

**DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION****NOTICE 1631 OF 2023****DRAFT PUBLIC SERVICE REGULATION: INVITATION FOR PUBLIC COMMENT**

1. Notice is hereby given that the draft Public Service Regulations (draft Regulations) are hereby made available for public comment.
2. The draft Regulations seeks to amend the Public Service Regulations, 2016 to address challenges with interpretation and application, to regulate lifestyle audits, to clarify the processes for the abolition of government components and specialised service delivery units, to provide for the setting of higher salaries, to create limitations on overtime worked, to manage transfers of employees, to provide for reasonable accommodation for persons living with disabilities, to manage the extension of the term of a head of department, to establish the Government Information Technology Council and its Officers, to regulate the appointment of employees additional to the establishment and to provide for periods of prohibition on the re-employment of former employees dismissed for misconduct.
3. Electronic copies of the draft Regulations may be obtained from the DPSA website [www.dpsa.gov.za](http://www.dpsa.gov.za) or may be requested by/at:  
Tel: 012 336 1638/1068  
Email: [Amukelani.baloyi@dpsa.gov.za](mailto:Amukelani.baloyi@dpsa.gov.za) or [lentheng.phenya@dpsa.gov.za](mailto:lentheng.phenya@dpsa.gov.za)

Hard copies may be collected at:  
Legal Services  
Department of Public Service and Administration  
546 Edmond Street  
Arcadia  
Pretoria

4. All interested parties and organisations are invited to submit written comments on the draft Regulations by no later than 30 days after the publication date of this notice by-
  - (a) Emailing comments to:  
[Amukelani.baloyi@dpsa.gov.za](mailto:Amukelani.baloyi@dpsa.gov.za) or [lentheng.phenya@dpsa.gov.za](mailto:lentheng.phenya@dpsa.gov.za)
  - (b) Posting comments to:  
Director-General  
Department of Public Service and Administration  
Attention: Legal Services  
Private Bag X916  
Pretoria  
0001
5. Kindly provide the name, address, telephone and email address of the person or organisation submitting the comments.

**GENERAL EXPLANATORY NOTE:**

[            ]        Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_        Words underlined with a solid line indicate insertions in existing enactments.

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**Definitions**

1.        In this Schedule "the Regulations" means the Public Service Regulations, 2016 published in Government Notice No. R. 877 of 29 July 2016, and amended in Government Notice No. R. 125 of 08 February 2019 and Government Notice No. R. 581 of 11 April 2019.

**Amendment of regulation 2 of the Regulations**

2.        Regulation 2 of the Regulations is hereby amended by the insertion in subregulation (2) of the following definition before the definition of "**CDWP**":

"**Basic Conditions of Employment Act**" means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);".

**Amendment of regulation 13 of the Regulations**

3.        Regulation 13 of the Regulations is hereby amended by—

(a)        the substitution for paragraph (a) of the following paragraph:

“(a) not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), **[from any employee or person]** in return for performing or not performing his or her official duties.”;

(b)        the substitution for paragraph (b) of the following paragraph:

“(b) not engage in any **[transection or action]** conduct that is in conflict with or infringes on the execution of his or her official duties;”;

(c) the deletion subparagraph (c);

(d) the substitution for paragraph (d) of the following paragraph:

“(d) recuse herself or himself from any official action or decision-making process which may result in improper personal gain or conflict of interest, and this shall immediately be properly declared by the employee;”;

(e) the substitution for paragraph (h) of the following paragraph:

“(h) not receive or accept any gift **[from any person]** in the course and scope of his or her employment, **[other than from a family member to the cumulative value of]** the cost of which shall not cumulatively exceed R350 per year, unless prior approval is obtained from the relevant executive authority;”.

#### **Amendment of regulation 14 of the Regulations**

4. Regulation 14 of the Regulations is hereby amended-

(a) by the substitution for subregulations (p) and (q) of the following subregulations-

“(p) not misrepresent himself or herself or use the name or position of any other employee or person to unduly or improperly influence any decision making process or obtain any undue benefit; **[and]**

(q) **[shall]** immediately report any non-compliance of the Act to the head of department[.] and in the event that the non-compliance is by the head of department, report such non-compliance to the executive authority;”.

