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GOEWERMENSKENNISGEWING

KANTOOR VAN DIE KOMMISSIE VIR ADMINISTRASIE

No. R. 1975

26 September 1980

DIT HET DIE STAATSPRESIDENT BEHAAG OM KRAGTENS ARTIKEL 26 VAN DIE STAATSDIENSWET, 1957 (WET 54 VAN 1957), SOOS GEWYSIG, ONDERSTAANDE REGULASIES TE MAAK:

Die Staatsdiensregulasies gepubliseer by Goewermenskennisgewing 2047 van 11 Desember 1959, soos gewysig, word hierby verder gewysig deur—

(a) die bestaande opskrif en regulasie A21 deur die volgende nuwe opskrif en regulasie te vervang:

"Vermiste beamptes en werknemers"

A21.1 Indien 'n beampte of werknemer vermis word en die departementshoof oortuig is dat sy afwesigheid ontstaan het as gevolg van 'n handeling van enige vyandige of misdadige element, ongeag of hy op die tydstip toe hy vermis geraak het besig was met die uitvoering van sy pligte ingevolge die Wet al dan nie, of as 'n beampte of werknemer om enige ander rede vermis word en die departementshoof oortuig is dat sy afwesigheid ontstaan het uit die uitvoering van sy pligte ingevolge die Wet, word bedoelde beampte of werknemer steeds geag in diens te wees vanaf die tydstip waarop bedoelde afwesigheid begin het tot op die dag waarop hy hom weer vir diens aanmeld of, volgens die oordeel van die departementshoof, moes aangemeld het, of die dag waarop 'n bevoegde hof 'n bevel uitreik waarby die dood van daardie beampte of werknemer vermoed word.

A21.2 Die salaris of loon en toelaes wat 'n beampte of werknemer toeval tydens sy afwesigheid in subregulasie 1 bedoel, word, behoudens die bepalings van subregulasie 4, uitbetaal aan—

(a) sy eggenote; of

(b) sy ander afhanklikes, as hy nie 'n eggenote het nie; of

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GOVERNMENT NOTICE

OFFICE OF THE COMMISSION FOR ADMINISTRATION

No. R. 1975

26 September 1980

THE STATE PRESIDENT HAS, IN TERMS OF SECTION 26 OF THE PUBLIC SERVICE ACT, 1957 (ACT 54 OF 1957), AS AMENDED, BEEN PLEASED TO MAKE THE FOLLOWING REGULATIONS:

The Public Service Regulations, published under Government Notice 2047, dated 11 December 1959, as amended, are hereby further amended by—

(a) the substitution for the existing heading and regulation A21 of the following new heading and regulation:

"Missing officers and employees"

A21.1 If an officer or employee is missing and the head of department is satisfied that his absence is the result of an act of any hostile or criminal element, irrespective of whether or not he was performing his duties in terms of the Act at the time he disappeared, or if an officer or employee disappears for any other reason and the head of department is satisfied that his absence arose from the performance of his duties in terms of the Act, such officer or employee shall be deemed to be still employed from the moment such absence commenced until the day on which he again reports for duty or, in the opinion of the head of department, should again have reported for duty, or the day on which a competent court issues an order whereby the death of such officer or employee is presumed.

A21.2 The salary or wages and allowances accruing to an officer or employee during his absence referred to in subregulation 1 shall, subject to the provisions of subregulation 4, be paid to—

(a) his wife; or

(b) his dependants, if he has no wife; or

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(c) al het hy 'n eggenote en/of afhanklikes, iemand wat, volgens die oordeel van die departementshoof, bevoeg is om daardie salaris of loon en toelaes ten behoeve van sy eggenote en/of afhanklikes te ontvang en te administreer; of

(d) as hy ongetroud is sonder afhanklikes, iemand wat hy volmag daartoe gegee het of iemand wat, volgens die oordeel van die departementshoof, bevoeg is om daardie salaris of loon en toelaes ten behoeve van die betrokke te ontvang en te administreer.

A21.3 Betaling van salaris of loon en toelaes ingevolge subregulasie 2 word vir alle doeleindes geag betaling daarvan aan die betrokke beampte of werknemer te wees, en 'n bedrag aldus betaal is nie deur die Staat op iemand verhaalbaar nie.

