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THE PRESIDENCY

No. 7345 **1 April 2026**

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No.7 of 2025: Public Administration Management Amendment Act, 2025

DIE PRESIDENSIE

No. 7345 **1 April 2026**

Kuyaziswa ukuba uMongameli uye wawamkela lo Mthetho ulandelayo, othi upapashwe ukuze ufumane ulwazi ngokubanzi:—

UMthetho 7 ka-2025: Umthetho sihlomelo wokulawulwa koburhulumente, 2025

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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.

(English text signed by the President)
(Assented to 31 March 2026)

ACT

To amend the Public Administration Management Act, 2014, so as to further provide for the transfer and secondment of employees; to provide clarification regarding the prohibition against employees conducting business with organs of state; to provide for the National School of Government to be constituted as a national department; to provide for the removal of employment disparities across the public administration; to provide for the determination of conditions of service with financial implications; to amend the Schedule so as to effect certain consequential amendments; and to provide for matters connected therewith.

PARLIAMENT of the Republic of South Africa enacts, as follows:—

Amendment of section 1 of Act 11 of 2014

1. Section 1 of the Public Administration Management Act, 2014 (Act No. 11 of 2014) (hereinafter referred to as the ''principal Act''), is hereby amended—

(a) by the insertion after the definition of ''family member'' of the following definition:

'' **'head of institution'** means—

(a) in the case of a national or provincial department or government component, the head of department as defined in section 1 of the Public Service Act; or

(b) in the case of a municipality, the municipal manager as defined in section 1 of the Municipal Systems Act;'';

(b) by the insertion after the definition of ''institution'' of the following definition:

'' **'Labour Relations Act'** means the Labour Relations Act, 1995 (Act No. 66 of 1995);'';

(c) by the insertion after the definition of ''Municipal Council'' of the following definition:

'' **'Municipal Systems Act'** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);'';

(d) by the insertion after the definition of ''national department'' of the following definition:

'' **'national government component'** means a national government component listed in column 1 of Part A of Schedule 3 to the Public Service Act;'';

3

UMHLATHANA WENGCACISO:

[ ]	Amagama agqamileyo ebiyelwe ngezibiyeli ezizikwere abonisa amagama atshintshiweyo kulawo wokuqala.
______	Amagama akrwelelwe umgca ngaphantsi ngomgca ongqindilili abonisa izinto ezifakelweyo kuleyo ibikhona.

(English text signed by the President)
(Assented to 31 March 2026)

UMTHETHO

Ukuhlomela uMthetho wokuLawulwa kobuRhulumente, ka-2014, ukuze ukwazi ukunika ngakumbi utshintsho noxhaso lwabasebenzi; ukunika ingcaciso ngemicimbi eyalela abasebenzi ukuba bangenzi ushishino namalungu esizwe; ukunika iSikolo soRhulumento seLizwe ukuba sibhambathiswe njengesebe lesizwe; ukuqinisekisa ukususwa komkhethe phakathi kwabasebenzi mbombo zone zolawulo loburhulumente; ukunika imibandela eyayamene nobuzaza beenkonzo zemali; ukuhlomela iShedyuli ngelizama ukubhambathisa imiba eyayamene nayo.

IPALAMENTE yeRiphabliki yoMzantsi Afrika yenza lo mthetho olandelayo:—

Ukuhlonyelwa kwesolotya 1 loMthetho 11 ka-2014

1. Isolotya 1 loMthetho wokuLawulwa kobuRhulumente, ka-2014 (uMthetho No. 11 ka-2014) (nekubhekiswa kulo ''njengoMthetho wokuqala''), lithe lahlonyelwa—

(a) ngokufakela emva kwengcaciso ''yelungu losapho'' kule ngcaciso ilandelayo:
''**'intloko yeziko'** ibhekisa—
(a) kumagatya okanye amasebe karhulumente esizwe okanye awephondo, intloko yesebe nanjengoko icacisiwe kwisolotya 1 loMthetho wokuLawulwa kobuRhulumente; okanye
(b) Koorhulumente basemakhaya, umphathi kamasipala nanjengoko ecacisiwe kwisolotya 1 loMthetho oLawula iiNkqubo zikaMasipala;'';

(b) ngokufakela emva kwengcaciso ethi ''iziko'' kule ngcaciso ilandelayo:
''**'uMthetho oNxulumene nezaBasebenzi'** uthetha uMthetho oNxulumene nezaBasebenzi, ka-1995 (uMthetho No. 66 ka-1995);'';

(c) ngokufakela emva kwengcaciso ''yeBhunga likaMasipala'' kule ngcaciso ilandelayo:
''**'uMthetho oLawula iiNkqubo zikaMasipala'** ubhekisa kooRhulumente baseMakhaya: uMthetho oLawula iiNkqubo zikaMasipala, ka-2000 (uMthetho No. 32 ka-2000);'';

(d) ngokufakela emva kwengcaciso ethi ''isebe lesizwe'' kule ngcaciso ilandelayo:
''**'igatya lesizwe likarhulumente'** litsho igatya lesizwe likaRhulumente elidweliswe kukholam 1 wesiGaba A kuShedyuli 3 woMthetho wokuLawulwa kobuRhulumente;'';

(e) by the insertion after the definition of ''Office'' of the following definitions:

'' **'organ of state'** means—

(a) a national department, a provincial department, a national government component or a provincial government component;

(b) a public school as contemplated in Chapter 3 of the South African Schools Act, 1996 (Act No. 84 of 1996);

(c) a municipality;

(d) a public entity; or

(e) any institution performing a function in terms of the Constitution or a provincial constitution or performing a public function in terms of any legislation;

'organised local government' means an organisation recognised in terms of section 2(1)*(a)* of the Organised Local Government Act, 1997 (Act No. 52 of 1997), to represent local government;'';

(f) by the insertion after the definition of ''prescribed'' of the following definitions:

'' **'provincial department'** means—

(a) the Office of the Premier listed in column 1 of Schedule 1 to the Public Service Act; or