- (b) by the addition after subregulation (q) of the following subregulations —
- “(r) not claim any intellectual property over work done in the course and scope of his or her employment; and
- (s) not act in a manner that brings his or her department or the public service into disrepute.”.

### **Amendment of regulation 16 of the Regulations**

5. Regulation 16 of the Regulations is hereby amended by the substitution for the definition of “**form**” of the following definition:

“**form**’ means a [**printed or electronic**] form contemplated in regulation 18;”.

### **Amendment of regulation 18 of the Regulations**

6. Regulation 18 of the Regulations is hereby amended by—

(a) the substitution for subregulation (1) of the following subregulation:

“(1) An SMS member, except for a head of department shall, not later than 30 April of each year, disclose to the relevant head of department, in a form [**prescribed**] directed for this purpose by the Minister, particulars of all his or her interests in respect of the [**period 1 April of the previous year to 31 March of the year in question**] previous financial year.”;

(b) the substitution for subregulation (2) of the following subregulation:

“(2) A head of department shall, not later than 30 April of each year, disclose to the relevant executive authority, in the form [**prescribed**] directed for this purpose by the Minister, particulars of all his or her interests in respect of the [**period 1 April of the previous year to 31 March of the year in question**] previous

financial year.”;

(c) the substitution for subregulation (4) of the following subregulation:

“(4) Any person who assumes duty as a designated employee on or after 1 April in a year shall make such disclosure within 30 days after assumption of duty in respect of the **[period from 1 April to date of disclosure]** previous financial year.”.

### **Amendment of regulation 19 of the Regulations**

7. Regulation 19 of the Regulations is hereby amended by the addition of the following paragraph:

“(k) Financial liabilities—

(i) nature of liability;

(ii) date on which liability was incurred;

(iii) principal amount of liability;

(iv) institution or person to whom liable; and

(v) period over which liability will be paid.”

### **Amendment of regulation 20 of the Regulations**

8. Regulation 20 of the Regulations is hereby amended by-

(a) the substitution in subregulation (1) for subparagraph (g) and (h) of the following subparagraphs-

" (g) the relevant designated ethics officer as contemplated in regulation 23; **[and]**

(h) such other persons designated by the Minister, an executive authority, head of department or the chairperson of the Commission for purposes of record keeping and the effective implementation of this Part **[.]**.”

(b) the addition after subparagraph (h) of the following subparagraphs —

“(i) subject to the approval of the executive authority in respect of the head of department or the head of department in respect of any other employee—

(i) persons appointed to initiate and conduct disciplinary proceedings in terms of these Regulations; and

(ii) law enforcement agencies charged with investigating or prosecuting an alleged offence; and

(j) a person authorised by statute.”.

### **Amendment of regulation 21 of the Regulations**

9. Regulation 21 of the Regulations is hereby amended by—

(a) the deletion in subregulation (2) of paragraph (d);

(b) the addition after subregulation (2) of the following subregulation:

“(3) An executive authority, in respect of a head of department, and a head of department, in respect of other designated employees, shall—

(a) conduct a risk analysis of the information submitted through the financial disclosure system and the income of the employee;

(b) in the event that the risk analysis indicates a discrepancy between the information submitted through the financial disclosure system and the income of the employee, consult with the employee concerned to obtain an explanation for the discrepancy; and

(c) in the event that the explanation referred to in subregulation (3)(b) does not sufficiently address the discrepancy, refer the matter to the relevant law enforcement authority and investigate whether disciplinary steps must be taken and if so, institute such disciplinary action.”

