

**THE PUBLIC SERVICE ACT, 2018**

(Act No. 5 of 2018)

**I ASSENT****MSWATI III**  
King of Swaziland22<sup>nd</sup> February, 2018

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**AN ACT**  
**ENTITLED****AN ACT** to provide for the administration of the public service and for incidental matters.**ENACTED** by the King and the Parliament of Swaziland.**ARRANGEMENT OF CLAUSES****PART I**  
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**PART I**  
**PRELIMINARY**

***Short title and commencement.***

1. (1) This Act may be cited as the Public Service Act, 2018.

(2) This Act shall come into force on a date to be appointed by the Minister by notice in the Gazette, and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

***Interpretation.***

2. In this Act, unless the context otherwise requires -

“African Charter” means the African Charter on Values and Principles of Public Administration adopted at 16<sup>th</sup> Ordinary Session of the African Union Summit Held in Addis Ababa, Ethiopia on 31<sup>st</sup> January 2011, to which Swaziland is a party;

“appointing authority” means any person or body having power, whether delegated or otherwise, to appoint a person to office in the public service;

“appointment” means the assignment or conferment of a post or an office in the public service by an appropriate appointing authority upon a person and includes a transfer, promotion, temporary engagement, probationary appointment and, if the person appointed to act draws the salary of the office or an acting allowance, an acting appointment;

“cadre” means a grouping of officers, in the public service, with related qualifications and training, performing similar functions at different levels of the organisational structure of the public service;

“Chief Officer” means the chief executive officer in the King’s Office;

“Code of Conduct” means the public officers’ Code of Conduct as set out in the Second Schedule;

“Head of Department” means the officer responsible for the management of a Ministry or Department;

“Judicial Service Commission” means the Commission established in terms of section 159(1) of the Constitution;

“line manager” means an officer who directly manages other officers and is responsible for the administrative and functional management of such officers;

“line minister” means a minister assigned the responsibility for the conduct of any business of a Government ministry or the administration of any department of Government in terms of section 70 of the Constitution;

“Minister” means the Minister responsible for the Public Service;

“ministry” means a branch or a department of Government, and includes the office of the Prime Minister and the office of the Deputy Prime Minister;

“outputs” in relation to a line Ministry or Department, means the goods and services (including standards of service) that are a consequence of the activities of the Ministry or Department;

“personal staff” means a person engaged by a minister to render personal services to the minister in the official or private capacity of that minister during the term of office of that minister, and paid from public funds;

“posting” means a movement of an officer within a particular ministry or department, by a Head of Department, to a similarly designated post of the same grade within the same ministry or department, or by the Head of Cadre to a similarly designated post of the same grade in any ministry or department;

“Principal Secretary” means the holder of the public office of that designation responsible, subject to the directions and control of the Minister, for the administration of a ministry or department;

“promotion” means the appointment of a public officer to a different public office with an increase or potential increase of salary;

“public office” has the same meaning as in section 261 of the Constitution;

“public officer” has the same meaning as in section 261 of the Constitution;

“Public Officers Code of Conduct” means the Code of Conduct referred to in section 4;

“public service” has the same meaning as in section 261 of the Constitution;

“Public Service Charter” means the Swaziland Public Service Charter as set out in the Third Schedule;

“Public Service Commission” means the Commission established in terms of section 186(1), read with section 173, of the Constitution;

“Public Service Values” means the Public Service Values as set out in the First Schedule;

“removal” means removal from office, and includes dismissal or demotion;

“responsible officer” means the public officer designated, or to whom the necessary power is delegated, to exercise certain functions in respect of public officers;

“secondment” means the redeployment of a public officer outside the public service or away from the normal service for a specified period without termination of appointment;

“service commission” means a commission established in terms of section 173 of the Constitution;

“strategy statement” means a statement in conformity with section 31;

“transfer” means a movement of an officer to a ministry or department other than the one in which the officer is placed, after consultation with the officer, or the appointment of a public officer to another public office with no change or potential change in salary;

***Application.***

3. The Act applies to all the ministries and departments of the Government except the Umbutfo Swaziland Defence Force.

**PART II**

**PUBLIC SERVICE VALUES, CODE OF CONDUCT, PUBLIC SERVICE CHARTER AND GENERAL DUTIES OF PUBLIC OFFICERS.**

***Public Service Values***

4. (1) The administration and operations of the public service shall be governed by the Public Service values as set out in the First Schedule

(2) A public officer who fails to comply with subsection (1) commits an offence and shall be liable for disciplinary proceedings under this Act.

***Code of Conduct and Public Service Charter***

5. In the course of employment, a public officer shall comply with the Code of Conduct and sign the Public Service Charter as set out in the Second and Third Schedule respectively.

***General duties of public officers.***

6. A public officer shall aid and assist the Government according to the Constitution and other laws of Swaziland, carry out and obey all lawful orders of the Government and, subject to the authority and direction of the Government, exercise the functions of the office of that officer impartially, efficiently and without delay so as to serve the people of Swaziland and the public at large and promote their welfare and lawful interests.

***Official time of public officer is at disposal of Government.***

7. Unless it is otherwise provided in the terms of appointment of the officer or in any other written agreement a public officer shall place the official time of the public officer at the disposal of the Government.

