be or may be conveyed to any person in writing, the notice, statement, document or writing may be sent by registered post addressed to his last known address or delivered to him personally or left at his last known place of residence; or

(b) that any person shall be advised or informed of any decision or finding, he may be informed thereof verbally or by a written document sent to him by registered post addressed to his last known address or delivered to him personally or left at his last known place of residence.

PART V

GENERAL

21. (1) Subject to the provisions of sections 7 and 13(7), officers and employees shall be paid salaries, wages and allowances in accordance with the scales recommended for their grades by the Commission in terms of section 6(2)(g).

Remuneration of officers and employees.

(2) On the recommendation of the Commission but subject to the provisions of section 7 —

(a) officers or employees or classes of officers or employees may, on appointment, transfer or promotion be paid salaries or wages at higher rates than the minimum amounts of the appropriate scales; and

(b) officers or employees, or classes of officers or employees may be specially advanced within the scales applicable to them; and

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

(c) kan 'n beampte of werknemer wat buitengewoon bekwaam is of spesiale kwalifikasies besit of verdienstelike diens gelewer het, of indien dit in belang van die regeringsdiens is, kan die een of ander beampte of werknemer spesiale verhoging toegestaan word binne die skaal wat op hom van toepassing is, of kan aan hom 'n salaris of loon ooreenkomstig 'n hoër skaal as sy bestaande skaal betaal of 'n ander geskikte beloning toegeken word.

(3) Behoudens die bepalings van artikel 7, word daar aan geen beampte of werknemer ten opsigte van sy werk enige ander besoldiging, toelae, honorarium, toekenning of bonus van watter aard ook al betaal nie, as dié wat voorgeskryf of deur die Kommissie aanbeveel word.

Verlaging van salaris verbode.

22. 'n Beampte se salaris of salarisskaal mag nie sonder sy eie toestemming verlaag word nie, behalwe ooreenkomstig die bepalings van Deel IV.

Sessie van besoldiging verbode.

23. Geen beampte of werknemer mag, sonder skriftelike goedkeuring van die hoof van sy departement die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedeer nie.

Beamptes en werknemers moet al hul tyd tot beskikking van hul werkgewers stel.

24. (1) Tensy sy diensvoorwaardes anders bepaal —

(a) moet 'n beampte of werknemer al sy tyd tot beskikking van sy werkgewer stel;

(b) mag geen beampte of werknemer, behoudens die bepalings van subartikel (2), besoldigde werk buite sy werk in die regeringsdiens verrig of hom verbind om dit te verrig nie;

(c) kan geen beampte of werknemer regtens aanspraak maak op addisionele besoldiging ten opsigte van amptelike diens of werk wat deur hom verrig word nie.

(2) Ondanks die bepalings van subartikel (1)(b) —

(a) kan 'n departementshoof of die bekleder van 'n pos in sy departement deur die departementshoof daartoe gemagtig, op aanbeveling van die Kommissie, toestemming aan 'n ander beampte of 'n werknemer verleen om besoldigde werk buite sy werk in die regeringsdiens te verrig of om hom te verbind om dit te verrig;

(b) kan die Administrateur-generaal op aanbeveling van die Kommissie die in paragraaf (a) bedoelde toestemming aan 'n departementshoof verleen.

Bedrag van besoldiging op onreëlmatige wyse ontvang, word in inkomste gestort.

25. Waar besoldiging van watter aard ook al, deur 'n beampte of werknemer —

(a) in verband met die verrigting van sy werk in die regeringsdiens ontvang word anders as ooreenkomstig die

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

(c) any officer or employee of exceptional ability or possessing special qualifications or who has rendered meritorious service may, and any officer or employee may, if it is in the interests of the government service, be specially advanced within the scale applicable to him, or may be paid a salary or wage in accordance with a scale higher than his existing scale, or may be granted any other fitting reward.