## Amendment of regulation 22 of the Regulations

10. Regulation 22 of the Regulations is hereby amended by—

(a) the substitution for subregulation (c) of the following subregulation:

"(c) establish a system that encourages and allows employees and citizens to report allegations of corruption and other unethical conduct, and such system shall provide for—

- (i) confidentiality of reporting; **[and]**
- (ii) the recording of all allegations of corruption and unethical conduct received through the system or systems;  
and
- (iii) mechanisms to ensure that employees and citizens are made aware of such system;";

(b) the substitution for subregulation (d) of the following subregulation:

"(d) establish an information system that—

- (i) records all allegations of corruption and unethical conduct;
- (ii) monitors the management of the allegations of corruption and unethical conduct;
- (iii) identifies any systemic weaknesses and recurring risks; **[and]**
- (iv) maintains records of the outcomes of the allegations of corruption and unethical conduct **[and]; and**
- (v) records all gifts accepted by employees as contemplated in regulation 13(h);";

(c) the substitution for subregulation (e) of the following subregulation:

"(e) refer allegations of corruption to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such

disciplinary action[.]; and”;

(d) the addition after (f) of the following subregulation:

“(f) ensure that the systems referred to in subregulations (c) and (d) are made publicly accessible.”.

### **Amendment of regulation 23 of the Regulations**

11. Regulation 23 of the Regulations is hereby amended by the substitution in subregulation (2) for the following subregulation:

“(2) The head of department shall establish an ethics committee or designate an existing committee[, **chaired by a Deputy Director-General,**] to provide oversight on ethics management in the department.”

### **Amendment of regulation 25 of the Regulations**

12. Regulation 25 of the Regulations is hereby amended by the substitution in subregulation (2) for paragraph (a) of the following paragraph:

“(2) Based on the strategic plan of the department, an executive authority shall—

(a) determine the department’s organisational structure in terms of its core mandated and support functions—

(i) in the case of a national department or national government component, after consultation with the Minister and National Treasury; **[and]**

(ii) in the case of a provincial department or provincial government component, after consultation with the relevant Premier, the Minister and the relevant provincial treasury; and



(iii) in the event that the executive authority approves a structure which is not in accordance with the recommendations emanating from consultations contemplated in paragraphs (i) and (ii), the reasons thereof shall be recorded;".

### **Amendment of regulation 29 of the Regulations**

13. Regulation 29 of the Regulations is hereby amended by the substitution for the following regulation:

"An executive authority must assess the efficiency and effectiveness of a department in supporting that department's service delivery objectives using the assessment tools as may be directed by the Minister **[and submit the report to the Minister on such date and format as directed by the Minister]**."

### **Insertion of regulation 34A in the Regulations**

14. The following regulation is hereby inserted in the Regulations after regulation 34:

#### **"Abolition of government components and specialised service delivery units**

34A The abolition of a government component as contemplated in section 7(5)(c) or (d) of the Act or the abolition of a specialised service delivery unit as contemplated in section 7B of the Act shall-

- (a) ensure that any transfer of function complies with regulation 32; and
- (b) in the event that a notice as contemplated in sections 7A(5) or 7B(5) of the Act has been issued, the process to obtain Parliamentary approval in terms of section 7A(5)(i) must be

complied with.”.

### **Amendment of regulation 35 of the Regulations**

15. Regulation 35 of the Regulations is hereby amended by the substitution in regulation 35 for the following regulation:

“An executive authority shall conduct an organizational functionality assessment, as directed by the Minister, to assess the effectiveness of a department’s internal systems and processes **[and submit the report to the Minister on such date and format as directed by the Minister]**.”.

### **Amendment of regulation 39 of the Regulations**

16. Regulation 39 of the Regulations is hereby amended by—

(a) the substitution in subregulation (3) for paragraph (a) of the following paragraph:

“(a)a system of remuneration for an occupational category**[,for which an OSD has not been determined]**; and.”;

(b) the substitution in subregulation (4) of the following subregulation:

“(4) An executive authority shall link all posts in his or her department as contained in a remuneration system as contemplated in subregulation (3)(a) to an occupation listed in the occupational classification system referred to in subregulation 3(b)**[, except in the case of posts determined in terms of an OSD, in which case the classification indicated in the OSD shall be utilized]**.”.

