



Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo IeNtshona Koloni

WCPP 11/6/1

COMMITTEE REPORT

(Negotiating mandate stage)

Report of the Standing Committee for Premier and Constitutional Development on the Public Service Commission Bill [B30-2023], dated 18 February 2026, as follows:

The Standing Committee for Premier and Constitutional Development, having considered the subject of the Bill referred to it in accordance with Standing Rule 217, confers on the Western Cape's delegation in the NCOP the authority to not support the Bill in its current form and proposes amendments as reflected in this report.

General remarks

1. The Committee notes that the Bill aims to regulate the Public Service Commission in accordance with the provisions of the Constitution (section 195 and Section 196 of the Constitution).
2. The Committee welcomes any legislation that truly gives effect to the Constitution and actively promote its values.
3. However, it is to be noted that legislative intention is not the same as fit for purpose legislation itself and the Committee views its role as helping to ensure a legislative framework to practically give effect to the relevant Constitutional clause.
4. The extent of such a fit for purpose legislative framework goes far beyond the Public Service Commission Bill under consideration, even when including the Public Service Amendment Bill and Public Administration Management Bill previously considered by the Committee.
5. The Committee furthermore notes that despite the existence of our Constitution, South Africa has experienced multiple instances of the institutions of our Constitutional Democracy being subverted over the past few decades.
6. The net effect of such instances of subversion has been deeply damaging to the rule of law; service delivery; employment and economic growth; the notion of a capable state; and the proper use of state resources.
7. To resolve these negative impulses and its continued negative consequences for the country the Committee is of the view that solutions need to consist of comprehensive and ongoing reform, as partial reform is easily subverted in an anti-constitutional ecosystem still in place to become part of such an ecosystem.
8. The above is an important context that informs the Committee's assessment of the possible real effects of the proposed Bill.
9. The Committee also views the proposed Public Service Commission Bill in the context of other provisions of the Constitution, particularly in relation to the powers of the different spheres of government.

Specific remarks and proposals

1. **Clause 9:** The Committee notes that the Commission has a fair amount of discretion as to which departments and entities should be subject to inspections or enquiries. The Committee believes that

a clause needs to be inserted that the Commission "must report on and keep an official record of all inspections and enquiries and reasons should be given for why it occurred or alternatively why it did not occur".

In addition, we believe that a specific pro-active clause needs to be inserted to include the prevention of cadre-deployment (the appointment of government officials through the political influence of political parties or its members outside the parameters of the law and due process) by any political party in such inspections and enquiries.

Lastly, we believe the basic enquiry or inspection process itself should be outlined or defined in the Bill itself to ensure due process, as court challenges are both expensive for the taxpayer and may cause bottlenecks in implementation.

2. **Clause 10:** Similarly, the Commission has a fair amount of discretion as to which grievances should be investigated and the Committee believes that a clause must be inserted that the Commission "must report on and keep an official record of all grievances and investigations and reasons should be given for why it occurred or alternatively why it did not occur".

In addition, we believe that a specific pro-active clause needs to be inserted to include the prevention of cadre-deployment (the appointment of government officials through the political influence of political parties or its members outside the parameters of the law and due process) by any political party in such investigations.

Lastly, we believe the basic investigation process itself should be outlined or defined in the Bill itself to ensure due process, as court challenges are both expensive for the taxpayer and may cause bottlenecks in implementation.

3. **Clause 14:** The Committee notes the laudable objective for the Commission to be independent and impartial. However, we believe a clause needs to be inserted in Section 14 or alternative Section 15 that outlines minimum criminal penalties, similar to other clauses in the Bill, for Commission members or its employees who abuse office.
4. The employees right subsequent to a collective bargaining process to approach the Public Service Commission should also be contained in the legislation.

Conclusion

1. The Committee does not support the Public Service Commission Bill (B30-2023) at this stage.
2. In terms of the Standing Rule 90, the African National Congress and GOOD expressed its minority view to support the bill.
3. The Committee believes that this legislation needs to be constitutionally tested along with the Public Service Amendment Bill and the Public Administration Management Bill.



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MR T WALTERS

CHAIRPERSON: STANDING COMMITTEE ON THE PREMIER AND CONSTITUTIONAL MATTERS

DATE OF ADOPTION: 18 February 2026