A21.4 Ondanks die bepaling van subregulasie 2, kan die departementshoof na goeddunke gelas dat slegs 'n gedeelte van 'n beampte of werknemer se salaris of loon en toelaes ingevolge genoemde subregulasie uitbetaal word of dat geen gedeelte daarvan aldus uitbetaal word nie.”;

(b) die invoeging van die volgende nuwe opskrif en regulasie A22:

“Prosedure vir die hantering van klagtes en griewe van beamptes

A22.1 (a) Indien 'n beampte ontevrede of misnoeg is oor 'n amptelike handeling of versuim, kan hy die aangeleentheid by sy toesighouer aanhangig maak.

(b) Dit is die verantwoordelikheid van die toesighouer om te bepaal wat die oorsaak van die ontevredenheid of misnoegdheid is.

(c) Nadat die toesighouer die beampte te woord gestaan het, moet hy, indien dit binne sy vermoë en bevoegdheid is om die ontevredenheid uit die weg te ruim, onmiddellik daadwerklike stappe in dié verband doen.

(d) Toesighouers moet ook gewillig wees om te luister na klagtes oor hulle eie amptelike optrede of versuim wat die materiële of geestelike welsyn van die beamptes onder hulle toesig of die belange van die Staat benadeel of kan benadeel.

(e) Indien die toesighouer bepaal het dat die oorsaak van die ontevredenheid of misnoegdheid uit 'n aangeleentheid spruit wat nie binne sy vermoë of bevoegdheid is om op te los nie, of indien hy nie daarin slaag om 'n klagte uit die weg te ruim nie, moet hy die betrokke beampte inlig oor sy reg om vertoë daaroor tot hoër gesag te rig. Die beampte moet die versekering gegee word dat sodanige vertoë objektiewe oorweging sal geniet en dat sy reg om dit te rig te alle tye erken sal word, mits dit deur die korrekte amptelike kanale geskied.

A22.2 (a) Indien die klagte van 'n beampte met 'n aangeleentheid te doen het wat nie deur sy toesighouer gehanteer kan word nie of indien hy 'n klagte teen die toesighouer self het, kan hy vertoë daaroor rig tot die beampte in die departement se personeelafdeling of 'n ander bevoegde senior beampte wat deur die departementshoof spesifiek aangewys is om klagtes en griewe te hanteer.

(b) Die aangewese beampte in paragraaf (a) bedoel moet sonder versuim optree soos in subregulasies 1 (b) en (c) uiteengesit of die saak na 'n beampte verwys wat wel die bevoegdheid besit om op te tree soos in genoemde subregulasies.

(c) Indien die aangewese beampte in paragraaf (a) bedoel op 'n ander standplaas gestasioneer is as die beampte wat die vertoë gerig het, kan die prosedure voorgeskryf by subregulasies 1 (c) en (e) deur middel van

(c) although he has a wife and/or dependants, to any other person who, in the opinion of the head of department, is competent to receive and administer such salary or wages and allowances on behalf of his spouse and/or dependants; or

(d) if he is single without dependants, any person who was authorised by him thereto, or any person who, in the opinion of the head of department, is competent to receive and administer such salary or wages and allowances on behalf of the officer or employee concerned.

A21.3 Payment of any salary or wages and allowances in terms of subregulation 2 shall for all purposes be deemed to be payment thereof to the officer or employee concerned, and an amount so paid shall not be recoverable by the State from any person.

A21.4 Notwithstanding the provisions of subregulation 2, the head of department may in his discretion direct that only a portion of the salary or wages and allowances of an officer or employee be paid in terms of the said subregulation or that no portion thereof be so paid.”;

(b) the insertion of the following new heading and regulation A22:

“Procedure for dealing with complaints and grievances of officers

A22.1 (a) If an officer is dissatisfied or discontented with an official action or omission, he may raise the matter with his supervisor.

(b) It is the responsibility of the supervisor to determine the cause of the dissatisfaction or discontent.

(c) After the supervisor has interviewed the officer he shall, if it is in his power and within his competence to dispose of the dissatisfaction, immediately take active steps in the matter.

(d) Supervisors should also be prepared to listen to complaints about official actions or omissions of their own which harm or may harm the material or spiritual welfare of the officers under their supervision or the interests of the State.