### Amendment of regulation 41 of the Regulations

17. Regulation 41 of the Regulations is hereby amended by—

- (a) the substitution in subregulation (2) for paragraph (d) of the following paragraph:

"(d) issue directives that **[direct]** determine the evaluation and grading of any job or category of jobs."

### Amendment of regulation 44 of the Regulations

18. Regulation 44 of the Regulations is hereby amended by—

- (a) the substitution in subregulation (2) for paragraph (c) of the following paragraph:

"(c) the counter-offer made is limited to the higher salary notch closest to the external offer; and";

- (b) the substitution in subregulation (2) for paragraph (d) of the following paragraph:

"(d) the counter-offer shall not exceed the salary level of the post occupied by the employee.";

- (c) the substitution in subsection (3) for the following subsection:

"(3) The setting of a higher salary notch, as contemplated in subregulation (1) to recruit **[an employee]** a person, shall only take place on the first day of the month following the date of approval if-

(a) the executive authority has complied with the process contemplated in regulation 64;

(b) the **[employee occupied an equally graded post]** person was earning a higher salary immediately before the date of appointment;

- (c) the higher salary **[shall]** does not exceed the closest higher salary notch than that of the **[employee]** person immediately prior to the appointment; and
- (d) the higher salary **[shall]** does not exceed the salary level of the post, unless such **[employee]** person has been awarded a higher salary attached to the grade of the post in terms of any other provision of the Act.”

### **Amendment of regulation 45 of the Regulations**

19. Regulation 45 of the Regulations is hereby amended by the substitution in subregulation (2) for paragraph (b) of the following paragraph:

"(b) has received a **[satisfactory]** fully effective rating in his or her most recent annual moderated and approved performance assessment in the post and where the incumbent has not yet been assessed, his or her performance shall first be assessed to determine whether the performance is **[satisfactory]** fully effective;"

### **Amendment of regulation 49 of the Regulations**

20. Regulation 49 of the Regulations is hereby amended by substitution for regulation 49 of the following regulation—

#### **"Overtime**

(1) An executive authority shall, subject to any collective agreement and the Basic Conditions of Employment Act, compensate an employee, other than a member of the SMS, for overtime work if—

- (a) the department has an approved written policy on overtime;
- (b) the executive authority has provided written

authorisation in advance for the work; and

- (c) the monthly compensation for overtime constitutes less than 30 percent of the employee's monthly basic salary or [the limitation] 30 percent of the monthly salary calculated on the minimum basic annual salary determined by the Minister, whichever is the lesser.

(2) An executive authority may, under exceptional circumstances, approve compensation for overtime in excess of the amount contemplated in regulation 49(1)(c) if—

- (a) that approval is not inconsistent with a collective agreement or the Basic Conditions of Employment Act,
- (b) the hours of overtime do not exceed the limit prescribed in the Basic Conditions of Employment Act;
- (c) such overtime is in the interest of service delivery; and
- (d) funds are available within the budget of the department.

(3) The head of department must record the—

- (a) project or circumstances in respect of each approval;
- (b) number of employees affected by each approval;
- (c) total expenditure in respect of each approval; and
- (d) impact on service delivery.

(4) An overtime policy contemplated in subregulation (1) shall be established by the executive authority in accordance with applicable collective agreements, which shall determine—

- (a) categories of employees that may not receive compensation for overtime due to the nature of their duties;
- (b) the circumstances under which overtime work for an individual employee may be authorised;
- (c) how much overtime an employee may work in a given period;

- (d) how authorisation for overtime is recorded; and
- (e) other control measures, if necessary.”

### **Amendment of regulation 51 of the Regulations**

21. Regulation 51 of the Regulations is hereby amended by the substitution for regulation 51 of the following regulation-

#### **“51 Working hours**

Subject to any collective agreements and the Code of Good Practice on Arrangement of Working Time issued in terms of section 87 of the Basic Conditions of Employment Act, [1997 (Act 75 of 1997)] a head of department shall determine—

- (a) the work week and daily hours of work for employees; and
- (b) the opening and closing times of places of work of the department, taking into account—
  - (i) the needs of the public with due regard to the department’s service delivery improvement plan; and
  - (ii) the needs and circumstances of employees, including family obligations and transport arrangements.”