(b) a provincial department listed in column 1 of Schedule 2 to the Public Service Act;

'provincial government component' means a provincial government component listed in column 1 of Part B of Schedule 3 to the Public Service Act;'';

(g) by the substitution for the definition of ''public administration'' of the following definition:

'' **'public administration'** means the public service, municipalities **[and their employees,]** and for purposes of section 17A or 17B, includes public entities;'';

(h) by the insertion after the definition of ''public administration'' of the following definition:

'' **'public entity'** means—

(a) a public entity as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and

(b) a municipal entity as defined in the Municipal Systems Act;''; and

(i) by the substitution for the definition of ''public service'' of the following definition:

'' **'public service'** means all—

(a) national departments;

(b) national government components **[listed in Part A of Schedule 3 to the Public Service Act]**;

(c) provincial departments **[which means—**

(i) the Office of a Premier listed in Schedule 1 to the Public Service Act; and

(ii) provincial departments listed in Schedule 2 to the Public Service Act]; and

(d) provincial government components **[listed in Part B of Schedule 3 to the Public Service Act, and their employees]**.''.

Substitution of section 5 of Act 11 of 2014

2. The following section is hereby substituted for section 5 of the principal Act:

''**Individual transfers**

5. (1) **[Any]** An employee **[of the transferring institution]** may, subject to sections 151(3), 153 and 197(4) of the Constitution, be transferred

(e) ngokufakela ingcaciso ethi 'Ofisi'' kwezi ngcaciso zilandelayo:

"**'icandelo likarhulumente'** libhekisa—

(a) kwisebe lesizwe, kwisebe lephondo, kumagatya karhulumente okanye amagatya karhulumente ephondo;

(b) kwisikolo sikarhulumente nanjengoko kudakaciwe kwiSahluko 3 soMthetho oLawula iZikolo zoMzantsi Afrika, ka-1996 (uMthetho No. 84 ka-1996);

(c) kumasipala;

(d) kwishishini likarhulumente; okanye

(e) naliphi na iziko elisebenza ngokwemimiselo yoMgaqo-Siseko okanye umgaqo-siseko wephondo okanye elenza umsebenzi ngokwemimiselo yowiso-mthetho;

'ibhunga lorhulumente wasekhaya' libhekisa kumbutho obhalisiweyo ngokwemimiselo yesolotya 2(1)*(a)* loMthetho weBhunga loRhulumente waseMakhaya, ka-1997 (uMthetho No. 52 ka-1997), ukumela oorhulumente basemakhaya;'';

(f) ngokufakela emva kwengcaciso ethi ''ingcebiso'' kwezi ngcaciso zilandelayo:

"**'isebe lephondo'** libhekisa—

(a) kwi-Ofisi yeNkulubaphathiswa edweliswe kukholam 1 kaShedyuli 1 woMthetho wokuLawulwa kobuRhulumente; okanye

(b) isebe lephondo elidweliswe kukholam 1 kaShedyuli 2 ukuya ku-20 woMthetho wokuLawulwa kobuRhumente;

'igatya likarhulumente wephondo' lithetha igatya likarhulumente wephondo elidweliswe kukholam 1 iSigaba B sikaShedyuli 3 woMthetho oLawula ubuRhulumente;'';

(g) ngokutshintshwa kwengcaciso ethi ''ukulawulwa koburhulumente'' kwezi ngcaciso zilandelayo:

"**'ukulawulwa koburhulumente'** kuthetha iinkonzo zikarhulumente, oomasipala **[nabasebenzi babo,]** kwaye ngeenjongo zesolotya 17A okanye 17B, kuqukwa namashishini karhulumente;'';

(h) ngokufakela emva kwengcaciso ethi ''ukulawulwa koburhulumente'' kwezi ngcaciso zilandelayo:

"**'ishishini likarhulumente'** libhekisa—

(a) kwishishini likarhulumente nanjengoko kucacisiwe kwisolotya 1 loMthetho oLawula iMali kaRhulumente, ka-1999 (uMthetho No. 1 ka-1999); kwaye

(b) kwishishini likamasipala nanjengoko kucacisiwe kuMthetho oLawula iiNkqubo zikaMasipala;''; kwaye

(i) ukutshintshwa kwengcaciso ''yenkonzo karhulumente'' kule ngcaciso ilandelayo:

"**'inkonzo karhulumente'** ibhekisa kuwo onke—

(a) amasebe esizwe;

(b) amagatya karhulumente esizwe **[adweliswe kwiSigaba A sikaShedyuli 3 soMthetho wokuLawula kobuRhulumente]**;

(c) amasebe ephondo **[nto leyo ethetha ukuba—**

(i) i-Ofisi yeNkulubaphathiswa edweliswe kuShedyuli 1 kuMthetho wokuLawulwa kobuRhulumente; kunye

(ii) namasebe ephondo adweliswe kuShedyuli 2 woMthetho wokuLawulwa kobuRhulumente]; kunye

(d) namagatya karhulumente ephondo **[adweliswe kwiSigaba B sikaShedyuli 3 woMthetho wokuLawulwa kobuRhulumente, nabasebenzi awo]**.''.

Ukutshintshwa kwesolotya 5 loMthetho 11 ka-2014

2. Eli solotya lilandelayo lithe latshintshelwa kwisolotya 5 loMthetho wokuqala:

''**Ukutshintshwa kwabantu ngeziqu**

5. (1) **[Nawuphi na]** Umqeshwa **[weziko lotshintsho]** unako, ngokuxhomekeke kula masolotya alandelayo 151(3), 153 kunye 197(4)

[within an institution or transferred to another institution] between the public service and a municipality or between municipalities in a manner and on such conditions as prescribed.

(2) An employee may only be transferred—

(a) **[where]** if reasonable grounds exist;

(b) if the employee is suitably qualified, as envisaged in section 20(3) to (5) of the Employment Equity Act, 1998 (Act No. 55 of 1998), for the intended position upon transfer;

(c) if the employee requests or consents in writing to the transfer; and

(d) **[within that institution by the relevant authority, or to another institution]** with the concurrence of the relevant executive authorities of the transferring and recipient institutions.