(e) If the supervisor finds that the dissatisfaction or discontent has arisen from a matter which is not in his power or within his competence to deal with, or if he does not succeed in disposing of a complaint, he shall inform the officer concerned of his right to make representations about the matter to a higher authority. The officer shall be given the assurance that such representations will be accorded objective consideration and that his right to make representations will be recognised at all times, provided they are made through the correct official channels.

A22.2 (a) If an officer's complaint concerns a matter which cannot be dealt with by his supervisor or if he has a complaint about the supervisor himself, he may make representations about the matter to the officer in the department's staff section or another competent senior officer specifically designated by the head of department to deal with complaints and grievances.

(b) The designated officer referred to in paragraph (a) shall act without delay as stipulated in subregulations 1 (b) and (c) or refer the matter to an officer who is empowered to act as stipulated in the said subregulations.

(c) If the designated officer referred to in paragraph (a) is not stationed at the same place as the officer making the representations, the procedure laid down in subregu-

korrespondensie of deur tussenkoms van 'n plaaslike of ander toesighouer wat vir daardie doel deur die departementshoof aangewys word, uitgevoer word.

A22.3 (a) Indien die klagte van 'n beampte nie tot sy tevredenheid ooreenkomstig die prosedure voorgeskryf in subregulasies 1 en 2 uit die weg geruim kan word nie, kan hy skriftelike vertoë daarvoor rig tot die aangewese beampte in subregulasie 2 (a) bedoel.

(b) Die skriftelike vertoë moet die volgende inligting bevat:

- (i) Die naam en rang van die beampte.
- (ii) 'n Volledige uiteensetting van die redes vir sy ontevredenheid of misnoegdheid.
- (iii) Die stappe wat reeds gedoen is om die klagte uit die weg te ruim en die uitslag.
- (iv) Verklarings van ander persone of ander bewyse, as daar is, ter staving van die bewering van die betrokke beampte.

(c) Die aangewese beampte in subregulasie 2 (a) bedoel, moet die skriftelike vertoë binne 14 dae na ontvangs daarvan, tesame met enige kommentaar, verduidelikings, verklarings of bewyse wat nodig mag wees, deur bemiddeling van die gegriefde beampte se kantoor- of afdelingshoof aan die departementshoof stuur.

(d) (i) By ontvangs van die vertoë gee die departementshoof onverwyld aan die beampte wat die vertoë gerig het, skriftelike kennis dat ondersoek na sy klagte ingestel word, met vermelding van die name van drie beamptes wat nie by die aangeleentheid waaroor die vertoë gaan, betrokke is nie, uit wie die beampte een persoon kan kies wat deur die departementshoof aangewys moet word om die ondersoek te doen.

(ii) Die beampte moet sy keuse binne 14 dae na ontvangs van die kennisgewing uitoefen en die departementshoof skriftelik daarvan in kennis stel.

(iii) Indien die beampte versuim om dit te doen, kan die departementshoof enige van die drie beamptes wat in die kennisgewing genoem is, aanwys om die ondersoek te doen.

(iv) Indien die ondersoekbeampte na aanwysing ongeskik raak of om die een of ander rede nie met die ondersoek kan voortgaan nie, kan 'n ander persoon op dieselfde wyse as hierbo beskryf, aangewys word om met die ondersoek voort te gaan.

(e) (i) Die ondersoekbeampte moet na sy aanwysing onverwyld met die ondersoek van die klagte begin of voortgaan.

(ii) Die ondersoekbeampte moet toegelaat word om insae te kry in amptelike dokumente en lêers wat ter sake is en om die inligting wat vir die ondersoek noodsaaklik is, van beamptes en werknemers te verkry.

(iii) Indien nodig, moet die ondersoekbeampte mondeling of skriftelik verdere inligting inwin van die beampte wat die vertoë gerig het.

(iv) Die ondersoekbeampte moet 'n volledige notule hou van die ondersoek en van die inligting wat daardeur verkry is.

(v) Nadat die ondersoekbeampte die klagte behoorlik ondersoek het, moet hy sy bevindings notuleer en dit saam met die notule van die ondersoek, bewyse (as daar is) en sy aanbevelings oor die aangeleentheid aan die departementshoof voorlê.