(3) Subject to the provisions of section 7, no officer or employee shall be paid in respect of his employment any remuneration, allowance, honorarium, award or bonus of any kind whatsoever other than that which may be prescribed or recommended by the Commission.

22. An officer's salary or scale of salary shall not be reduced without his consent, except in accordance with the provisions of Part IV.

Reduction of salary prohibited.

23. No officer or employee shall, without the written approval of the head of his department cede the whole or any part of any salary or allowance payable to him.

Cession of remuneration prohibited.

24. (1) Unless it is otherwise provided in his conditions of employment —

Officers and employees to place all their time at disposal of their employers.

(a) any officer or employee shall place all his time at the disposal of his employer;

(b) no officer or employee shall, subject to the provisions of subsection (2), perform or engage himself to perform remunerative work outside his employment in the government service; and

(c) no officer or employee may claim as of right any additional remuneration in respect of any official duty or work performed by him.

(2) Notwithstanding the provisions of subsection (1)(b)—

(a) the head of any department or the holder of a post in his department authorized to do so by the head of the department, may, on the recommendation of the Commission, grant permission to any other officer or any employee to perform or engage himself to perform remunerative work outside his employment in the government service;

(b) the Administrator-General may, on the recommendation of the Commission, grant the permission referred to in paragraph (a) to the head of any department.

25. Where any remuneration of whatever nature —

Amount of remuneration irregularly received, to be paid into revenue.

(a) is received by any officer or employee in connection with the performance of his work in the government service otherwise than in accordance with the

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

bepalings van hierdie Wet of 'n aanbeveling van die Kommissie kragtens ander wetsbepalings; of

- (b) in stryd met die bepaling van artikel 24(1)(b) ontvang word,

moet daardie beampte of werknemer in inkomste 'n bedrag stort gelyk aan die bedrag van daardie besoldiging, of, waar dit nie uit geld bestaan nie, die waarde daarvan, soos bepaal deur die hoof van die departement waarin hy werksaam was ten tyde van die ontvangs daarvan of, in die geval van 'n departementshoof, soos bepaal deur die Administrateur-generaal, en indien die bedrag nie aldus gestort word nie, kan dit deur middel van geregtelike stappe op die beampte of werknemer verhaal en in inkomste gestort word: Met dien verstande dat —

- (i) daar 'n reg van appèl na die Administrateur-generaal teen bedoelde bepaling deur 'n hoof van 'n departement is;
- (ii) die Kommissie kan aanbeveel dat 'n beampte of werknemer die geheel of 'n gedeelte van bedoelde besoldiging behou.

Beamptes of werknemers kan gelas word om ander as gewone pligte te verrig.

26. Die Administrateur-generaal of die hoof van 'n departement of 'n onderafdeling daarvan kan 'n beampte of werknemer onder sy beheer gelas om tydelik ander pligte as sy gewone pligte of dié wat by die graad, benaming of indeling van sy pos tuishoort, te verrig.

Instelling en werksaamhede van die Gesamentlike Adviserende Raad vir die Regeringsdiens.

27. (1) Daar word vanaf 'n datum wat die Administrateur-generaal by kennisgewing in die *Offisiële Koerant* bepaal, 'n raad ingestel wat bekend staan as die Gesamentlike Adviserende Raad vir die Regeringsdiens en bestaan uit —

- (a) hoogstens vier persone wat poste beklee wat deel van die vaste diensstaat uitmaak en deur die Kommissie benoem word;
- (b) een persoon wat so 'n pos beklee, ten opsigte van elkeen van die departemente wat vir 'n bepaalde bevolkingsgroep ingestel word en wat deur die betrokke departement benoem word;
- (c) hoogstens vier beamptes of werknemers wat beamptes of werknemers in die regeringsdiens verteenwoordig wat, behoudens die voorwaardes en uitsonderings deur die Kommissie bepaal, benoem word deur personeelverenigings wat deur die Kommissie erken word.