(3) If an employee is transferred **[within an institution, or from one national or provincial institution to another national or provincial institution]** in terms of subsection (1), the—

(a) transfer does not interrupt the employee's continuity of employment; and

(b) employee may not upon the transfer suffer any reduction in remuneration and conditions of service, unless the employee consents.

(4)*(a)* If an employee is transferred **[between a national or provincial institution and a municipal institution or from one provincial or municipal institution to another provincial or municipal institution]** in terms of subsection (1), the remuneration and conditions of service of the employee upon the transfer are as agreed between the executive authorities of the transferring and recipient institutions.

(b) If an employee is transferred in terms of **[paragraph *(a)*]** subsection (1) and unless the employee consents, the remuneration and conditions of service may not be less favourable than those on which the employee was employed immediately before the transfer.''.

Amendment of section 6 of Act 11 of 2014

3. Section 6 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph *(c)* of the following paragraph:

''*(c)* in the absence of consent, after due consideration of any representations by the employee, if the secondment is operationally justified.''.

Repeal of section 7 of Act 11 of 2014

4. Section 7 of the principal Act is hereby repealed.

Substitution of section 8 of Act 11 of 2014

5. The following section is hereby substituted for section 8 of the principal Act:

''**Conducting business with [State] organ of state**

8. (1) In this section **[and in section 9,]**—

(a) '**employee**' includes persons contemplated in section 12A of the Public Service Act and a person performing similar functions in a municipality **[.]**; and

(b) '**director**'—

(i) means a director of a company as defined in section 1 of the Companies Act, 2008 (Act No. 71 of 2008); and

(ii) does not apply to an employee appointed *ex officio* as a director of a public entity.

(2) An employee may not—

(a) subject to subsection (4), conduct business with **[the State]** an organ of state; or

oMgaqo-Siseko, ukutshintshelwa **[ngaphakathi kweziko okanye asiwe kwelinye iziko]** phakathi kweenkonzo zikarhulumnte nomasipala okanye phakathi koomasipala ngendlela nangemibandela eyamkelekileyo.

(2) Umqeshwa angatshintshwa kuphela—

(a) **[apho]** xa izizathu zivakala;

(b) ukuba umqeshwa unezakhono ezifanelekileyo, ngendlela ezibhalwe ngayo kwisolotya 20(3) ukuya (5) loMthetho Ojongene noKulingana eMsebenzini, ka-1998 (uMthetho No. 55 ka-1998), zesi sikhundla afuna ukutshintshelwa kuso;

(c) ukuba umqeshwa uyacela okanye uyavuma kwaye oko ekwenza ngembalelwano ukutshintshwa; kwaye

(d) **[kwakwelo ziko ngaphantsi kwamagunya alindelekileyo, okanye kwelinye iziko]** ngemvume yaxeshanye yeziphatha-mandla zala maziko aquka eli asuka kulo neliya aya kulo.

(3) Ukuba umsebenzi utshintshiwe **[kwalapha kwiziko, okanye usuka kwazwelonke okanye ephondweni esiya kwelinye iziko lesizwe okanye elephondo]** ngokwemimiselo yesolotyana (1), —

(a) olo tshintsho aluphazamisani nenkqubela yengqesho yomqeshwa; kwaye

(b) umqeshwa akayi kuthi ngenxa yokutshintshwa ancitshiselwe imali nemibandela yenkonzo, ngaphandle kokuba naye umqeshwa uyavuma.

(4)*(a)* Ukuba umqeshwa utshintshiwe **[phakathi kweziko lesizwe okanye elephondo kunye neziko likamasipala aye kwelinye iziko lephondo okanye likamasipala]** ngokwemimiselo yesolotyana (1), umrholo nemibandela yenkonzo yomqeshwa xa etshintshwa ingoluya hlobo bekuvunyelenwe ngalo ziziphatha-mandla zeli ziko lithumelayo neli limamkelayo.

(b) Ukuba umqeshwa utshintshiwe ngemimiselo **[yomhlathi *(a)*]** yesolotyana (1) kwaye ngaphandle kokuba umqeshwa uyavuma, umrholo wakhe nemibandela yenkonzo yakhe azinokuba ngezantsi kweziya wayeqehwe ngaphantsi kwazo umqeshwa.''.

Ukuhlonyelwa kwesolotya 6 loMthetho 11 ka-2014

3. Isolotya 6 loMthetho wokuqala lithe lahlonyelwa ke ngoko ngokufakela kwisolotyana (2) kumhlathi *(c)* walo mhlathi ulandelayo:

''*(c)* xa kungekho kuvuma, emva kokuphengululwa kwazo zonke izinto ngulo umele umqeshwa, ukuba ukuxhaswa kuyathetheleleka.''.

Ukuchithwa kwesolotya 7 loMthetho 11 ka-2014

4. Isolotya 7 loMthetho wokuqala lithe lachithwa.

Ukufakelwa kwesolotya 8 loMthetho 11 ka-2014

5. Eli solotya lilandelayo lithe latshintshwa ngesolotya 8 loMthetho wokuqala:

''**Ukurhwebelana [noRhulumente] necandelo likarhulumente**

8. (1) Kweli solotya **[kunye nakwisolotya 9,]**—

(a) '**umqeshwa**' uquka abantu abadakacwe kwisolotya 12A loMthetho wokuLawulwa kobuRhulumente kwaye umntu owenza umsebenzi ofanayo kwamasipala **[.]**; kwaye

(b) '**umlawuli**'—

(i) Ubhekisa kumlawuli wenkampani ecacisiweyo kwisolotya 1 loMthetho weeNkampani, ka-2008 (uMthetho No. 71 ka-2008); kwaye

(ii) akangeni ndawo kule miqathango yabaqeshwa xa eqeshwe ngesikhundla sakhe sokulawula kwiqumrhu likarhulumente.