***Publications, interviews and use of official information.***

8. Subject to the provisions of the law, a public officer shall -

- (a) not, without the express permission of the Secretary to the Cabinet, or other prescribed authority, act as the editor of a newspaper (not being a publication of the Government), nor take part directly or indirectly in the management of that newspaper, nor publish, in any manner, anything which may be reasonably regarded as of a political or administrative nature;
- (b) whether on duty or on leave of absence, shall not (except with due authority) allow oneself to be interviewed on questions of or connected with any matter affecting or relating to public policy, security or strategic economic interests or resources of Swaziland; and
- (c) not directly or indirectly reveal, or use for private purposes, any information coming to the knowledge of the officer or acquired by the officer or the nature or the contents of any document communicated to the officer either in the course of the duties of that officer or in the capacity of that officer as an officer otherwise than in the proper discharge of the duties of that officer as authorised by law or a responsible officer.

**PART III****ADMINISTRATION OF THE PUBLIC SERVICE*****Constitution of the public service.***

9. The public service is constituted by the different Government ministries and departments.

***Offices in public service.***

10. (1) Unless otherwise expressly or impliedly constituted or abolished under this Act or any other law, any duly constituted office in the public service existing immediately before the coming into force of this Act shall be deemed to be an office duly constituted or abolished by or under this Act.

(2) Subject to this Act or any other law, the Minister may -

- (a) by notice in the Gazette, constitute or abolish such office in the public service as may be lawfully constituted or abolished; and
- (b) by regulation, and in consultation with representatives of Government employees, provide for the appointment, termination of appointment, and secondment including the promotion, transfer, delegation of functions or disciplinary control of officers in respect of such office as may be necessary.

***Responsibilities of Minister.***

11. (1) The Minister, subject to section 75 of the Constitution, has the overall responsibility for the efficient performance of the public service.

(2) The powers of the Minister are exercisable through and by the principal secretaries responsible for the day-to-day supervision of their line ministries in the public service.

***Responsibilities of line Minister.***

12. A line Minister having charge of a ministry or a department shall be responsible through the Principal Secretary for the due performance of functions that are assigned to that ministry or department.

***Internal responsibility and accountability.***

13. (1) Except as otherwise directed by the Cabinet or provided by or under any other law, the Principal Secretary shall, subject to the determination of matters of policy by the line Minister having charge of that ministry or department, have the authority, responsibility and accountability for carrying out the duties of that ministry or department.

(2) Without derogating from the generality of the foregoing, a Principal Secretary shall carry out the following duties in respect of the ministry or department -

- (a) managing the ministry or department, implementing Government policies appropriate to that ministry or department, monitoring Government policies that affect the ministry or department and delivering outputs as determined with the line Minister or the authority having charge of the ministry or department;
- (b) at scheduled times, or earlier if the line Minister or the authority having charge of the ministry or department so requires, preparing and submitting to that Minister or the authority having charge, a strategy statement in respect of the ministry or department and providing progress reports to the line Minister or the authority having charge, on the implementation of the strategy statement annually or at such shorter intervals as the Minister or the Cabinet may by order direct;
- (c) preparing an outline of how specific elements of the responsibilities described in paragraphs (d) to (h) are to be assigned so as to ensure that the functions performed on behalf of the line Minister or the authority having charge of the ministry or department are performed by an appropriate officer of that ministry or department;
- (d) providing advice to the line Minister or the authority having charge of the ministry or department with respect to any matter within, affecting or connected with, the responsibilities of the ministry or department giving rise to material expenditure chargeable to its appropriation account;
- (e) ensuring that appropriate arrangements are put in place that will facilitate an effective response to matters that pertain to both the ministry or department and other branches of the public service;
- (f) ensuring that the resources of the ministry or department are used in a manner that is in accordance with the provisions of Public Finance Management law;

- (g) examining and developing means that will improve the provision by the ministry or department of cost-effective public services;
- (h) assigning the responsibility for performance of the functions for which the Principal Secretary is responsible to other officers or to a grade or grades of officers of the ministry or department including the conditions pertaining to such assignments in order to ensure coherence of policy across the ministry or department; and;
- (i) ensuring that, where appropriate, the responsibility for the performance of the functions referred to in sub-paragraph (h) is further assigned to other officers or to a grade or grades of officers within the ministry or department.

(3) Nothing in subsection (2) shall be construed as preventing or limiting a Principal Secretary from carrying out, on behalf of a line Minister or authority having charge of the ministry or department, any other function of that Minister or authority.

(4) Nothing in this Act shall be construed as limiting the power of the Cabinet to assign by warrant or decision, to a Principal Secretary or Head of Department of the ministry or department, functions that are to be carried out by that Principal Secretary or Head of Department in accordance with the conditions set out in that warrant or decision.

(5) In subsections (1), (2) and (3), reference to "Principal Secretary" includes the Head of Department, or head of any public office.

***Principal Secretary accountable to line Minister.***

14. Subject to section 17, the Principal Secretary shall be accountable to the line Minister in carrying out the duties or functions referred to in section 13.

***Directions by line Minister.***

15. Subject to any other written law, but notwithstanding anything in this Act, a line Minister or authority having charge of a ministry or department may, in writing, give directions to the Principal Secretary in connection with the obligations of the Principal Secretary under sections 13 and 14.