### **Insertion of regulation 56A in the Regulations**

22. The following regulation is hereby inserted in the Regulations after regulation 56A:

#### **“56A. Reasonable accommodation**

A head of department shall develop a policy for the reasonable accommodation of employees with disabilities, which shall include measures to-

- (a) make the workplace accessible;
- (b) provide access to information and communication;
- (c) provide assistive devices and technology;

- (d) manage the safety and well-being; and
- (e) regulate the work arrangements.".

### **Amendment of regulation 57 of the Regulations**

23. Regulation 57 of the Regulations is hereby amended by—

- (a) the substitution for subregulation (2) of the following subregulation:

"(2) An executive authority may, unless otherwise authorised by the Act, within the available budget and at a salary level linked to a grade determined through job evaluation or as determined in an OSD, employ persons additional to the establishment, where—

- (a) the incumbent of the post is expected to be absent for such a period that his or her duties cannot be performed by other employees;
- (b) a temporary increase in the volume of work occurs **[or it is necessary for any other reason to temporarily increase the staff of the department]** which shall not exceed 12 consecutive months;
- (c) an employee's post has been abolished and he or she cannot be transferred into another post; **[or]**
- (d) an employee is part of a development programme as contemplated in regulation 58[.];
- (e) the nature of the work for which the employee is employed is of limited or definite duration;
- (f) an employee is employed for the purpose of an official public works scheme or similar public job creation scheme;  
or
- (g) it is necessary for any other justifiable reason to temporarily increase the staff of the department which period shall not exceed 12 consecutive calendar months."

- (b) the deletion of subregulation (4)."

### Amendment of regulation 58 of the Regulations

24. Regulation 58 of the Regulations is hereby amended by the substitution of the regulation of the following Regulation-

#### “58 Development programmes

An executive authority may appoint persons **[who are part of a]** in a developmental programme, including but not limited to, internships, learnerships and apprenticeships, on such terms and conditions that shall be determined by the Minister.”

### Amendment of regulation 60 of the Regulations

25. Regulation 60 of the Regulations is hereby amended by the substitution in subregulation (3) for paragraph (a) of the following paragraph:

“(a) the appointment is made for the period not exceeding the period contemplated in regulation 57~~[(4)]~~<sup>2</sup>; and”.

### Amendment of regulation 61 of the Regulations

26. Regulation 61 of the Regulations is hereby amended by-

(a) the substitution and deletion of the table in subregulation (1) for the following:

	<u>ACT OF MISCONDUCT</u>	<u>PERIOD OF PROHIBITION</u>
1.	<u>(a) Financial misconduct as contemplated in section 81 or 82 of the Public Finance Management Act.</u>	<u>Ten (10) years</u>
2.	<u>Misconduct involving elements of dishonesty or negligence.</u>	<u>Five (5) years</u>



3.	<p><u>(a) Sexual harassment;</u>  <u>(b) Unfair discrimination against others on the basis of race, gender, disability, sexuality or other grounds prohibited by section 9(3) of the Constitution; or</u>  <u>(c) Assault with intent to do grievous bodily harm.</u></p>	<u>Five (5) years</u>
4.	<p><u>Misconduct resulting from a criminal conviction where an employee has been sentenced for less than two years imprisonment, without the option of a fine.</u></p>	<u>Five (5) years</u>
5.	<p><u>Misconduct resulting from a criminal conviction where an employee has been sentenced for two years or more years imprisonment, without the option of a fine.</u></p>	<u>Five (5) years</u>
6.	<p><u>(a) Use of position as a senior manager or confidential information for private gain or improperly benefit another person; or</u>  <u>(b) Disclosure of any privileged or confidential information obtained during the course of duty to an unauthorized person or persons.</u></p>	<u>Five (5) years</u>
7.	<p><u>Conducting business with the State as contemplated in section 8 of the Public Administration Management Act.</u></p>	<u>Five (5) years</u>
8.	<p><u>Soliciting or accepting directly or indirectly any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties or other grounds prohibited by the Constitution.</u></p>	<u>Five (5) years</u>
9.	<p><u>The offering or receipt of any undue gratification or the facilitation of such offering or receipt.</u></p>	<u>Five (5) years</u>
10.	<p><u>Any other act of misconduct.</u></p>	<u>Two (2) years</u>