(f) (i) By ontvangs van die dokumente in paragraaf (e) (v) genoem, moet die departementshoof onverwyld 'n besluit oor die vertoë neem en die beampte wat die vertoë gerig het, skriftelik van sy besluit in kennis stel.

lations 1 (c) and (e) may be pursued by correspondence or through the agency of a local or other supervisor designated for the purpose by the head of department.

A22.3 (a) If the officer's complaint cannot be disposed of to his satisfaction in accordance with the procedure laid down in subregulations 1 and 2, he may make written representations about the matter to the designated officer referred to in subregulation 2 (a).

(b) The written representations shall contain the following information:

- (i) The name and rank of the officer.
- (ii) Full details of the reasons for his dissatisfaction or discontent.
- (iii) The steps already taken to dispose of the complaint and the outcome.
- (iv) Statements by other persons or other evidence, if any, in support of the view contention of the officer concerned.

(c) Within fourteen days of receiving the written representations, the designated officer referred to in subregulation 2 (a) shall submit such representations together with any comments, explanations, statements or evidence that may be required, via the aggrieved officer's office or divisional head, to the head of department.

(d) (i) On receipt of the representations the head of department shall immediately and in writing notify the officer making the representations that investigation is being made into his complaint, giving the names of three officers not involved in the matter concerning which representations are being made, one of whom may be chosen by the officer to be designated by the head of department to undertake the investigation.

(ii) The officer shall exercise his right to choose within 14 days of receiving the notification and shall notify the head of department of his choice in writing.

(iii) If the officer fails to do so, the head of department may designate any one of the three officers mentioned in the notification to undertake the investigation.

(iv) If, after being designated, the investigating officer becomes incapacitated or for some reason is unable to proceed with the investigation, another officer may be designated in the same manner as described above to proceed with the investigation.

(e) (i) Upon being designated, the investigating officer shall begin or continue the investigation of the complaint immediately.

(ii) The investigating officer shall be permitted to peruse relevant official documents and files and to obtain from officers and employees information necessary for the investigation.

(iii) If necessary, the investigating officer shall obtain, verbally or in writing, further information from the officer who has made the representations.

(iv) The investigating officer shall keep detailed minutes of the investigation and of the information obtained during the investigation.

(v) After the investigating officer has thoroughly investigated the complaint, he shall record his findings and submit them, together with the minutes of the investigation, evidence (if any) and his recommendations on the matter, to the head of department.

(f) (i) On receipt of the documents referred to in paragraph (e) (v), the head of department shall come to a decision in regard to the representations immediately and advise the officer who made the representations in writing accordingly.

(ii) Indien die departementshoof besluit het dat die klagte ongegrond is of dat daar om die een of ander rede nie aan die vertoë gehoor gegee kan word nie, moet die redes vir die besluit so volledig moontlik aan die betrokke beampte verstrek word.

(iii) Al die dokumente en bewyse wat betrekking het op die ondersoek en op die besluite wat oor die aangeleentheid geneem is, moet in 'n afsonderlike byvoegsel by die persoonlike lêer van die beampte bewaar word.

A22.4 (a) Indien 'n beampte se klagte nie tot sy tevreedenheid uit die weg geruim kan word deur die prosedures te volg wat by subregulasie 3 voorgeskryf word nie, kan hy binne 14 dae na ontvangs van die kennisgewing wat in subregulasie 3 (f) (i) genoem is, kragtens regulasie A6.1 eis dat al die stukke wat op die klagte betrekking het, aan die Kommissie voorgelê word. Sodanige eis moet skriftelik wees en moet deur die amptelike kanale aan die departementshoof gerig word.

(b) By ontvangs van die eis moet die departementshoof onverwyld al die lêers en dokumente wat in subregulasie 3 (f) (iii) genoem is, aan die Kommissie stuur en die beampte kennis gee dat dit gedoen is.

(c) Die Kommissie oorweeg die gemelde lêers en dokumente en indien hy dit dienstig ag, wys hy kragtens artikel 5 (4) van die Wet 'n beampte van sy Kantoor of 'n ander beampte aan om ondersoek na die aangeleentheid in te stel en stel dan die departementshoof en die beampte wat die klagte het, deur die amptelike kanale daarvan in kennis.