***Requirement for assignment of functions.***

16. (1) The assignment of the responsibility for the performance of functions to officers or to a grade or grades of officers under the Principal Secretary shall include a requirement, where deemed appropriate to the assignment, that the officer to whom the assignment is made shall -

- (a) provide policy advice in relation to the subject matter of the assignment and related matters;
- (b) achieve the outputs specified in the assignment;
- (c) assume responsibility for the statutory schemes or programmes (if any) specified in the assignment;
- (d) assume responsibility for the delivery of quality services in respect of the area of the assignment; and

- (e) ensure that the expenditure made in respect of the area of the assignment accords with the purpose for which the expenditure was chargeable to the appropriation account and that value for money is obtained.

(2) An officer of a ministry or department to whom the responsibility for the performance of functions has been assigned shall be accountable for the performance of those functions to the relevant Principal Secretary or Head of Department, as the case may be, and to such other officers (if any) as may be specified under the assignment.

*Appearance before Parliamentary Committees.*

17. A Principal Secretary or a Head of Department shall, when called upon in writing by a Committee of either House or of both Houses of Parliament authorised in that behalf to make the request in connection with the subject-matter before the Committee, appear before the Committee in relation to any strategy statement that has been laid before each House under section 29(3) in respect of the ministry or department.

**PART IV**  
MINISTRY RESPONSIBLE FOR PUBLIC SERVICE

*Functions of Ministry responsible for Public Service.*

18. (1) The Ministry responsible for Public Service shall be proactive, supportive and collaborative in its dealings with Ministries and service commissions and shall perform, among other things, the following functions -

- (a) formulate appropriate human resources management and related policies;
- (b) provide leadership in the implementation of the human resources management policies;
- (c) ensure fair entry, retention and advancement of personnel in the civil service;
- (d) ensure optimal use of human resources to achieve high productivity and sustainable performance;
- (e) assess the human resources needs of the public service;
- (f) devise and implement appropriate human resources development policies to ensure adequate availability of suitably qualified and productive personnel;
- (g) ensure efficient and effective individual and organisational performance in the civil service; and
- (h) in consultation with representatives of Government employees make General Orders, rules or regulations or give instructions for controlling the conduct of the public service and providing for the conditions of service of the public service.

(2) Without derogating from the generality of sub-section (1), the Ministry responsible for Public Service shall perform any other function assigned to that Ministry by the Minister.

(3) Any General Orders, rules or regulations made, or instructions given, in terms of paragraph (h) of subsection (1) shall not be inconsistent with the provisions of this Act and shall be complied with by all public officers.

***Responsibilities of Ministry responsible for public service.***

19. (1) For the effective discharge and better organisation of its functions and responsibilities under this Act or any other law, the Ministry responsible for public service shall be responsible for -

- (a) establishment control and budgeting;
- (b) recruitment and placement;
- (c) management services;
- (d) terms and conditions of service; and
- (e) human resources development.

(2) In the discharge of the responsibilities of the Ministry responsible for public service relating to the human resources planning, establishment control and budgeting function, the Ministry responsible for public service shall, among other things -

- (a) collect, store, maintain and retrieve all human resources information for effective planning for human resources in the public service;
- (b) ensure regular reporting of human resources information by all ministries and departments to assist in the decision making of the public service;
- (c) plan, forecast and project human resources requirements of all ministries and departments;
- (d) develop, justify and present the human resources budget for the public service to the Ministry responsible for finance for consideration and approval; and
- (e) act as custodian and controller of the Establishment Register.

(3) In the discharge of the responsibilities of the Ministry responsible for public service relating to the recruitment and placement function, the Ministry responsible for public service shall, among other things -

- (a) work closely with the service commissions and other appointing authorities;
- (b) be responsible for developing recruitment policies which will ensure that the civil service attracts, recruits and selects suitable and competent staff to enter the civil service;
- (c) ensure that vacancies in the civil service are closely monitored, assessed and properly recorded so that vacancy filling is effectively planned for;
- (d) work directly with the Public Service Commission in ensuring that the delegated powers to appoint and promote staff are effectively and equitably implemented;

- (e) ensure that notices of transfers, resignations and retirements for civil servants are processed on a timely basis and using the established rules and regulations; and
- (f) be the ultimate custodian and controller of job descriptions in the entire public service.

(4) In the discharge of the responsibilities of the Ministry responsible for public service relating to the management services function, the Ministry responsible for public service shall, among other things -

- (a) ensure that effective systems and procedures are in place for effective operations of ministries and departments;
- (b) ensure that optimum organisational structures and employee levels are maintained;
- (c) develop appropriate job descriptions and specifications for all posts in the public service;
- (d) undertake job evaluation tasks and exercises from time to time; and
- (e) put in place appropriate schemes of service.

(5) In the discharge of the responsibilities of the Ministry responsible for public service relating to the terms and conditions of service function, the Ministry responsible for public service shall, among other things -

- (a) formulate the terms and conditions of service;
- (b) interpret the terms and conditions of service;
- (c) conduct research to ensure competitiveness and improvement in the terms and conditions of service;
- (d) provide technical support and advice to Government negotiation teams with employees associations; and
- (e) put in place procedures for dispute resolution and management.