(2) Umqeshwa akanako—

(a) ngokuxhomekeka kwisolotya (4), ukurhwebelana **[norhulumente]** necandelo likarhulumente; okanye

(b) be a director of a **[public or private]** company **[conducting]** incorporated in terms of the Companies Act, 2008 (Act No. 71 of 2008), that conducts business with **[the State]** an organ of state.

(3) A contravention of subsection (2)—

(a) is an offence, and any person found guilty of the offence is liable to a fine or imprisonment for a period not exceeding **[5]** five years or both such fine and imprisonment; and

(b) **[constitute]** constitutes serious misconduct which may result in the termination of employment by the employer.

(4) The Minister may prescribe that certain transactions between an employee and an organ of state, which are remunerative but not for profit and which are necessary for the functioning of an organ of state, do not constitute conducting business with an organ of state for the purposes of this section.''.

Insertion of section 8A in Act 11 of 2014

6. The following section is hereby inserted after section 8 of the principal Act:

``**Conduct of employee or former employee participating in award of work to service providers**

8A. (1) In this section—

(a) **'12-month period'** means a period of 12 calendar months following the conclusion of a contract with a service provider; and

(b) **'service provider'** means a person who provides services or goods to an institution against remuneration exceeding a prescribed amount.

(2) An employee who, in respect of the award of a contract to a service provider—

(a) set criteria for the award;

(b) evaluated or adjudicated the award;

(c) recommended or approved the award; or

(d) participated in any activity contemplated in paragraph *(a)* to *(c)*,

may not, within the 12-month period, provide any service to, accept employment with, or accept appointment to a board of, that service provider for payment in money or in kind, or receive any other gratification from that service provider.

(3) A service provider may not—

(a) within the 12-month period—

(i) engage an employee, contemplated in subsection (2), to provide any service to the service provider; or

(ii) employ the employee or appoint the employee to a board of the service provider,

for payment in money or in kind; or

(b) grant any other gratification to the employee.

(4) Subsections (2) and (3) apply irrespective of whether the employment of the employee contemplated therein continued or did not continue with the relevant institution during the 12-month period, or part thereof.

(5) The executive authority may, in accordance with the prescribed criteria, approve a period shorter than the 12-month period contemplated in subsection (2) or (3).

(6) Subsections (2) and (3) apply, with the necessary changes, to any extension of a contract with a service provider, if the remuneration for that extension together with the remuneration for the original contract and any other extensions, exceeds the amount prescribed by the Minister in terms of subsection (1).

(7) Any person who contravenes subsection (2) or (3) is guilty of an offence and on conviction liable to a fine not exceeding R1 million.

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(b) abe ngumlawuli wenkampani **[karhulumente okanye eyabucala] [eyenza]** ngokuqulathwe yimimiselo yoMthetho weeNkampani, ka-2008 (uMthetho No. 71 ka-2008), eyenza urhwebelwano **[norhulumente]** necandelo likarhulumente.

(3) Ukuphazamisana nesolotyana (2)—

(a) lulwaphulo mthetho, kwaye nabani na othe wafunyaniswa enelo tyala uza kudliwa imali okanye avalelwe ixesha elingagqithanga kwiminyaka **[5]** emihlanu okanye adliwe imali aze aphinde avalelwe ngaxeshanye; kwaye

(b) **[uyinxalenye]** uyinxalenye yokungaziphathi kakuhle okubi kakhulu nokunosingisela ekupheliswenі komsebenzi ngumqashi.

(4) UMphathiswa angaluvumela urhwebelwano oluthile phakathi komqeshwa necandelo likarhulumente, olurholisayo kodwa kungabikho nzuzo kwaye oku kube luncedo kumsebenzi wecandelo likarhulumente, abarhwebelani necandelo likarhulumente ngeenjongo zeli solotya.''.

Ukufakelwa kwesolotya 8A kuMthetho 11 ka-2014

6. Eli solotya lilandelayo lithe ke ngoko lafakelwa kwisolotya 8 loMthetho wokuqala:

''**Ukuziphatha komqeshwa okanye obesaya kuba ngumqeshwa oyinxalenye yokunikwa komsebenzi kumniki zinkonzo**

8A. (1) Kweli solotya—

(a) **'ixesha elingangeenyanga ezili-12'** oku kubhekisa kwiinyanga ezili-12 zekhalenda ngokulandela ukuququnjelwa kwesivumelwano nomniki zinkonzo; kwaye

(b) **'umniki zinkonzo'** ubhekisa kumntu onikeza iinkonzo okanye impahla kwiziko ngomrhumo ongagqithiyo kwixabiso elithile.

(2) Umqeshwa othe, ngokuhambelana nokukhutshwa kwesivumelwano somsebenzi esinikwe umniki zinkonzo othe—

(a) waseka imiqathango yokuzuza isiniki maxabiso;

(b) waphonononga okanye wangumkhuphi;

(c) wacebisa okanye waphumeza ukukhutshwa kwesivumelwano; okanye

(d) wayinxalenye yesenzo esidakacwe kumhlathi *(a)* ukuya *(c)*,

akanako, kwixesha leenyanga ezili-12, ukunika nayiphi na inkonzo, ngaphandle kwengqesho ngaphandle kokuba utyunjwe yibhodi yaloo mniki zinkonzo ukuba ahlawulwe imali okanye ngenye indlela, okanye afumane umbulelo kuloo mniki zinkonzo.

(3) Umniki zinkonzo akanako—

(a) kweli xesha leenyanga ezili-12—

(i) ukuthethane nomqeshwa, odakacwe kwisolotyana (2), ukuba anikeze nayiphi na inkonzo kumniki zinkonzo; okanye

(ii) aqeshe loo mqeshwa okanye atyunjelwe kwibhodi yomniki zinkonzo,

ukuze abhatalwe ngemali okanye ngezinye iindlela; okanye

(b) aniki nawuphi na umbulelo kumqeshwa.

(4) Amasolotyana (2) kunye (3) asebenza nokuba ingqesho yomqeshwa edakaciweyo iyaqhuba okanye ayiqhubi kwelo ziko ngelaa xesha leenyanga ezili-12, okanye ngoko.