(d) (i) Die ondersoekbeampte wat aldus aangewys is, doen onverwyld ondersoek na die aangeleentheid en het die bevoegdhede wat in artikel 8 (6) van die Wet bedoel word. Indien die ondersoekbeampte om enige rede ongeschik raak of nie beskikbaar is om die ondersoek te voltooi nie, wys die Kommissie 'n ander beampte aan om daarmee voort te gaan.

(ii) Indien nodig, moet die ondersoekbeampte mondeling of skriftelik verdere inligting van die gegriefde beampte inwin.

(iii) Die ondersoekbeampte moet 'n volledige notule hou van die ondersoek en van die inligting wat daardeur verkry is.

(iv) Nadat die ondersoekbeampte die klagte behoorlik ondersoek het, moet hy sy bevindings notuleer en dit saam met die notule van die ondersoek, bewyse (as daar is) en sy aanbevelings oor die aangeleentheid aan die Kommissie voorlê.

(e) By ontvangs van die dokumente wat in paragraaf (b) genoem is, en, indien verdere ondersoek kragtens paragraaf (c) gelas is, die dokumente wat in paragraaf (d) (iv) genoem is, besluit die Kommissie oor die vertoë en doen hy 'n aanbeveling kragtens artikel 6 (2) (j) van die Wet en stel die gegriefde beampte deur die amptelike kanale in kennis dat 'n aanbeveling aldus gedoen is, of verwys die aangeleentheid na die ondersoekbeampte vir verdere ondersoek.

A22.5 (a) Die bepalings van artikel 7 van die Wet is van toepassing op die aanbeveling van die Kommissie in subregulasie 4 bedoel.

(b) Nadat die betrokke departement 'n besluit oor die aanbeveling deur die Kommissie in subregulasie 4 bedoel, geneem het, stel die departementshoof die Kommissie en die gegriefde beampte daarvan in kennis.”;

(c) die invoeging van die volgende nuwe opskrif en regulasie A23:

“Prosedure vir die hantering van klagtes en griewe van beamptes in gevalle waar die Kommissie 'n aanbeveling oor die aangeleentheid gedoen het

(ii) If the head of department decides that the complaint is without foundation or that for some reason the representations have to be rejected, the reasons for the decision shall be given to the officer concerned in as much detail as possible.

(iii) All documents and evidence relating to the investigation and to the decisions taken in the matter shall be retained in a separate supplement to the officer's personal file.

A22.4 (a) If an officer's complaint cannot be disposed of to his satisfaction by following the procedures laid down in subregulation 3, he may within 14 days of receipt of the notification referred to in subregulation 3 (f) (i), demand, in terms of regulation A6.1, that all the documents relating to the complaint be submitted to the Commission. Such a demand shall be in writing and shall be submitted to the head of department through the official channels.

(b) On receipt of the demand the head of department shall immediately forward all the files and documents referred to in subregulation 3 (f) (iii) to the Commission and advise the officer that this has been done.

(c) The commission shall consider the said files and documents and, if it is deemed expedient, designate, in terms of section 5 (4) of the Act, an officer of its Office or any other officer to investigate the matter and shall advise the head of department and the officer who has made the complaint accordingly through the official channels.

(d) (i) The investigating officer thus designated shall immediately investigate the matter and shall have the powers referred to in section 8 (6) of the Act. If the investigating officer becomes incapacitated for some reason or if he is not available to complete the investigation, the Commission shall designate another officer to proceed with the investigation.

(ii) If necessary the investigating officer shall obtain, verbally or in writing, further information from the aggrieved officer.

(iii) The investigating officer shall keep detailed minutes of the investigation and of the information obtained during the investigation.

(iv) After the investigating officer has thoroughly investigated the complaint, he shall record his findings and submit them, together with the minutes of the investigation, evidence (if any) and his recommendations on the matter, to the Commission.

(e) On receipt of the documents referred to in paragraph (b) and, if further investigation has been ordered in terms of paragraph (c), the documents mentioned in paragraph (d) (iv), the Commission shall decide on the representations, and make a recommendation in terms of section 6 (2) (j) of the Act and advise the aggrieved officer through the official channels that a recommendation has been so made, or shall refer the matter to the investigating officer for further investigation.

A22.5 (a) The provisions of section 7 of the Act are applicable to the recommendation by the Commission referred to in subregulation 4.