(2) Die werksaamhede en pligte van die Gesamentlike Adviserende Raad vir die Regeringsdiens is om die Kommissie van tyd tot tyd van advies te dien oor —

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

provisions of this Act or any recommendation of the Commission under any other law; or

- (b) is received by any officer or employee in contravention of the provisions of section 24(1)(b),

such officer or employee shall pay into revenue an amount equal to the amount of such remuneration, or, where it does not consist of money, the value thereof, as determined by the head of the department in which he was employed at the time of receipt thereof or, in the case of the head of any department, as determined by the Administrator-General, and if the amount is not so paid, it may be recovered from the officer or employee by legal proceedings and be paid into revenue: Provided that —

- (i) there shall be a right of appeal to the Administrator-General against the said determination by the head of a department;
- (ii) the Commission may recommend that any officer or employment applicable to them, including the occupation of official quarters;

26. The Administrator-General or the head of any department or any subdivision thereof may require any officer or employee under his control, temporarily to perform duties other than his ordinary duties or those appropriate to the grade, designation or classification of his post.

Officers or employees may be required to perform duties other than ordinary duties.

27. (1) There shall be established, from such date as the Administrator-General may fix by notice in the *Official Gazette*, a council to be known as the Government Service Joint Advisory Council, consisting of —

Establishment and functions of Government Service Joint Advisory Council.

- (a) not more than four persons holding posts constituting part of the fixed establishment, to be nominated by the Commission;
- (b) one person holding any such post, in respect of every department established for any particular population group, to be nominated by the department concerned;
- (c) not more than four officers or employees representing officers or employees in the government service who shall, subject to such conditions and exceptions as the Commission may determine, be nominated by staff associations recognized by the Commission.

(2) The functions and duties of the Government Service Joint Advisory Council shall be to advise the Commission from time to time on —

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

- (a) die aangeleenthede waarmee die Kommissie moet handel ingevolge hierdie Wet of ander wetsbepalings, met inbegrip van regulasies wat daarkragtens uitgevaardig is, of vir uitvaardiging daarkragtens voorgestel word;
- (b) aangenome of voorgestelde wetgewing vir sover dit die regeringsdiens raak of kan raak;
- (c) die ander aangeleenthede wat voorgeskryf word.

Regulasies.

28. (1) Die Administrateur-generaal kan, nadat die Kommissie 'n aanbeveling gedoen het, regulasies uitvaardig met betrekking tot —

- (a) die bevordering, oorplasing, dissipline, gedrag, bevoegdheids- en pligte, diensure of afwesigheidsverlof van beamptes of werknemers en ander diensvoorwaardes wat op hulle van toepassing is, met inbegrip van die bewoning van amptelike kwartiere;
- (b) (i) die instelling en bestuur van en beheer oor 'n mediese hulpskema vir die regeringsdiens;
- (ii) die klasse beamptes of werknemers wat lede van so 'n skema kan word;
- (iii) die skale van die bydraes;
- (iv) die regte, voorregte en verpligtinge van lede; en
- (v) in die algemeen alle aangeleenthede wat redelikerwys nodig is vir die reëling en werking van bedoelde skema, met inbegrip van die omstandighede, wyse en voorwaardes waaronder en waarop bydraes en ander gelde wat deur of ten opsigte van beamptes of werknemers ingevolge sodanige skema betaalbaar of verskuldig is, op sodanige beamptes of werknemers se salarisse of lone of op ander gelde wat kragtens hierdie Wet aan hulle betaalbaar is, verhaal kan word;
- (c) die omstandighede waaronder 'n geneeskundige ondersoek by die toepassing van hierdie Wet vereis word, of die vorm van geneeskundige verslae of sertifikate wat aldus vereis word;
- (d) die bepaalde klasse van beamptes of werknemers van wie vereis kan word om sekuriteit te verskaf, en die bedrag en vorm daarvan;
- (e) die prosedure wat gevolg moet word by die ondersoek van en optrede in verband met bewerings van wangedrag waaraan beamptes hulle skuldig maak;

GOVERNMENT SERVICE ACT, 1980**Act No. 2, 1980**

- (a) matters to be dealt with by the Commission under this Act or any other law, including regulations made or proposed to be made thereunder;
- (b) legislation passed or proposed to be passed, in so far as such legislation affects or may affect the government service;
- (c) such other matters as may be prescribed.