(b) the substitution in subregulation (3) of the following subregulation”

“(3) Notwithstanding subregulation (1) [An] an employee who is deemed to have been dismissed in terms of section 17(3)(a) of the Act and who is not re-instated in terms of section 17(3)(b), shall not be re-appointed in the public service for a period of one year after the effective date of his or her deemed dismissal.”

### **Amendment of regulation 62 of the Regulations**

27. Regulation 62 of the Regulations is hereby amended by the substitution in subregulation (1) for paragraph (b) of the following paragraph:

“(b) the period of secondment does not exceed 12 consecutive calendar months, unless due to operational reasons determined otherwise by the Minister; and”.

### **Insertion of regulation 62A in the Regulations**

28. The following regulation 62A is hereby inserted in the Regulations after regulation 62:

#### **62A Transfers**

(1) The transfer of an employee in terms of section 14 of the Act shall only take place if-

(a) the executive authorities of the two relevant departments have agreed in writing to such transfer;

(b) the employee being transferred meets the inherent requirements of the post to which he or she is being transferred; and

(c) the employee is not transferred into a post in the Office of an executive authority or Deputy Minister.”

### Amendment of regulation 65 of the Regulations

29. Regulation 65 of the Regulations is hereby amended by—

(a) the substitution and deletion for subregulation (5) of the following subregulation:

“(5) For the purposes of subregulations (3) and (4) nationwide shall include advertisement in the public service vacancy circular issued by the Department of Public Service and Administration or any other media with national coverage.”;

(b) the substitution in subregulation (8) for the words preceding paragraph (a) of the following words:

“(8) An advertisement contemplated in subregulation (4) may be utilised to create a pool of potential **[employees]** candidates for a period of not more than 6 calendar months from the date of advertisement, to fill any **[other]** vacancy in the relevant department if—”.

(c) the substitution in subregulation (9) for the words preceding paragraph (a) of the following words:

“(9) With due regard to the criteria in regulation 67(5)(b) to **[(f)]** (d), an executive authority may fill a vacant post without complying with subregulations (3) and (4) if—”.

### Amendment of regulation 66 of the Regulations

30. Regulation 66 of the Regulations s hereby amended by-

(a) the deletion of subparagraph (b) of subregulation (1).

(b) the substitution for subregulation (2) of the following subregulation:

“(2) Subject to the appointment criteria in regulation 67(5)(b) to (d), an executive authority may fill a post in the Office of the executive authority

or a Deputy Minister [**in that executive authority's portfolio,**] in terms of subregulation (1) without [**complying with regulation 65(1), (3) and (4).**] advertising the post or convening a selection panel as contemplated in regulations 65 and 67 respectively."

(c) the substitution for subregulation (4) of the following subregulation:

"(4) Any employee employed in terms of subregulation (1)(a) shall not be transferred within the department or to another department [**without complying with regulation 65(1), (3) and (4).**]"

### **Amendment of regulation 67 of the Regulations**

**31.** Regulation 67 of the Regulations is hereby amended by the insertion in subregulation (2) of the following paragraph after paragraph (f):

"(fa) a Deputy Director-General in the Presidency, shall be chaired by a Minister in the Presidency and include at least two Deputy Ministers and a head of department."