(b) After the department concerned has made a decision regarding the recommendation by the Commission referred to in subregulation 4, the head of department shall advise the Commission and the aggrieved officer accordingly.”;

(c) the insertion of the following new heading and regulation A23:

“Procedure for dealing with complaints and grievances of officers in cases where the Commission has made a recommendation in the matter

A23.1 (a) Indien 'n beampte gegronde en wettige rede tot ontevredenheid of misnoegdheid het as gevolg van 'n besluit wat op aanbeveling van die Kommissie geneem is, kan hy, met inagneming van die amptelike kanale in regulasie A6 bedoel, skriftelike vertoë tot die Kommissie rig.

(b) Die skriftelike vertoë moet die volgende inligting bevat:

(i) Die volle naam, rang en standplaas van die beampte en die pos wat hy beklee.

(ii) 'n Volledige uiteensetting van die redes vir die ontevredenheid of misnoegdheid. Bewerings moet, waar moontlik, gestaaf word deur verwysing na spesifieke gevalle, persone, gebeurtenisse, en so meer.

(iii) Verklarings van ander persone of ander bewyse, as daar is, ter staving van die beampte se bewering.

(c) Die departementshoof moet sodanige vertoë binne 14 dae na die ontvangs daarvan aan die Kommissie voorlê tesame met—

(i) sy kommentaar oor die vertoë; en

(ii) verklarings, dokumente of lêers wat op die vertoë betrekking het en wat die Kommissie in staat mag stel om dit volgens meriete te beoordeel.

(d) Indien die departementshoof nie al die dokumente binne die voorgeskrewe tydperk kan voorlê nie, moet hy die beskikbare dokumente voorlê en die Kommissie om uitstel vra vir die indiening van die res. Die departementshoof moet die betrokke beampte kennis van enige sodanige uitstel gee indien dit vir 'n tydperk van meer as 14 dae verleen is.

(e) Sodra die vertoë en al die dokumente deur die Kommissie ontvang is, stel die Kommissie ondersoek na die vertoë in op die wyse waarop hy besluit.

(f) Indien die Kommissie besluit dat 'n ondersoek deur 'n ondersoekbeampte nodig is, wys hy kragtens artikel 5 (4) van die Wet 'n beampte van sy Kantoor aan wat nie aan die afdeling verbonde is wat die geval behartig het toe die oorspronklike aanbeveling gedoen is nie of 'n beampte van 'n ander departement aan om ondersoek na die aangeleentheid in te stel, en stel hy die departementshoof en die gegriefde beampte deur die amptelike kanale daarvan in kennis.

(g) Die bepalings van regulasie A22.4 (d) is *mutatis mutandis* op so 'n ondersoek van toepassing.

(h) Die Kommissie oorweeg die vertoë met inagneming van die dokumente wat in paragrafe (a) en (b) genoem is, en, indien 'n ondersoekbeampte aangewys is, die dokumente wat in regulasie A22.4 (d) (iv) genoem is, doen 'n aanbeveling kragtens artikel 6 (2) (j) van die Wet en stel die gegriefde beampte deur die amptelike kanale in kennis dat so 'n aanbeveling oor die aangeleentheid gedoen is, of verwys die aangeleentheid na die ondersoekbeampte vir verdere ondersoek.

A23.2 (a) Die bepalings van artikel 7 van die Wet is van toepassing op die aanbeveling van die Kommissie in subregulasie 1 bedoel.

(b) Nadat die betrokke departement 'n besluit oor die aanbeveling van die Kommissie in subregulasie 1 bedoel, geneem het, stel die departementshoof die Kommissie en die gegriefde beampte daarvan in kennis.”;

(d) die hernoëmering van die bestaande regulasie A21, tesame met sy opskrif, sodat dit “A24” lui;

(e) regulasie E3.3 (a) deur die volgende te vervang:

“E3.3 (a) 'n departementshoof of 'n ander beampte of werknemer wie se salaris volgens die standdaarsalarisskaal verbonde aan sy rang hoër is as die maksimum kerf van die standdaarsalarisskaal verbonde

A23.1 (a) If an officer has sound and legitimate reasons for dissatisfaction or discontent as a result of a decision taken on the recommendation of the Commission, he may, with due regard to the official channels referred to in regulation A6, submit representations in writing to the Commission.