(5) Iziphatha-mandla zinako, ngokuhambelana nenkqubo eqingqiweyo, ukuphumeza ixesha elingaphantsi kweenyanga ezili-12 ezidakacwe kwisolotyana (2) okanye (3).

(6) Amasolotyana (2) kunye (3) ayasebenza, ngotshintsho olululo, kuko nakuphi na ukongezwa kwexesha lesivumelwano, ukuba intlawulo yeloo xesha elongeziweyo kunye nentlawulo yesivumelwano sokuqala kunye nezinye izongezo, ziyagqitha kumyinge osikwe nguMphathiswa ngokwemimiselo ekwisolotyana (1).

(7) Nabani na owaphula isolotyana (2) okanye (3) unetyala lolwaphulo-mthetho kwaye xa efunyenwe uza kudliwa intlawulo engagqithanga kwi-R1 yesigidi.

(8) The Minister responsible for the administration of justice may, from time to time by notice in the *Gazette*, increase the amount referred to in subsection (7).''.

Amendment of section 9 of Act 11 of 2014

7. Section 9 of the principal Act is hereby amended by the addition of the following subsection:

''(3) For the purposes of this section, 'employee' includes a person contemplated in section 12A of the Public Service Act and a person performing similar functions in a municipality.''.

Amendment of section 10 of Act 11 of 2014

8. Section 10 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph *(a)* of the following paragraph:

''*(a)* must make appropriate provision in its budget—

(i) for the compulsory education and training contemplated in section 13(1)*(b)*; and

(ii) within **[the]** its available resources **[in its budget]** for the education and training of its employees; and''.

Substitution of section 11 of Act 11 of 2014

9. The following section is hereby substituted for section 11 of the principal Act:

''**National School of Government**

11. (1) The National School of Government, which exists when this section takes effect continues to exist, is regarded as having been established in terms of this Act and must be constituted as a national department to enhance the quality, extent and impact of human resource capacity in institutions through training in order to achieve the progressive realisation of a capable public administration that is development-oriented.

(2) To give effect to subsection (1) the School—

(a) must provide education and training programmes or courses or cause education and training programmes or courses to be provided in the public administration;

(b) must, subject to section 10(2)*(a)*, provide the compulsory education and training contemplated in section 13(1)*(b)*;

(c) may, at the request of any public entity, provide education and training programmes or courses or cause education and training programmes or courses to be provided to that public entity;

(d) may collaborate and, if necessary, enter into agreements with other training institutions, higher education institutions as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997), continuing education and training institutions as contemplated in the Continuing Education and Training Act, 2006 (Act No. 16 of 2006), and private sector training providers to assist in providing education and training;

(e) may conduct assessments, or cause assessments to be conducted, in respect of education and training programmes or courses;

(f) may, subject to the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), award qualifications or part-qualifications on the successful completion of education and training programmes or cause such qualifications or part-qualifications to be awarded; and

(8) UMphathiswa ophethe unyanzeliso lobulungisa unako, ngamaxesha athile ngokufaka isaziso *kwiGazethi*, ukonyusa umyinge ekubhekiswa kuwo kwisolotyana (7).''.

Ukuhlonyelwa kwesolotya 9 loMthetho 11 ka-2014

7. Isolotya 9 loMthetho wokuqala lithe lahlonyelwa ngokongezwa kweli solotyana lilandelayo:

''(3) Ngenxa yeenjongo zeli solotya, 'umqeshwa' uquka umntu odakacwe kwisolotya 12A loMthetho wokuLawulwa kobuRhulumente kunye nomntu owenza umsebenzi ofanayo kwamasipala.''.

Ukuhlonyelwa kwesolotya 10 loMthetho 11 ka-2014

8. Isolotya 10 loMthetho wokuqala lithe lahlonyelwa ngokufakela isolotyana (2) kumhlathi *(a)* walo mhlathi ulandelayo:

''*(a)* kumele kwenziwe ulwabiwo olululo kuhlahlo-lwabiwomali—

(i) lwemfundo noqeqesho olusisinyanzeliso noludakacwe kwisolotya 13(1)*(b)*; kunye

(ii) ngokwezinto **[enazo]** eninazo **[kuhlahlo lwayo]** zemfundo noqeqesho lwabasebenzi lwayo; kunye''.

Ukufakelwa kwesolotya 11 kuMthetho 11 ka-2014

9. Eli solotya lilandelayo lithe ke ngoko lafakelwa kwisolotya 11 loMthetho wokuqala:

''**ISikolo seSizwe sikaRhulumente**

11. (1) ISikolo seSizwe sikaRhulumente, nesithe sakhona ngexesha eli solotya siqalisa ukusebenza sisaqhubeka nokubakhona, sithathwa ngokuba sasekwa ngemimiselo yalo Mthetho kwaye kumele sibhambathiswe njengesebe lesizwe lokuphakamisa umgangatho, ukwandisa kunye negalelo lobunako buka-*human resource* kumaziko ngoqeqesho ukuze iinjongo zokuba nokulawulwa koburhulumente obunenkqubela nokusekezelwe kuphuhliso.