(6) In the discharge of the responsibilities of the Ministry responsible for public service relating to the human resources development function, the Ministry responsible for public service shall, among other things -

- (a) develop and coordinate human resources training and development policies and activities for the whole public service;
- (b) ensure the development and implementation of human resources development policies and procedures;
- (c) ensure the establishment of institutions for human resources training and development;
- (d) ensure that training needs are properly assessed and evaluated;

- (e) ensure that training plans are developed to meet the needs;
- (f) ensure that appropriate training activities are undertaken, followed up and their impact assessed and evaluated; and
- (g) assist in ensuring that trained personnel are deployed and utilised appropriately.

#### **PART V**

#### **APPOINTMENT, MOBILITY AND REMOVAL IN PUBLIC SERVICE**

##### ***Appointment.***

20. (1) As a general policy, appointment to the public service shall be made from amongst people who are properly trained or otherwise qualified and professionally competent.

(2) In selecting candidates for appointment to the public service, the appointing authority shall have regard primarily to the efficiency and delivery capacity of the service.

(3) A person shall not be appointed to the public service unless that person holds such qualifications as may have been prescribed for that appointment.

##### ***Criteria for appointment.***

21. (1) In making an appointment to any administrative office in the public service, the appointing authority shall consider the following principles and criteria and endeavour to appoint a person who -

- (a) can effectively and efficiently discharge the specific responsibilities of that office;
- (b) will maintain and promote appropriate standards of conduct and integrity among the officers or employees under the supervision of that person; and
- (c) will promote sustainable efficiency and team spirit in the service.

(2) In making an appointment to any executive office in the public service, the appointing authority shall consider the following principles and criteria in view of the critical and strategic nature of that office and endeavour to appoint a person who -

- (a) will be a responsible and conscientious executive of the service, by evidence of the proven record of long and distinguished public service of that person or other relevant local or international service or accomplishment in a reputable organisation;
- (b) will instil in employees of the service a spirit of loyalty;
- (c) will ensure that the public service is a good and exemplary employer by facilitating the formulation and implementation of conducive terms and conditions of service;
- (d) will cooperate and collaborate with other executives to ensure effective and efficient performance of the service; and
- (e) has initiative and drive, capable of devising workable solutions to perceived problems.

(3) For the purposes of this section -

“appointing authority” includes the King, a service commission and any other person or body authorised to exercise power of appointment to the public service; and

“executive office” refers to any office in the public service from the level of Under Secretary and above including the office of the level of the Secretary to the Cabinet.

***Appointment of Principal Secretaries and secondment of personal staff.***

22. (1) A person shall be appointed as Principal Secretary in terms of section 76 (1) of the Constitution.

(2) A person shall not be appointed to the personal staff of any Minister (including the Prime Minister and the Deputy Prime Minister) or a post in the King’s Office without the prior approval of that Minister or the Chief Officer.

(3) An officer seconded to the personal staff of a line Minister (including the Prime Minister and the Deputy Prime Minister) shall return to the public service at the end of the secondment to the office held before secondment or any other office of an equivalent grade.

***Removal from office, dismissal or reduction in rank.***

23. (1) A public officer shall not be removed from office, without being afforded a fair hearing.

(2) A public officer who has been reduced in rank following a disciplinary proceeding shall be entitled only to the salary and related benefits of the rank to which the public officer has been reduced.

(3) In this section, ‘remove’ or ‘removal’ does not include transfer, promotion or secondment.

***Probation***

24. (1) Subject to subsection (6), where a person is appointed to a public office on pensionable terms (otherwise than on promotion or transfer) that person shall first serve a probationary period of six months or such period as may be prescribed for that office.

(2) Where a person who is required to serve on probation under this section has previously been employed in the service of the Government or in such other service as may be prescribed, the period or any part of that previous service may, at the discretion of the appointing authority, be regarded as service on probation for the purposes of subsection (1).

(3) Not more than three months or less than one month before expiry of a probationary period of an officer, the appointing authority shall consider whether -

(a) the officer should be confirmed in the public office;

(b) the services of the officer being otherwise satisfactory, the probationary period should be extended so as to afford the officer further opportunity to pass any examinations (if any) which are a condition precedent to the appointment;

(c) the probationary period should be extended to afford the officer the opportunity of improvement in any respect in which the work or conduct of the officer has been unsatisfactory; or

(d) the services of the officer should be terminated.

(4) A probationary period shall not be extended for more than three months.

(5) Where the appointing authority is of the opinion that a probationary period should be extended or terminated the appointing authority shall, before extending or terminating such period, advise the officer in writing of the intention of the appointing authority (with reasons) and inform the officer of the right of the officer to make representations on that advice within twenty-one days.

(6) Notwithstanding subsection (1), an appointing authority may reduce a probationary period if the officer has fulfilled all the requirements necessary for confirmation in office and either -

(a) the officer has previously served in the public office or in a similar office on non-pensionable terms; or

(b) the reduction of the probationary period is necessary for administrative reasons.

(7) A probationary period shall not be reduced under subsection (6) by a period exceeding the period which the officer concerned has served in the public office or a similar office on non-pensionable terms or a period of six months, whichever is the lesser.

(8) The termination or non-confirmation of a probationary appointment shall not be dismissal or removal from office.

(9) An officer on probation for six months shall be deemed to have been confirmed in the appointment of that officer if, at the end of three months following the end of the probationary period, the officer has not been informed in writing of the outcome of the probation of the officer.

***Transfer, promotion, posting and secondment.***

25. (1) The promotion or transfer of an officer on probation shall not be made unless the appointing authority so directs, and exceptional circumstances exist.