28. (1) The Administrator-General may, after the Commission has made a recommendation, make regulations as to —

Regulations.

- (a) the promotion, transfer, discipline, conduct, powers and duties, hours of attendance or leave of absence of officers or employees and other conditions of employment applicable to them, including the occupation of official quarters;
- (b) (i) the establishment and management of and control over a medical aid scheme for the government service;
- (ii) the classes of officers or employees who may become members of any such scheme;
- (iii) the scales of contributions;
- (iv) the rights, privileges and obligations of members; and
- (v) generally all matters reasonably necessary for the regulation and operation of such scheme, including the circumstances or manner in which and conditions under which contributions and any other moneys which are payable or owing by or in respect of officers or employees under such scheme, may be recovered from the salaries or wages of such officers or employees or from other moneys payable to them under this Act;
- (c) the circumstances in which medical examination shall be required for the purposes of this Act, or the form of medical reports or certificates so required;
- (d) the particular classes of officers or employees who may be required to give security, and the amount and form thereof;
- (e) the procedure to be observed in investigating and dealing with allegations of misconduct committed by officers;

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

- (f) die vorm van 'n dagvaarding om by 'n inspeksie of ondersoek te verskyn of om 'n boek, dokument of saak aldaar oor te lê;
- (g) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (h) in die algemeen alle aangeleenthede wat die Administrateur-generaal nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik,

en bedoelde regulasies kan aan die een of ander gesag die bevoegdheid verleen om ten opsigte van 'n beamppte of werknemer of 'n bepaalde klas van beamptes of werknemers, van die bepalings van die regulasies af te wyk onder die omstandighede daarin vermeld.

(2) Verskillende regulasies kan uitgevaardig word ten opsigte van verskillende klasse van beamptes of werknemers, of om te pas by die verskillende vereistes van verskillende departemente of onderafdelings daarvan, of van verskillende klasse van beamptes of werknemers, of van verskillende soorte van diens in die regeringsdiens.

Kommissie se verslae moet in Nasionale Vergadering ter Tafel gelê word.

29. 'n Verslag wat die Kommissie ingevolge artikel 6(3)(e) doen, word binne veertien dae na die vrystelling daarvan, in die Nasionale Vergadering ter Tafel gelê, indien die Nasionale Vergadering dan byeen is, of indien die Nasionale Vergadering nie dan byeen is nie, op die eerste dag waarop hy weer byeenkom.

Beperking van regsge-
dinge.

30. (1) Geen regsgeging van watter aard ook al word ten opsigte van enigiets wat ingevolge hierdie Wet gedoen of versuim is, ingestel nie, tensy die geding ingestel word voor die verstryking van 'n tydperk van twaalf maande na die datum waarop die eiser kennis gehad het van dit wat na bewering gedoen of versuim is of na die datum waarop redelikerwys verwag kon word dat die eiser bewus sou wees van dit wat na bewering gedoen of versuim is, na gelang van watter datum die eerste is.

(2) Geen sodanige geding word ingestel voor die verstryking van dertig dae nadat 'n skriftelike kennisgewing van die voorneme om sodanige geding in te stel aan die verweerder bestel is nie en tensy daar in daardie kennisgewing besonderhede duidelik en uitdruklik verstrekkend word met betrekking tot dit wat na bewering gedoen of versuim is.

Toepassing van Wet.

31. (1) Behoudens die bepalings van subartikel (2) en artikel 2, is die bepalings van hierdie Wet van toepassing op ten opsigte van alle beamptes en werknemers, hetsy hulle binne of buite die gebied Suidwes-Afrika in diens is.