(2) Ngelokwenza kusebenze isolotyana (1) iSikolo—

(a) kumele sibe neenkqubo zokufunda nokuqeqesha okanye izifundo okanye imigomo yokufunda neenkqubo zoqeqesho okanye izifundo ekumele zinikwe kwezolawulo loburhulumente;

(b) kumele, ngokuxhomekeke kwisolotya 10(2)*(a)*, sinike imfundo noqeqesho olunyanzelekileyo ngokudakacwe kwisolotya 13(1)*(b)*;

(c) sinako, ngokokucelwa liqumrhu likarhulumente, ukunika imfundo neenkqubo zoqeqesho okanye izifundo kwelo qumrhu likarhulumente;

(d) singasebenzisana, ukuba ikhona imfuneko, lingene kwisivumelwano namanye amaziko oqeqesho, amaziko emfundo ephakamileyo nanjengoko ecacisiwe kwisolotya 1 loMthetho weMfundo ePhakamileyo, ka-1997 (uMthetho No. 101 ka-1997), amaziko okuqhubeka nemfundo noqeqesho nanjengoko kudakaciwe kuMthetho wokuQhubeka neMfundo noQeqesho, ka-2006 (uMthetho No. 16 ka-2006), nabaqeqeshi abazimeleyo kumele bancedise ekuziseni imfundo noqeqesho;

(e) singenza uphononongo, okanye sibangele ukuba kwenziwe uphononongo, ngokomcimbi wemfundo neenkqubo zoqeqesho okanye izifundo;

(f) sinako, ngokuxhomekeka kuMthetho *weNational Qualifications Framework*, ka-2008 (uMthetho No. 67 ka-2008), ukunika isigunyaziso semfundo okanye inxalenye-sigunyaziso kwabo bayigqibe ngempumelelo loo mfundo kunye nenkqubo yoqeqesho okanye sivule ithuba lokuba ezo zigunyaziso zikhutshwe; kwaye

(g) may, issue certificates of attendance, proficiency or other recognition on the successful completion of education and training programmes or courses or cause such certificates to be issued.''.

Repeal of section 12 of Act 11 of 2014

10. Section 12 of the principal Act is hereby repealed.

Amendment of section 13 of Act 11 of 2014

11. Section 13 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

''The Minister may **[, after approval by the Cabinet,]** direct that the successful completion of specified education, training, examinations or tests is—''; and

(b) by the substitution for subsection (2) of the following subsection:

''(2) The Minister must consult organised local government and obtain the concurrence of the Minister responsible for local government **[before seeking the approval of the Cabinet contemplated in subsection (1)]** in respect of a directive to be applicable to municipalities.''.

Amendment of section 16 of Act 11 of 2014

12. Section 16 of the principal Act is hereby amended by the deletion of subsection (2).

Amendment of section 17 of Act 11 of 2014

13. Section 17 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

''(7) The Minister must prescribe the powers of the Office **[and its members]** including those necessary to achieve the objects referred to in subsection (6).''.

Insertion of sections 17A and 17B in Act 11 of 2014

14. The following sections are hereby inserted after section 17 of the principal Act:

''**Removal of disparities in public administration**

17A. In order to remove unjustifiable disparities in relation to remuneration and conditions of service for employees who do not fall within the scope of a relevant bargaining council, the Minister may, subject to applicable labour legislation and legislation governing the employment of employees in the public administration and after consultation with the relevant Minister, prescribe—

(a) norms and standards to establish the upper limits of remuneration and conditions of service; and

(b) steps to remove unjustifiable disparities in remuneration and conditions of service provided that these steps may not reduce any employee's remuneration.''.

''**Determination of conditions of service with financial implications**

17B. (1) In this section—

(a) **'accounting authority'** in relation to a national or provincial public entity, means the accounting authority contemplated in section 49 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(g) sinako, ukukhupha isatifiketi sokuhamba ezi zifundo, sokuzimisela okanye sezinye izinto eziqaphelakayo ekugqityweni ngempumelelo le mfundo nezi nkqubo zoqeqesho okanye izifundo okanye siqinisekise ukuba ziyakhutshwa ezo zatifiketi.’’.

Ukucinywa kwesolotya 12 loMthetho 11 ka-2014

10. Isolotya 12 loMthetho wokuqala lithe lacinywa.

Ukuhlonyelwa kwesolotya 13 loMthetho 11 ka-2014

11. Isolotya 13 loMthetho wokuqala lithe ke ngoko lahlonyelwa—

(a) ngokufakela kwisolotyana (1) amagama ahlakulela umhlathi *(a)* wala magama alandelayo:

‘‘UMphathiswa unako **[, emva kokuvunyelwa yikhabhinethi,]** ukuyalela ukugqitywa ngempumelelo kwesifundo esithile, uqeqesho, iimviwo okanye iimvamvayo ukuba—’’; kwaye

(b) ngokufakelwa kwesolotyana (2) kweli solotyana lilandelayo:

‘‘(2) UMphathiswa kumele aqhwethe ibhunga lorhulumente wasekhaya aze afumane ngaxeshanye noMphathiswa ojongene noorhulumente basemakhaya **[ngaphambi kokufuna imvume yeKhabhinethi edakacwe kwisolotyana (1)]** ngokuxhomekeke ekubeni umyalelo ube uyangena koomasipala.’’.

Ukuhlonyelwa kwesolotya 16 loMthetho 11 ka-2014

12. Isolotya 16 loMthetho wokuqala lithe ke ngoko lahlonyelwa ngokucinywa kwesolotyana (2).

Ukuhlonyelwa kwesolotya 17 loMthetho 11 ka-2014

13. Isolotya 17 loMthetho wokuqala lithe ke ngoko lahlonyelwa ngotshintshwa kwesolotyana (7) kweli solotyana lilandelayo:

‘‘(7) UMphathiswa kumele awabe umsebenzi we-Ofisi **[kunye namalungu ayo]** nkqu nabo bayimfuneko ukuze kuphunyezwe iinjongo ekubhekiswa kuzo kwisolotyana (6).’’.

Ukufakelwa kwala masolotya 17A kunye 17B kuMthetho 11 ka-2014

14. La masolotya athe ahlonyelwe emva kwesolotya 17 loMthetho wokuqala:

‘‘**Ukususwa komkhethe kulawulo loburhulumente**

17A. Ukuze kususwe imikhethe engenabulungisa ngokumayelana nemirholo kunye nemibandela yeenkonzo zabasebenzi abangekho ngaphantsi kwesigaba sebhunga lezengqesho, uMphathiswa unako, ngokuxhomekeka kwimithetho ethile yezengqesho kwakunye nemithetho elawula ingqesho yabasebenzi kulawulo loburhulumente kwaye nasemva kokuthethana noMphathiswa ofanelekileyo, ukwenza—

(a) izithethe nomgangatho ukuseka iqondo lokugqibela lemivuzo nemibandela yenkonzo; kwaye

(b) amanyethelo okususa imikhethe engenabulungisa emivuzweni nakwimibandela yenkonzo egameni nje lokuba loo manyathelo engaphunguli mrholo wamsebenzi.’’.