(2) Subject to subsections (5) and (6), every officer may, when the exigencies of the service so require, be transferred from the post or position occupied by him to any other post or position in the same ministry or department or between ministries or any other department, irrespective of whether such a post or position is in another division or cadre or is of a lower or higher grade or is within or outside Swaziland.

(3) A posting shall be made or approved by the Head of Department or the Head of Cadre.

(4) A transfer shall be made by the Public Service Commission where the officer is being transferred from one service commission to another after the current and prospective Heads of Department have, or the relevant service commission, has been consulted.

(5) Notwithstanding subsection (2), an officer shall not, upon transfer, suffer any reduction in salary or scale of salary of the officer without the consent of the officer unless the transfer is in consequence of disciplinary proceedings or legitimate adjustment of the salary of that officer.

(6) Notwithstanding subsection (2), an officer shall not be transferred from one post to another post which is of a lower or higher grade or bears a different designation unless the relevant service commission or appointing authority has approved the transfer.

(7) A person holding a pensionable appointment in a department under any law other than this Act or under a local authority or a parastatal organisation, or such other body or organisation as the Minister may specify, and which obtains its funds in whole or in part from the Consolidated Fund may, with the approval of the relevant service commission, be seconded to and appointed in a post in the public service.

(8) A person in the service of a body under any law other than this Act may, with the approval of the relevant service commission, be seconded to a department of a particular service or for a stated period and on such conditions as may be determined by the Minister after consultation with the employer of the person concerned and after the Minister responsible for finance has confirmed that funds are available.

(9) When the exigencies of the service so require an officer may, after consultations between the Heads of Department concerned, be temporarily transferred or seconded to another department for a stated period and on such conditions as may be determined by the Ministry responsible for public service management.

(10) An officer may, with the consent of that officer and with the approval of the appointing authority, and on such conditions as may be prescribed by the Minister after consultation with the Minister responsible for finance, be placed at the disposal of another Government or of a local authority, any institution or body established by law or of any other person for a particular service or for a stated period.

(11) The officer referred to in sub-section (10) shall, in addition to such other laws or conditions as may be agreed with that officer, remain subject to the laws applicable to officers in the public service while so placed at such disposal.

(12) An officer may, with the consent of that officer, be appointed on transfer from one of the service commissions to another without loss of any benefit.

(13) An officer may be assigned functions in another department (without being transferred) on such specific terms and conditions as may be agreed between the relevant Heads of Department and the officer concerned.

## PART VI

### TERMINATION OF APPOINTMENT AND RETIREMENT

#### *Termination of contract.*

26. (1) If it appears to a Principal Secretary or Head of Department that the appointment of an officer serving on contract should be terminated (otherwise than by dismissal) in accordance with the provisions of the contract of that officer, that Principal Secretary or Head of Department shall advise the officer, in writing, that the termination of the contract of that officer is under consideration and inform the officer that the officer has a right to make representations on the matter within twenty-one days.

(2) A Principal Secretary or Head of Department shall forward any representations made in terms of subsection (1), together with the comments and recommendations of that Principal Secretary or Head of Department to the appointing authority who shall decide whether or not the contract should be terminated.

(3) The appointing authority shall decide the matter referred under sub-section (2) within twenty-one (21) days after the officer has been afforded a hearing.

***Retirement of public officers.***

27. A public officer shall retire or be retired on the following grounds -

- (a) on reaching the compulsory retirement age of sixty years;
- (b) on abolition of office held;
- (c) for the purpose of facilitating the reorganisation of a department to which the officer belongs for greater economy or efficiency;
- (d) on medical evidence to the satisfaction of the responsible officer that the public officer is incapable, by reason of some infirmity of mind or body, of discharging the duties of the office of the officer and that such infirmity is likely to be of long standing; or
- (e) in the national interest at the instance of the Government or the King for reasons of Government policy or to take up another appointment outside the public service.

**PART VII**

**PERFORMANCE MANAGEMENT IN THE PUBLIC SERVICE**

***Interpretation.***

28. For the purposes of this Part, "Principal Secretary" includes -

- (a) the National Commissioner of Police;
- (b) the Auditor-General;
- (c) the Commissioner General of Correctional Services;
- (d) the Attorney-General; and
- (e) the Director of Public Prosecutions.

***Strategy statement.***

29. (1) Not later than two weeks after the beginning of the financial year, every Principal Secretary shall prepare a statement, referred to in this section as a "strategy statement", which shall -

- (a) comprise the key objectives, outputs and related strategies (including use of resources) of the ministry or department concerned;

- (b) be prepared in a form and manner which is in accordance with any directions issued from time to time by the Cabinet; and
- (c) be submitted to the line Minister.

(2) The line Minister shall, not later than one month after the beginning of the financial year submit the strategy statement to Cabinet.

(3) The line Minister shall, not later than one month after the strategy statement has been approved by Cabinet, cause a copy thereof to be laid before each House of Parliament.

(4) Parliament may delete, but not add anything new to a strategy statement.

***Performance agreement responsibilities of Secretary to the Cabinet.***

30. (1) The Secretary to the Cabinet shall –

- (a) enter into a performance agreement with each Principal Secretary for each financial year in accordance with section 32; and
- (b) ensure that the agreement is sufficiently detailed and sufficiently clear that it will provide a good basis to assess the performance of the Principal Secretary at the end of the year.

