

# **PUBLIC SERVICE**

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## **Indemnity Proclamation of 1923.**

**Summary:** This Proclamation indemnifies members of the public service for acts committed after 15 May 1922 and prior to the date on which this Proclamation took effect.

## **Travelling Privileges Ordinance 14 of 1980.**

**Summary:** This Ordinance authorises the Executive Committee to determine travelling privileges for public servants.

## **Public Service Commission Act 2 of 1990.**

**Summary:** This Act provides for the establishment of a Public Service Commission in accordance with Chapter 13 of the Namibian Constitution.

**Amendments:** This Act is amended by the Public Service Act 13 of 1995.

## **Public Service Act 13 of 1995.**

**Summary:** This Act, which replaces the Public Service Act 2 of 1980, governs employment in the public service. It came into force on 1 November 1995 (GN 210/1995, GG 1185).

**Amendments:** Schedule 2 to the Act is amended by Proclamation 3/1997 (GG 1500), which changes “Ministry of Labour and Human Resources Development” to “Ministry of Labour”.

Schedule 3 is amended by the Namibia Central Intelligence Service Act 10 of 1997, which changes “Namibia Security Intelligence Agency” to “Namibia Central Intelligence Service”.

Act 33/1998, which came into force on 2 August 1999 (GG 152/1999, GG 2155), amends section 3 and Schedule 3 to designate the Electoral Commission as an agency in terms of the Act.

Schedule 1 is amended by Proc. 19/1999, which substitutes the expression “Secretary to the President” for the term “Deputy Secretary to the President”.

Schedule 2 is substituted in its entirety by Proc. 9/2000 (GG 2366).

Schedules 1 and 3 are amended by Proc. 4/2001 (GG 2501).

Schedule 3 to the Act is amended by the Anti-Corruption Act 8 of 2003 which inserts the expression “Anti-Corruption Commission” into the first column and the expression “Director: Anti-Corruption Commission” into the second column.

Schedules 1 and 2 are amended by Proc. 5/2005 (GG 3436), as part of a substantial reorganisation of ministries.

Schedule 2 is substituted in its entirety by Proc. 10/2009 (GG 4331).

**Regulations:** Regulations promulgated under the previous Act survive under the new Act in terms of section 37(1).

Regulations are contained in AG GN 28 of 1 April 1981, amended by GN 90 of 15 May 1986, GN 14 of 16 January 1989, GN 1/1995 (GG 1006), GN 211/1995 (GG 1187) and GN 179/2001 (GG 2607).

**Application of Act:** Section 35 of the Namibia Central Intelligence Service Act 10 of 1997 affects the application of this Act to the administration of the Service and to its staff members.

Section 10 of the Namibia Wildlife Resorts Company Act 3 of 1998 deals with transfers of members of the public service to employment with the company established by the Act, and the status of existing public service employees who elect not to enter employment with the new company.

**Cases:**

*Mwellie v Minister of Works, Transport and Communication & Another* 1995 (9) BCLR 1118 (NmH) (constitutionality of prescription period)

*Du Toit v The Office of the Prime Minister* 1996 NR 52 (LC) (Public Service Staff Code)

*Kruger v Office of the Prime Minister & Another* 1996 NR 321 (LC) (Public Service Staff Code)

*Njathi v Permanent Secretary, Ministry of Home Affairs* 1998 NR 167 (LC) (section 24(5))

*Public Service Union of Namibia & Another v Prime Minister of Namibia & Others* 2000 NR 82 (HC) (sections 5(1) and 19(a)).

*Mostert v Minister of Justice* 2002 NR 76 (HC); 2003 NR 11 (SC)(section 23(2) not applicable to magistrates)

*Minister of Works Transport and Communication v Namupembe* 2003 NR 90 (LC)(sections 13, 15, 31 and 33)

*Tjivikua v The Minister of Works, Transport and Communication* 2005 NR 403 (LC) (sections 24(5) and 26)

*Elio & Another v Permanent Secretary of Education & Another* 2008 (2) NR 532 (LC) (rules pertaining to Recruitment for the Public Service of Namibia in PSSR issued on 20 November 2002 and 17 February 2002)

*Permanent Secretary of the Ministry of Finance & Others v Ward* 2009 (1) NR 314 (SC) (section 34; rules and regulations pertaining to Public Service Employees' Medical Aid Scheme)

*HN & Others v Government of the Republic of Namibia* 2009 (2) NR 752 (HC) (section 33; GN 211/1995).

**MISCELLANEOUS**

“Administrative Directives: Certain Guidelines for Government Ministers and Public Servants” are contained in GN 171/1992 (GG 529), GN 182/1992 (GG 550), GN 16/1993 (GG 583) and GN 34/1993 (GG 609).

An administrative directive regarding effective communication was issued to all government ministers and public servants on 23 July 1996. (GN 194/1996, GG 1362).

See also **CONSTITUTION**.

See also Anti-Corruption Act 8 of 2003 (prohibiting bribes to public officials) (**CRIMINAL LAW AND PROCEDURE**).

See also **JUDGES**.

See also **LABOUR**.

See also laws on pensions for government employees (**PENSIONS**).

See also **PRESIDENT**.