‘‘**Ukugqala imibandela yenkonzo kwakunye nobuzaza bezimali**

17B. (1) Kweli solotya—

(a) **‘igunya-bantu lezibalo’** ngokubhekisele kumaqumrhu esizwe nawephondo, libhekisa kwigunya-bantu lezibalo elidakacwe kwisolotya 49 loMthetho wokuPhathwa kweziMali zikaRhulumente, ka-1999;

(b) **'accounting officer'** in relation to a municipal entity referred to in paragraph *(b)* of the definition of 'public entity', means the official of the entity referred to in section 93 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

(c) **'conditions of service'** includes annual salary adjustments, salary scales or levels, performance bonuses, pay incentives, pension benefits and any other such benefits; and

(d) **'executive authority'** in relation to a public entity referred to in paragraph *(a)* of the definition of 'public entity', means—

(i) the Minister who is accountable to Parliament for a national public entity or in whose portfolio it falls; or

(ii) the member of the provincial Executive Council who is accountable to the provincial legislature for a provincial public entity or in whose portfolio it falls.

(2) There must be a Committee of Ministers consisting of the Minister, the Ministers responsible for finance, education, defence, police, correctional services and such other Ministers as the Cabinet may designate, and must function the same as a committee of the Cabinet.

(3) Subject to the Labour Relations Act, the laws governing the employment of employees and any collective agreement—

(a) no executive authority in the public service may enter into a collective agreement in respect of conditions of service with financial implications or determine them for their employees without a mandate from the Committee of Ministers;

(b) no executive authority, municipality, accounting authority or accounting officer in respect of a public entity, may enter into any collective agreement in respect of conditions of service with financial implications or determine them for that public entity's employees without first consulting with the Minister and the Minister of Finance; and

(c) the Minister responsible for local government and organised local government, in respect of a municipality, may not enter into any collective agreement in respect of conditions of service with financial implications or determine them for municipal employees without first consulting with the Minister and the Minister of Finance.

(4) The Committee of Ministers must establish an inter-governmental forum in terms of section 9(1) of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), including Premiers, Deputy Ministers and any other member that the Committee may determine to consult for purposes of subsection (3).

(5) The Committee of Ministers, in determining the mandate contemplated in subsection (3), and any other employer in the public administration, prior to concluding a collective agreement or determining conditions of service for their employees, must take into account affordability and any other factor prescribed by the Minister in consultation with the Minister of Finance.''.

Amendment of section 18 of Act 11 of 2014

15. Section 18 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

''(2) The Minister must make regulations insofar as they apply to municipalities in consultation with the Minister responsible for local government **[,]** and the Minister responsible for **[Finance and]** finance, after consultation with organised local government.''. and

(b) by the insertion of the following subsection after subsection (2):

(b) **'igosa lezibalo'** ngokubhekisele kwiqumrhu likamasipala ekubhekiswa kulo kumhlathi *(b)* wengcaciso 'yequmrhu likamaspala', libhekisa kwigosa lequmrhu ekuthethwa ngalo kwisolotya 93 loMthetho wokuPhatha iiMali zikaMasipala, ka-2003 (uMthetho No. 56 ka-2003);

(c) **'imibandela yenkonzo'** iquka uhlengahlengiso lomrholo wonyaka, ibakala lomrholo, ibhonasi ngokomsebenzi, intlawulo yamaqithiqithi, inzuzo yomhlala-phantsi nazo zonke iinzuzo ezikumila kunjalo; kunye

(d) **'negunya eliphezulu'** ngokubhekisele kwiqumrhu likarhulumente ekuthethwa ngalo kumhlathi *(a)* ngengcaciso 'yequmrhulu likarhuumente', oku kuthetha ukuba—

(i) uMphathiswa onoxanduva ePalamente lokuphatha amaqumrhu karhulumente esizwe okanye isetyana elingaphantsi kwalo; okanye

(ii) ilungu lezsigqeba samaphondo elinika ingxelo kwindlu yowiso-mthetho ephondweni ngequmrhu likarhulumente lephondo okanye isetyana elingaphantsi kwalo.

(2) Kumele kubekhona iKomiti yabaPhathiswa enoMphathiswa,

aBaphathiswa abaphethe iiMali, imfundo, umkhosi, amapolisa, iinkonzo zolungiso lwezimilo kunye nabanye aBaphathiswa nanjengoko ikhabhinethi inokuyalela, kwaye kumele basebenze ngaxeshanye nekomiti yeKhabhinethi.

(3) Ngokuxhomekeke kuMthetho weMisebenzi, imithetho elawula ingqesho yabasebenzi kunye naso nasiphi na isivumelwano sendibanisela—

(a) akukho gunya liphezulu kwinkonzo karhulumente elinokungena kwisigqibo sendibanisela ngemibandela yenkonzo enobuzaza bezimali okanye ligqibele abasebenzi balo ngaphandle komyalelo osuka kwiKomiti yaBaphathiswa;

(b) akukho gunya liphezulu, masipala, gunya-bantu lezibalo okanye gosa lezibalo ngokumayelana nequmrhu likarhulumente, elinokungena kwisivumelwano sendibanisela ngemibandela yenkonzo enobuzaza bezimali okanye ibagqibele abasebenzi belo qumrhu likarhulumente ngaphandle kokuthethana noMphathiswa kunye noMphathiswa weMali; kwaye

(c) uMphathiswa ojongene noorhulumente basemakhaya kunye nebhunga loorhulumente basemakhaya, xa kusiziwa kumasipala, akanako ukungena kwisivumelwano sendibanisela ngokumayelana nemibandela yenkonzo enobuzaza bemali okanye agqibele abasebenzi bakamasipala ngaphandle kokuthethana noMphathiswa kunye noMphathiswa weMali kuqala.