(2) Before signing a performance agreement of a Principal Secretary, the Secretary to the Cabinet shall satisfy oneself that the performance agreement is fair and achievable.

***Performance assessment responsibilities of Secretary to the Cabinet.***

31. (1) The Secretary to the Cabinet shall undertake an annual performance assessment for each Principal Secretary in accordance with section 34.

(2) The Minister shall, in accordance with section 35, determine the performance-related reward to be awarded to each Principal Secretary for performance relating to the financial year.

(3) In undertaking performance assessments at the end of the financial year, and determining the performance-related reward, the Secretary to the Cabinet and the Minister, respectively, shall act on the basis of the facts at hand, and shall base the assessment on a factual comparison of actual performance as reported in the quarterly and annual reports of the relevant ministry with that specified in the performance agreement for the financial year.

***Annual performance agreements for Principal Secretaries.***

32. (1) Prior to the commencement of each financial year, a Principal Secretary shall prepare and agree to an annual performance agreement approved by the Secretary to Cabinet.

(2) The performance agreement shall comprise –

- (a) the period to be covered by the performance agreement;
- (b) the performance expected of the ministry or department of the Principal Secretary for that period, including the outputs expected by the Cabinet and the ownership performance expected of the ministry;

- (c) the internal outputs that the Principal Secretary is to produce during the performance period;
- (d) the personal behaviours expected of the Principal Secretary during the performance period;
- (e) any training, skills or personal development that the Principal Secretary is expected to undertake during the performance period;
- (f) such other performance expectations as may be specified and agreed between the Principal Secretary and the Secretary to the Cabinet;
- (g) such other matters as may be required by regulations to be included in the performance agreement;
- (h) the procedures for changing the performance agreement during the year; and
- (i) an acknowledgement by both parties to the agreement that they have discussed and agreed the performance agreement, together with the date on which that discussion and agreement occurred.

(3) In preparing the performance agreement, a Principal Secretary shall consult with the Heads of Department and other managers in the ministry or department about the contents of the agreement.

(4) The performance agreement of a Principal Secretary shall be signed by the Principal Secretary and the Secretary to the Cabinet.

(5) The performance agreement may, with the agreement of the parties to it, be modified during the financial year to which it relates.

***Quarterly performance assessment of Principal Secretaries.***

33. (1) The performance of a Principal Secretary is to be reviewed every three months by means of a quarterly performance assessment undertaken by the Secretary to the Cabinet after consultation with the Minister responsible for the ministry and involving the Principal Secretary.

(2) In undertaking the quarterly performance assessment, the Secretary to the Cabinet is to base the assessment on a factual comparison of actual performance with the performance objectives as specified in the performance agreement for the quarter, together with any modifications of that agreement made during the year.

(3) Before completing a performance assessment, the Secretary to the Cabinet shall consult with the Principal Secretary concerned and other persons provided for in the performance management system for the time being in use in the public service, about their views on the extent to which the Principal Secretary has achieved the performance objectives for the quarter as specified in the performance agreement.

(4) The performance assessment is to be completed within 14 days after the end of the quarter to which the performance of the Principal Secretary relates.

*Annual performance assessment of Principal Secretaries.*

34. (1) In addition to the quarterly reviews referred to in section 33, the performance of a Principal Secretary is to be reviewed at the end of each financial year by means of an annual performance assessment undertaken by the Secretary to the Cabinet after consultation with the Minister responsible for the ministry and involving the Principal Secretary.

(2) In undertaking the performance assessment, the Secretary to the Cabinet is to base the assessment on a factual comparison of actual performance as reported in the quarterly and annual reports of the ministry with that specified in the performance agreement for the financial year, together with any modifications of that agreement made during the year.

(3) Before completing a performance assessment, the Secretary to the Cabinet shall consult with the Principal Secretary concerned and any other persons the Secretary to the Cabinet thinks relevant about their views or the extent to which the Principal Secretary has achieved the performance specified in the performance agreement for the year.

(4) The performance assessment is to be completed within 30 days after the end of the period to which the performance of the Principal Secretary relates.

*Determination of performance-related rewards of Principal Secretaries.*

35. (1) The amount of the performance-related portion of the remuneration of a Principal Secretary for a financial year is to be determined by the Minister as part of the performance assessment process undertaken under section 34.

(2) The performance-related reward is to be determined by reference to the extent of achievement of the annual performance agreement of the Principal Secretary for the financial year.

*Annual performance agreements with public officers.*

36. (1) Prior to the commencement of each financial year, a Principal Secretary shall enter into a performance agreement with each Head of Department and any other public officer reporting directly to the Principal Secretary, and that agreement shall reflect the relevant aspects of the performance agreement of the Principal Secretary.

(2) Prior to the commencement of each financial year, a Head of Department or other line manager shall enter into a performance agreement with each public officer for whom the Head of Department or line manager is responsible, and that agreement shall reflect the relevant aspects of the performance agreement of the Head of Department or other line manager.