(2) Die bepalings van hierdie Wet is, met betrekking tot beamptes of werknemers in diens by 'n departement wat vir 'n bepaalde bevolkingsgroep ingestel is, van toepassing slegs

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

- (f) the form of summons to appear at any investigation or enquiry or there to produce any book, document or thing;
- (g) all matters which under this Act are required or permitted to be prescribed;
- (h) generally, all matters which the Administrator-General considers it necessary or expedient to prescribe in order that the objects of this Act may be achieved,

and such regulations may confer on any authority the power to deviate from the provisions of the regulations in such circumstances as may be specified therein, in respect of any officer or employee or any specified class of officers or employees.

(2) Different regulations may be made in respect of different classes of officers or employees, or to suit the different requirements of different departments or subdivisions thereof, or of different classes of officers or employees, or of different kinds of employment in the government service.

29. Any report made by the Commission in pursuance of section 6(3)(e), shall be laid upon the Tables of the National Assembly within fourteen days after it has been released, if the National Assembly is then assembled, or if the National Assembly is not then assembled, on the first day of its next ensuing assembly.

Commission's reports to be tabled in National Assembly.

30. (1) No legal proceedings of whatever nature shall be brought in respect of anything done or omitted under this Act, unless the proceedings are brought before the expiry of a period of twelve months after the date upon which the claimant had knowledge, or after the date on which the claimant might reasonably have been expected to have knowledge, of that which is alleged to have been done or omitted, whichever is the earlier date.

Limitation of actions.

(2) No such proceedings shall be commenced before the expiry of thirty days after written notice of intention to bring such proceedings has been served on the defendant, and unless in such notice particulars shall be clearly and explicitly given as to that which is alleged to have been done or omitted.

31. (1) Subject to the provisions of subsection (2) and section 2, the provisions of this Act shall apply to or in respect of all officers and employees, whether employed in or outside the territory of South West Africa.

Application of Act.

(2) The provisions of this Act shall apply in relation to officers or employees employed with any department established for any particular population group, only in as far

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

vir sover andersluidende wetsbepalings ten opsigte van bedoelde beamptes of werknemers nie van krag is nie.

Sekere persone beamptes
of werknemers geag.

32. (1) Behoudens die bepalinge van subartikel (3), word 'n persoon wat onmiddellik voor die inwerkingtreding van hierdie subartikel by 'n direktoraat soos omskryf in artikel 1 van die Wet op die Funksies van Direkteur, 1979 (Wet 4 van 1979), in diens was, geag, met behoorlike erkenning van sy vorige dienstermyn, 'n beampte of werknemer, na gelang van die geval, te wees van die departement wat die werksaamhede van daardie direktoraat verrig.

(2) Indien, as gevolg van die instelling by wet van 'n verteenwoordigende owerheid vir 'n bepaalde bevolkingsgroep, 'n liggaam of owerheid waarby 'n persoon in diens is, ophou om te bestaan, en daardie persoon se diens derhalwe beëindig word, word hy, behoudens die bepalinge van subartikel (3), geag in die hoedanigheid en op die voorwaardes wat die Kommissie bepaal en met behoorlike erkenning van sy vorige dienstermyn, oorgeplaas te wees, hetsy op proef, al dan nie, na die departement wat vir daardie bevolkingsgroep ingestel is.

(3) Die bepalinge van subartikels (1) en (2) is nie van toepassing nie op 'n persoon —

(a) in diens van die Regering van die Republiek van Suid-Afrika wat nie 'n onderneming onderteken het nie waarby hy afstand doen van enige aanspraak of reg tot aanspraak op 'n pos in die staatsdiens van die geografiese gebied van bedoelde Republiek; of

(b) ten opsigte van wie deur 'n bevoegde gesag 'n onderneming gegee is dat hy of persone van 'n klas waaronder hy val, in diens van genoemde Regering kan tree of daarheen oorgeplaas kan word.