(4) IKomiti yaBaphathiswa kumele iseke iforam yoorhulumente ngokwemimiselo yesolotya 9(1) yoMthetho oJongene noBudlelwane Nabanye ooRhulumente, ka-2005 (uMthetho No. 13 ka-2005), nkqu neeNkulubathiswa, ooSekela-Baphathiswa kunye namalungu eKomiti eza kubona kufanelekile ukuba iwaqhwethe ngeenjongo zesolotyana (3).

(5) Ikomiti yaBaphathiswa, ekuqondeni umsebenzi wawo odakacwe kwisolotyana (3), kwaye nawuphi na umqeshi kulawulo loburhulumente, ngaphambi kokuba kuququnjelwe isivumelwano sendibanisela, kumele okanye kuqikelelwe imibandela yenkonzo yabasebenzi bayo, kumele aqale aqwalasele ubungakanani bemali ekhoyo nawo nawuphi na umba oyalelwe <u>nguMphathiswa ngokuthethana noMphathiswa weMali.</u>''.

Ukuhlonyelwa kwesolotya 18 loMthetho 11 ka-2014

15. Isolotya 18 loMthetho wokuqala lithe lahlonyelwa—

(a) ngokufakela isolotyana (2) kweli solotyana lilandelayo:

''(2) UMphathiswa kumele enze imibandela ehambelana noomasipala abe ethetha-thethane noMphathiswa ojongene noorhulumente basemakhaya **[,]** <u>kwaye</u> uMphathiswa onoxanduva **[lweMali kunye]** <u>lwemali, emva kokuthethana</u> nebhunga lorhulumente wasemakhaya.''. kwaye

(b) ngokufakela eli solotyana lilandelayo emva kwesolotyana (2):

"(2A) Any regulation made in terms of section 17A may only be made after consultation with the Minister responsible for public entities.".

Substitution of Schedule to Act 11 of 2014

16. The following Schedule is hereby substituted for the Schedule to the principal Act:

"(2A) Nayiphi na imibandela eyenziwe ngokwemimiselo ekwisolotya 17A ingenziwa emva kokuthethana noMphathiswa ojongene namaqumrhu karhulumente.".

Ukutshintshwa kweShedyuli ukuba ibe nguMthetho 11 ka-2014

16. Le Shedyuli ilandelayo ithe yafakelwa kwiShedyuli yoMthetho wokuqala:

SCHEDULE

LAWS REPEALED OR AMENDED

(Section 19)

No. and year of Act	**Short title**	**Extent of repeal or amendment**
Proclamation No. 103 of 1994	Public Service Act, 1994	1. The repeal of sections 4 and 15. 2. The substitution for subsection (2A) of the following subsection: "(2A)*(a)* Subject to the Labour Relations Act and any collective agreement, the determination of any conditions of service for— (i) employees in general or a particular category in terms of this Act; and (ii) educators or members of the services in general or for a particular category in terms of the laws governing their employment, shall be made with the concurrence of **[a committee of]** the Committee of Ministers referred to in section 17B(2) of the Public Administration Management Act, 2014 (Act No. 11 of 2014). *(b)* For the purposes of paragraph *(a)***[—** **(i) 'conditions of service'** **[means]** include annual salary adjustments, salary scales or levels, performance bonuses, pay incentives, **[or]** pension benefits and any other benefits of a similar nature **[; and** **(ii) the committee of Ministers shall consist of the Minister, the Minister of Finance and the Ministers responsible for the educators and the members of the services and such other Ministers as the Cabinet may designate (if any), and shall function the same as a committee of the Cabinet]**.".
Act No. 17 of 1998	Transfer of Staff to Municipalities Act, 1998	The repeal of the whole Act.

ISHEDYULI

IMITHETHO ECINYIWEYO OKANYE EHLONYELWEYO

(Isolotya 19)

Inombolo nonyaka woMthetho	**Itayitile emfutshanee**	
Proklamasie No. 103 van 1994	Staatsdienswet, 1994	1. Die herroeping van artikels 4 en 15. 2. Die vervanging in artikel 2 van subartikel (2A) deur die volgende subartikel: "(2A)*(a)* Behoudens die Wet op Arbeidsverhoudinge en enige kollektiewe ooreenkoms, moet die vasstelling van diensvoorwaardes vir— (i) werknemers in die algemeen of 'n bepaalde kategorie ingevolge hierdie Wet; en (ii) opvoeders of lede van die dienste in die algemeen of vir 'n bepaalde kategorie ingevolge die wette wat hulle diens reël, met die instemming van **['n komitee]** die Komitee van Ministers bedoel in artikel 17B(2) van die 'Public Administration Management Act, 2014' (Wet No. 11 van 2014), gemaak word. *(b)* By die toepassing van paragraaf *(a)***[—** **(i) beteken]** is 'diensvoorwaardes' ook jaarlikse salarisaanpassings, salarisskale of vlakke, prestasiebonusse, **[of]** besoldigingsaansporings, **[of]** pensioenvoordele en enige ander voordele van 'n soortgelyke aard**[; en** **(ii) bestaan die komitee van Ministers uit die Minister, die Minister van Finansies en die Ministers verantwoordelik vir die opvoeders en die lede van die dienste en die ander Ministers (as daar is) wat die Kabinet aanwys, en funksioneer dit dieselfde as 'n komitee van die Kabinet]**.".
Wet No. 17 van 1998	Wet op die Oorplasing van Personeel na Munisipaliteite, 1998	Die herroeping van die Wet as 'n geheel.

Short title and commencement

17. This Act is called the Public Administration Management Amendment Act, 2025, and takes effect on a date determined by the President by proclamation in the *Gazette*.

Isihloko esifutshane nokuqalisa kwawo ukusebenza

17. Lo Mthetho ubizwa ngokuba nguMthetho Sihlomelo wokuLawulwa kobuRhulumente, ka-2025, kwaye uza kuqalisa ukusebenza ngomhla uya kuthi waziswe nguMongameli ngesibhengezo *KwiGazethi*.

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