(3) A performance agreement for a Head of Department or other public officer shall contain -

(a) the name of the public officer;

(b) the name of the person the public officer reports to;

(c) the period to be covered by the performance agreement;

(d) the external and internal outputs (or parts thereof) that the public officer is to produce during the performance period;

- (e) the ownership performance (or aspects thereof) that the public officer is to be responsible for during the performance period;
- (f) the personal behaviours expected of the public officer during the performance period;
- (g) any training, skills or personal development that the public officer is expected to undertake during the performance period;
- (h) such other performance expectations as may be specified and agreed between the parties;
- (i) such other matters as may be required by regulations to be included in the performance agreement;
- (j) the procedures for changing the performance agreement during the year; and
- (k) an acknowledgement by both parties to the agreement that they have discussed and agreed the performance agreement, together with the date on which that discussion and agreement occurred.

(4) The performance agreement shall be signed by the two parties concerned.

(5) The performance agreement may, with the agreement of the parties to it, be modified during the financial year to which it relates.

***Quarterly performance assessment of public officers.***

37. (1) The performance of a public officer reporting directly to the Principal Secretary is to be reviewed every three months by means of quarterly performance assessment undertaken by the Principal Secretary and involving the public officer concerned.

(2) The performance of a public officer, other than a public officer referred to in subsection (1), is to be reviewed every three months by means of a quarterly performance assessment undertaken by the relevant Head of Department, or other line manager and involving the public officer concerned.

(3) For the purposes of a quarterly performance assessment, performance is to be assessed against the performance objectives for that quarter as reflected in the performance agreement for the relevant year, together with any modifications to that agreement, for the public officer concerned.

(4) Before completing a performance assessment, the Principal Secretary, the Head of Department or the line manager, as the case may be, shall consult with the public officer concerned and other persons provided for in the performance management system for the time being in force in the public service, about their views on the extent to which the public officer has achieved the performance specified in the performance agreement of the public officer for the year.

(5) The performance assessment is to be completed as soon as possible after information about the performance of the public officer is available and within 14 days after the end of the quarter to which the performance of the public officer relates.

*Annual performance assessment of public officers.*

38. (1) In addition to the quarterly reviews referred to in section 37, the performance of a public officer reporting directly to the Principal Secretary is to be reviewed at the end of each financial year by means of an annual performance assessment undertaken by the Principal Secretary and involving the public officer concerned.

(2) The performance of a public officer, other than a public officer referred to in subsection (1), is to be reviewed at the end of each financial year by means of an

annual performance assessment undertaken by the relevant Head of Department, or other line manager and involving the public officer concerned.

(3) For the purposes of an annual performance assessment, performance is to be assessed against the performance agreement for that year, together with any modifications to that agreement, for the public officer concerned.

(4) Before completing a performance assessment, the Principal Secretary, the Head of Department or the line manager, as the case may be, shall consult with the public officer concerned and other persons provided for in the performance management system for the time being in use in the public service, about their views on the extent to which the public officer has achieved the performance specified in the performance agreement of the officer for the year.

(5) The performance assessment is to be completed as soon as possible after information about the performance of the public officer is available and within 30 days after the end of the period to which the performance of the public officer relates.

*Authority to operate performance incentive arrangements*

39. (1) A Principal Secretary, in consultation with representatives of Government employees, may operate such performance incentive arrangements as the Principal Secretary considers appropriate for the public officers of the ministry of the Principal Secretary.

(2) Performance incentive arrangements, including performance-related rewards, are to be directly linked to the performance assessment system specified in section 38.

*Determination of performance-related rewards of public officers.*

40. (1) The performance-related reward of a public officer for a financial year is to be determined as part of the performance assessment process undertaken in accordance with section 38.

(2) The performance-related reward is to be determined by reference to the extent of achievement of the annual performance agreement of the public officer for the financial year.

**PART VIII**  
**SERVICE COMMISSIONS**

*Application and definition.*

41. (1) This Part applies to all service commissions or similar bodies established under the Constitution or any other law.

(2) In this Part, "member", in relation to a service commission, includes any person or body of persons appointed to assist a service commission in the exercise of its functions.

***Public officer not compelled to answer question.***

42. Subject to section 176(2) and (3) of the Constitution, a service commission shall not compel a public officer to answer a question the answer to which may render that officer liable to prosecution on a criminal charge.

***Decision without a meeting.***

43. (1) A decision may be made by a service commission or similar body without a meeting, by circulation of the relevant papers among the members seeking expression of their views in writing.

(2) Any member of a service commission shall be entitled, under this section, to require that any decision by circulation of papers be deferred until the matter is considered at a duly convened meeting of the commission unless the matter cannot await such a meeting by reason of some urgency connected with it.

***Exercise of delegated functions and framework for delegation of functions.***

44. (1) The person or body of persons delegated with powers or functions by a service commission shall have and exercise the like authority and privileges as the service commission would have had or exercised in respect of the particular matter.

(2) A framework for delegation of functions in terms of section 181(2) of the Constitution shall be precise and clear in its terms, procedures and requirements and shall include -

- (a) clear guidelines of accountability between a Principal Secretary and other line managers on the one hand and the service commission involved on the other;
- (b) clear guidelines on operating procedures; and
- (c) clear guidelines on monitoring and evaluation, by the service commission, of the ability to exercise delegated powers properly and judiciously by the line managers.

(3) Unless otherwise provided, the authority to exercise delegated functions shall be assumed as soon as the framework for delegation is agreed between the service commission concerned and the line managers affected.

**PART IX**  
**PUBLIC SERVICE COMMISSION**

***Additional functions of Public Service Commission.***

45. Subject to section 186(2) of the Constitution, Minister may, by regulations, prescribe additional functions of the Public Service Commission.

