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DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

NO. 5783 **24 January 2025**

DRAFT PUBLIC ADMINISTRATION MANAGEMENT REGULATIONS FOR THE CENTRAL REGISTER: INVITATION FOR PUBLIC COMMENT

1. The Minister for the Public Service and Administration intends in terms of section 18(1)(a), and (2), read with section 16(1)(g) of the Public Administration Management Act, 2014 (Act No. 11 of 2014), and in consultation with the Minister responsible for local government, the Minister responsible for Finance and organised local government, to make the regulations in the Schedule hereto.

2. Any person or and organisations who wishes to submit written comments on the draft regulations is hereby invited to do so within 30 days from date of publication hereof by-
   (a) email to: salomonh@dpsa.gov.za and copy pleasure.matshego@dpsa.gov.za
   (b) hand delivery to:
   Department of Public Service and Administration
   Batho Pele House
   546 Edmond Street
   Arcadia
   Pretoria
   (c) post to:
   The Director-General
   Department of Public Service and Administration
   Private Bag X916
   Pretoria
   0001

3. Comments must be addressed to the Director-General: Department of Public Service and Administration, and must contain the name, address, telephone and fax number and email address of the person or organisation submitting the comments. Comments received after the closing date will not be considered.

4. For further information, please do not hesitate to contact Dr Salomon Hoogenraad-Vermaak on 0842511761 alternatively Ms Pleasure Mashego on 0784606188.

SCHEDULE

PUBLIC ADMINISTRATION MANAGEMENT REGULATIONS FOR THE CENTRAL REGISTER, 2024

1. Definition

In these Regulations, any word or expression to which a meaning has been assigned in the Act, bears the meaning so assigned, and unless the context indicates otherwise-

"**central register**" means the central register established in terms of regulation 3 of these Regulations; and

"**the Act**" means the Public Administration Management Act, 2014 (Act No. 11 of 2014).

2. Application

These Regulations apply to the public administration.

3. Central register

(1) A central register is hereby established.

(2) The central register shall be utilised by institution for disclosing information relating to employees in the public administration who have-

(a) been dismissed on grounds of misconduct;

(b) resigned after disciplinary proceedings were instituted; or

(c) committed misconduct but resigned before disciplinary proceedings were instituted.

(3) For purposes of subregulation (2)(b) and (c), disciplinary proceedings will be deemed to have been instituted when an employee is charged with misconduct.

(4) A head of institution must ensure that the following information in relation to an employee contemplated in subregulation (2) is entered into the central register within 30 days of the employee's dismissal or resignation:

(a) full name and surname of the employee;

(b) identification number;

(c) personnel or staff number;

(d) position held at the time of dismissal or resignation;

(e) date of dismissal or resignation;

(f) details of the alleged misconduct in the case of a resignation prior to the conclusion of the disciplinary proceedings;

(g) details of the misconduct charges and the sanction in the case where the employee was found guilty of misconduct.

(4) Institutions may utilise the information to confirm whether an individual has been dismissed from an institution or resigned before or after disciplinary proceedings were instituted against the employee.

4. Recording, reporting and monitoring

A head of institution must-

(a) keep a record of all disciplinary cases in the institution including instances where matters have been taken on appeal;
(b) report all disciplinary cases to the Unit in the format determined by the Unit;
(c) update the register; and
(d) monitor compliance with all stipulated time frames to conclude disciplinary cases.

5. Use of the central register in selection and recruitment processes

(1) An institution must utilise the central register for any recruitment process to verify each candidate shortlisted for appointment in the public administration to determine whether-

(a) the name of the candidate appears on the central register;

(b) the candidate-

(i) has been dismissed from the public administration;

(ii) resigned after disciplinary proceedings were instituted; or

(iii) committed misconduct but resigned before disciplinary proceedings were instituted;

(c) the candidate is precluded by law from being re-appointed in the public administration;

(d) the information contained in the application form is correct;

(e) the executive authority is required by law to continue with a disciplinary case against such candidate, if appointed in the public administration.

(2) When a shortlisted candidate appears in the central register, the employing institution may request further information from the relevant institution where the misconduct occurred and/or where the misconduct proceedings were concluded.

(3) A selection panel and an appointing authority must consider the information referred to in subregulation (1) as part of the recruitment and selection process to ensure that the candidate is suitable for appointment in the public administration.

6. Short title and commencement

These Regulations are called the Public Administration Management Regulations for the Central Register, 2024 and come into operation on a date determined by the Minister by notice in the *Gazette.*

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