### **Amendment of regulation 71 of the Regulations**

**32.** Regulation 71 of the Regulations is hereby amended by—

(a) the substitution in subregulation (5) for paragraph (c) of the following paragraph:

"(c) monitoring the employee's performance on a continuous basis with oral feedback on his or her performance at least quarterly if the employee's performance is [**satisfactory**] fully effective and in writing if the employee's performance is not [**satisfactory**] fully effective;"

(b) the substitution in subparagraph (5) for paragraph (f) of the following paragraph:

“(f) approval of the annual moderated performance assessments referred to in paragraph (e) by 30 November of the financial year following the year of the assessments.”.

### **Amendment of regulation 72 of the Regulations**

33. Regulation 72 of the Regulations is hereby amended by—

(a) the substitution for subregulation (1) of the following subregulation:

"(1) An employee shall enter into a performance agreement or an agreement of similar nature within three calendar months of his or her date of appointment and thereafter within two calendar months of the beginning of each financial year. This agreement may be reviewed from time to time.";

(b) the substitution for subregulation (12) of the following subregulation:

"(12) If an employee is absent with permission for a continuous period of three months or longer, the affected employee's performance shall be regarded as having performed **[satisfactory]** fully effective as contemplated in regulation 71(5)(c) for that period of absence within the performance cycle."

### **Insertion of regulation 87A in the Regulations**

34. The following regulation 87A is hereby inserted in the Regulations after regulation 87:

#### **87A Extension of term of head of department**

(1) The relevant executive authority may at the expiry of the term of office of a head of department extended such term of a head of department for a period of not more than five years at a time if the head of department-

(a) achieved a fully effective level of performance in relation to his or her duties in the previous three years;

- (b) obtained satisfactory audit outcomes and performance for the previous three years;
- (c) continues to meet the inherent requirements of the post;  
and
- (d) remains a fit and proper person.

(2) The relevant executive authority and head of department may agree on an extension not more than four calendar months before the expiry of the term of the contract.”.

### **Amendment of regulation 93 of the Regulations**

**35.** Regulation 93 of the Regulations is hereby amended by—

(a) the substitution for regulation 93 of the following regulation:

**“93 [Acquisition,] Information management and use of information and communication technology [resources]**

(1) The head of department shall ensure-

- (a) that information of the department is collected, processed, stored and disseminated appropriately; and
- (b) improved knowledge management practices.

(2) The head of department shall ensure that the acquisition, management and use of information and communication technologies by the department—

- (a) enhances direct or indirect service delivery to the public, including, but not limited to, equal access by the public to services delivered by the department;
- (b) improves the productivity of the department;
- (c) promotes an environmentally friendly public service; and
- (d) ensures cost-efficiency for the department.”

## Insertion of regulation 97A in the Regulations

36. The following regulation 97A is hereby inserted in the Regulations after regulation 97:

### **“ 97A Government Information Technology Council and Officers**

(1) The Minister may establish a Government Information Technology Officers Council (herein after referred to as the GITOC) as an inter-departmental forum to improve electronic government and information management in the public service.

(2) The GITOC shall, amongst others, -

(a) advise on measures to improve integrated information and communication technology systems across the public service;

(b) propose and advise on appropriate information and communication technology solutions and practices;

(c) support information and communication technology monitoring and planning in the public service; and

(d) collaborate to improve the use of information and communication technology in the public service.

(3) A head of department shall nominate an employee of the relevant department as a Government Information Technology Officer who shall be a member of the GITOC, which shall be chaired by an employee of the Department of Public Service and Administration designated by the Minister.

(4) The Government Information Technology Officer shall advise and support the head of department on-

(a) Information and Communication Technology strategies;

(b) innovative methods to digitalise Information and Communication Technology within the department;

(c) establishing reliable and secure Information and Communication Technology systems, services and infrastructure;

(d) optimising expenditure, reducing duplication and increasing interoperability of Information and Communication Technology systems; and

(e) the management of Information and Communication Technology assets.

### **Short title and commencement**

**37.** These Regulations shall be called the Public Service Amendment Regulations, 2023, and shall come into operation on the publication thereof in the *Gazette*.