(b) The written representations shall contain the following information:

(i) Full name, rank, location and post occupied.

(ii) Full details of the reasons for the dissatisfaction or discontent. Allegations shall, where it is appropriate, be supported by reference to specific instances, persons, incidents, etc.

(iii) Statements by other persons or other evidence, if any, which support the officers's contention.

(c) Within 14 days of receipt of such representations the head of department shall submit them to the Commission together with—

(i) his comments regarding the representations; and

(ii) statements, documents or files relating to the representations which may enable the Commission to judge the case on its merits.

(d) If the head of department is unable to submit all the documents within the prescribed period, he shall submit the available documents and ask the Commission for an extension of time for the submission of the rest. The head of department shall notify the officer concerned of such extension if it is granted for a period in excess of 14 days.

(e) Immediately the representations and all the documents are received by the Commission, the Commission shall institute an investigation into the representations in such manner as it may decide.

(f) If the Commission decides that an investigation by an investigating officer is necessary, it shall, in terms of section 5 (4) of the Act, designate an officer of its Office who is not attached to the division that dealt with the case when the original recommendation was made or an officer of another department to investigate the matter and shall advise the head of department and the aggrieved officer accordingly through the official channels.

(g) The provisions of regulation A22.4 (d) shall *mutatis mutandis* apply to such an investigation.

(h) The Commission shall consider the representations with due regard to the documents mentioned in paragraphs (a) and (b) and, if an investigating officer was appointed, the documents mentioned in regulation A22.4 (d) (iv), shall make a recommendation in terms of section 6 (2) (j) of the Act and shall advise the aggrieved officer through the official channels that such a recommendation in the matter has been made or shall refer the matter to the investigating officer for further investigation.

A23.2 (a) The provisions of section 7 of the Act shall apply to the recommendation of the Commission referred to in subregulation 1.

(b) After the department concerned has made a decision regarding the recommendation of the Commission referred to in subregulation 1, the head of department shall advise the Commission and the aggrieved officer accordingly.”;

(d) the renumbering of the existing regulation A21, together with its heading, to read “A24”;

(e) the substitution for regulation E3.3 (a) of the following:

“E3.3 (a) a head of department or any other officer or employee whose salary according to the standard salary scale attaching to his rank is higher than the maximum

aan 'n pos van ondersekretaris na goeëduke van enige vervoermiddel gebruik maak om 'n amptelike reis te onderneem indien dit in die openbare belang is: Met dien verstande dat—

(i) . . . ; en

(ii) . . . ;"

(f) regulasie E4.3 (a) deur die volgende te vervang:

"E4.3 (a) 'n departementshoof of 'n ander beampte of werknemer wie se salaris volgens die standaardsalarisskaal verbonde aan sy rang hoër is as die maksimum kerf van die standaardsalarisskaal verbonde aan 'n pos van ondersekretaris, behoudens die eerste voorbehoudsbepaling van regulasie E3.3 (a), na goeëduke in enige klas of graad reis indien dit in die openbare belang is;"

(g) regulasie G4.3 deur die volgende te vervang:

"G4.3 Behoudens die bepalings van subregulasies 4 en 7 word oortydbesoldiging wat in of kragtens hierdie hoofstuk gemagtig is, teen die koerse betaal wat die Tesourie op aanbeveling van die Kommissie goedgekeur."

[Wysigingsstrokie 92]

notch of the standard salary scale attaching to a post of under-secretary may, at his discretion, undertake an official journey by any means of transport if it is in the public interest: Provided that—

(i) . . . ; and

(ii) . . . ;"

(f) the substitution for regulation E4.3 (a) of the following:

"E4.3 (a) a head of department or any other officer or employee whose salary according to the standard salary scale attaching to his rank is higher than the maximum notch of the standard salary scale attaching to a post of under-secretary may, at his discretion, subject to the first proviso of regulation E3.3 (a), travel in any class or grade if it is in the public interest;"

(g) the substitution for regulation G4.3 of the following:

"G4.3 Subject to the provisions of subregulations 4 and 7 overtime remuneration which is authorised in or in terms of this chapter, shall be paid at the rates approved by the Treasury on the recommendation of the Commission."

[Amendment Slip 92]

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