Herroeping van wette.

33. Artikel 2B(a) van die Poswet, 1958 (Wet 44 van 1958), en artikel 3(2) van die Waterwet, 1956 (Wet 54 van 1956), word hierby herroep.

Kort titel en inwerkingtreding.

34. (1) Hierdie Wet heet die Regeringsdienswet, 1980, en tree, behoudens die bepalinge van subartikels (2) en (3), in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalinge van hierdie Wet bepaal word.

(3) Die bepalinge van hierdie Wet wat ooreenkomstig subartikel (1) of (2) in werking gestel word, kan aldus in werking gestel word —

(a) ten opsigte van verskillende klasse van persone, beamptes of werknemers; of

(b) in die mate, wat in die betrokke proklamasie vermeld word.

GOVERNMENT SERVICE ACT, 1980

Act No. 2, 1980

as no laws contrary to such provisions are in force in respect of such officers or employees.

32. (1) Subject to the provisions of subsection (3), any person who, immediately prior to the commencement of this subsection, was employed in any directorate as defined in section 1 of the Functions of Directorates Act, 1979 (Act 4 of 1979), shall, with due recognition of his previous period of service, be deemed to be an officer or employee, as the case may be, of the department performing the functions of such directorate.

Certain persons deemed to be officers or employees.

(2) If, by reason of the establishment by law of any representative authority for any particular population group, any body or authority employing any person, ceases to exist, and such employment of such person is terminated for that reason, he shall, subject to the provisions of subsection (3), be deemed to have been transferred, whether on probation or not, to the department established for such population group, in such capacity and on such conditions as the Commission may determine and with due recognition of his previous period of service.

(3) The provisions of subsections (1) and (2) shall not apply to any person —

(a) in the service of the Government of the Republic of South Africa who has not signed any undertaking whereby he forfeits any claim to or right to claim any post in the public service of the geographical territory of the said Republic; or

(b) in respect of whom any competent authority has given an undertaking that he or persons of such class under which he may fall, may enter the service of the said Government or be transferred to such service.

33. Section 2B(a) of the Post Office Act, 1958, (Act 44 of 1958), and section 3(2) of the Water Act, 1956 (Act 54 of 1956), are hereby repealed.

Repeal of laws.

34. (1) This Act shall be called the Government Service Act, 1980, and shall, subject to the provisions of subsections (2) and (3), come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.

Short title and commencement.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

(3) The provisions of this Act brought into operation in accordance with subsection (1) or (2), may so be brought into operation —

(a) in respect of different classes of persons, officers or employees; or

(b) to such extent as may be stated in the proclamation concerned.

Wet No. 2, 1980

REGERINGSDIENSWET, 1980

BYLAE

DEPARTEMENTE EN DEPARTEMENTSHOOFDE

KOLOM 1	KOLOM 2
NAAM VAN DEPARTEMENT	BENAMING VAN HOOFD VAN DEPARTEMENT
Departement van Burgersake Mannekrag	Sekretaris van Burgersake en Mannekrag
Departement van Ekonomiese Sake	Sekretaris van Ekonomiese Sake
Departement van Finansies	Sekretaris van Finansies
Departement van Justisie	Sekretaris van Justisie
Departement van Landbou en Bosbou	Sekretaris van Landbou en Bosbou
Departement van Nasionale Gesondheid en Welsyn	Sekretaris van Nasionale Gesondheid en Welsyn.
Departement van Nasionale Opvoeding	Sekretaris van Nasionale Opvoeding
Departement van Pos- en Telekommunikasiewese	Posmeester-generaal
Departement van Staatskundige Ontwikkeling	Sekretaris van Staatskundige Ontwikkeling
Departement van Waterwese	Sekretaris van Waterwese
Sentrale Personeelinstelling	Direkteur van die Sentrale Personeelinstelling.