



**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION
REPUBLIC OF SOUTH AFRICA**

NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO.: 1654

Mr A P van der Westhuizen (DA) to ask the Minister of Public Service and Administration:

- (1) Whether (a) his department and/or (b) the Public Service Commission have studied the practices of other international governments in fighting corruption in the public service; if not, why not; if so, (i) which international governments' practices have been studied and (ii) what is his position regarding the specified practices in each case;
- (2) whether any of the specified governments expect senior management staff members in the Public Service to declare the business interest of close family members; if so, why is this declaration excluded from the information that senior management staff members in South Africa have to disclose annually;
- (3) whether any plans have been put in place to improve the effectiveness of the annual submission of financial disclosures of the Public Service senior management staff members in government's endeavours to purge corruption from the public service; if not, why not; if so, what are the relevant details?

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REPLY

- (1) (a) In April 2016, the Department of Public Service and Administration (DPSA) undertook a study visit to Canada. The purpose of the visit was to benchmark against existing institutional mechanisms in Canada, to gather information that will assist in establishing the Public Administration

Ethics, Integrity and Disciplinary Technical Assistance Unit (EIDTAU), focusing on specific lessons and experiences with regards to structures, regulations, procedures, tools and systems. The DPSA interacted with a number of institutions operating at three levels of government. One of the institutions that the DPSA engaged with is the Treasury Board Secretariat (TBS), which is similar to the DPSA with regards to mandate.

(i) TBS is responsible for accountability and ethics, HR and administrative management. financial, comptrollership, approving regulations and translating the policies and programmes approved by Cabinet into reality and by providing departments with the resources and the administrative support they need to do their work. TBS implements a number of instruments for promoting ethics in the Public Service at Federal level such as:

- Public Servants Disclosure Protection Act (PSDPA) which protects public servants who disclose acts of wrongdoing. This piece of legislation enables departments to implement an internal mechanism for reporting allegations of unethical conduct or corruption. However, the Act does not prevent employees from reporting to the Office of the Public Sector Integrity Commissioner of Canada, which is an agency of Parliament similar to the Public Protector of South Africa.
- Values and Ethics Code for the Public Sector- general code of conduct for all Federal public service employees. The Code constitutes part of the terms and conditions of employment for all Federal employees. Failure to adhere can lead to disciplinary action up to and including termination of employment; and
- Policy on conflict of Interest and Post-Employment. This Policy prescribes restrictions that public servants in designated positions should adhere to in order to avoid actual, potential or perceived conflict of interest, when they leave the public service.

In June 2013, the DPSA also undertook a study visit to the United Republic of Tanzania. The purpose of the study visit was to achieve the following outcomes:

- Clear conceptualization of the institutional model that can best address corruption challenges in the public administration of South Africa;
- Delineation of the mandate and functions of such a model;
- In-depth understanding of the resource allocation implications and
- The design of an organizational structure that matches the functions and mandate.

The DPSA delegation interacted with the Prevention and Combating of Corruption Bureau (PCCB) and the Ethics Secretariat. The PCCB is a constitutional body that investigates and prosecute acts of corruption in both public and private sector. It is an independent anti-corruption agency as contemplated in Articles 6 and 36 of the United Nations Convention against Corruption (UNCAC). The Ethics Secretariat receives and verifies declarations of assets and liabilities which are required to be made by public leaders under the Constitution of the United Republic of Tanzania. Moreover, this constitutional body is empowered to initiate and conduct any investigation in respect of breach of ethics prescribed under the Public Leadership Code of Ethics Act. No. 13 of 1995.

- (ii) The following is my position regarding each of the initiatives implemented by TBS of Canada and the Government of the United Republic of Tanzania.

Initiative	My position
Public Servants Disclosure Protection Act (PSDPA) (Canada)	The internal reporting mechanism implemented by departments is an excellent practice. This is an idea that we are exploring as we proceed with the establishment of the EIDTAU.
Values and Ethics Code for the Public Sector (Canada)	This Code is similar to our Code of Conduct for Public Servants, which we have implemented since 1997. We have recently refined the Code as part of the new amendments we made in the Public Service Regulations, 2016.
Policy on conflict of Interest and Employment (Canada)	We studied this practice since 2007. While this practice is desirable, we believe that the enforcement will pose more challenges.

Prevention and Combating of Corruption Bureau (PCCB) (Tanzania)	In establishing the EIDTAU, we are cognizant that South Africa has adopted a multi-agency system to fighting corruption, which is viewed by the National Development Plan as the appropriate model for the country. Although the work of PCCB is commendable, we believe its approach is similar to the DPCI.
The Ethics Secretariat (Tanzania)	A central system for disclosure of financial interests of all public officials (elected and appointed) is a very unique. However, this model cannot be replicated in South Africa. We already have a decentralised system that separates categories of public officials. In the Public Service, the Public Service Commission verifies all financial disclosures of senior officials.

- (2) In terms of the Public Administration Management Act, 2015 (PAMA), all public servants will be required to disclose financial interests of spouses. This requirement will come in to effect once I have issued the Regulations to support the implementation of PAMA.
- (3) We have been implementing the electronic disclosure system since 2015 and we have seen a remarkable improvement in terms of compliance rate. Below is an overview electronic disclosures by SMS members as at 30 April 2016.

Institution	No. of SMS	No. submitted	%
National Departments	4988	4532	91%
National Components	684	660	96%
Eastern Cape	580	459	79%
Free State	379	330	87%
Gauteng	811	803	99%
KZN	605	605	100%
Limpopo	484	479	99%
Mpumalanga	262	230	88%

Northern Cape	262	262	100%
North West	250	199	80%
Western Cape	384	384	100%
Total	9689	8943	92%

We have strengthened the requirement to disclose electronically in the PSR, 2016. Employees will disclose manually only under exceptional circumstances, which will have to be authorised by respective heads of departments. The Public Service Commission retains the responsibility to conduct verification of financial disclosures and manage any conflicts of interest for all members of Senior Management Service