***Procedure in Public Service Commission.***

46. (1) The Public Service Commission shall meet for the conduct of its business at such places and times as the chairman may determine.

(2) In the absence of the chairman, the Public Service Commission shall elect one of its members to preside at its meeting.

(3) The quorum for any meeting of the Public Service Commission shall be three members.

(4) Subject to this Act or any other law, the Public Service Commission shall regulate its own procedure.

(5) Decisions of the Public Service Commission shall be by a simple majority of the members present at a meeting, and, in the event of an equality of votes, the chairman shall have a casting vote in addition to a deliberative vote.

(6) The chairman shall cause proper minutes of all meetings of the Public Service Commission to be recorded.

(7) A member of the Public Service Commission who has an interest in the matter for discussion by the meeting shall disclose the nature of that interest to the Commission and shall, unless the meeting otherwise directs, be disqualified from participating in the deliberations on that matter and from voting on that matter.

*Annual reports.*

47. (1) Every line manager exercising delegated functions under this Part shall, within three months after the end of the financial year, submit a report on the exercise of those functions to the Public Service Commission for that Commission to include in its annual report submitted in terms of section 184 of the Constitution.

(2) The Secretary to the Cabinet, a Principal Secretary or other responsible Head of Department shall ensure that subordinate line managers submit the reports as required under subsection (1).

**PART X**  
**MISCONDUCT AND UNSATISFACTORY SERVICE**

*General definition of misconduct and unsatisfactory service.*

48. Any act done without reasonable excuse by a public officer which amounts to a dereliction of duty or failure to perform in a proper manner any duty imposed upon the public officer as such, or which contravenes any enactment relating to the public service or which is otherwise pre-judicial to the efficient conduct of the public service or tends to bring the public service into disrepute shall constitute misconduct or unsatisfactory service.

*Types of misconduct.*

49. Without prejudice to section 48, it is misconduct for a public officer -

- (a) to be absent from duty without leave or reasonable excuse;
- (b) to be insubordinate;
- (c) to use, without the consent of the prescribed authority, any property or facilities provided for the purposes of the public service for some purpose not connected with the official duties of the officer;

- (d) to engage in any activity outside the official duties of the officer which is likely to involve the officer in political controversy or to lead to the taking, by the officer, of improper advantage of the position of the officer in the public service;
- (e) to engage in any gainful occupation or activity outside the public service during working hours and within Government premises without the consent of the Head of Department; or
- (f) to be drunk or under the influence of liquor or drug, or other intoxicating substance while the officer is on duty;
- (g) to engage in a dishonest act, violence, threats or ill treatment towards the employer of the officer, or towards any member of the family of the employer or any other employee of the undertaking in which the officer is employed;
- (h) to wilfully cause damage to the buildings, equipment, raw materials or other objects owned by Government;
- (i) if the officer, either by imprudence or carelessness, endangers the safety of any building owned by Government or any person employed or resident therein;
- (j) to wilfully reveal matters of a confidential nature to another person which is, or is likely to be, detrimental to the employer of the officer;
- (k) to refuse either to adopt safety measures or follow the instructions of the employer of the officer in regard to the prevention of accidents or disease; or
- (l) to express any view critical of or contrary to Government policy; and
- (m) to engage in any private activity during working hours or outside working hours using Government property or equipment.

***Penalties.***

50. The following are the penalties that may be imposed in disciplinary proceedings under this Act in respect of misconduct or unsatisfactory service -

- (a) dismissal, that is, termination of appointment with or without forfeiture of all retirement benefits;
- (b) removal, that is, termination of appointment with or without a reduction in retirement benefits;
- (c) suspension from duty with consequent loss of pay and allowances for a period not exceeding three months;
- (d) reduction of salary, that is, an immediate adjustment of salary to a lower point on the salary scale attached to the post in question;
- (e) reduction in rank, that is, removal to another grade with an immediate reduction of salary;

- (f) deferment of increment, that is, a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;
- (g) stoppage of increment, that is, non-payment for a specified period of an increment otherwise due;
- (h) in the case of an officer who is the holder of a non-pensionable post, suspension from duty with consequent loss of pay and allowances for a period not exceeding fifteen days; or
- (i) reprimand, that is, verbal or written warning only.

**PART XI**  
SPECIFIC OFFENCES AND PENALTIES

***Political neutrality.***

51. (1) A public officer shall not hold office with a political formation or organization.

(2) An officer shall not use the position of that officer for political or personal gain; but shall act with impartiality, courtesy, integrity and loyalty to the Government of the day.

(3) An officer who contravenes subsection (1) and (2) commits a misconduct and shall be liable to disciplinary proceedings.

***Withholding of salary.***

52. (1) Where a public officer is convicted of a criminal offence involving moral turpitude, the officer shall receive no emoluments from the date of such conviction pending a decision by the relevant appointing authority as to whether any emoluments shall be paid to that officer.

(2) Where a public officer is convicted of a criminal offence referred to in sub-section (1), the relevant appointing authority may, upon production of a certified copy of the record of the criminal proceedings, dismiss the officer without instituting disciplinary proceedings against that officer.

(3) If the public officer appeals against the conviction referred to in sub-section (1), the emoluments shall continue to be withheld pending the outcome of the appeal, but if the appeal is successful and the sentence is set aside, the officer shall, if the services of the officer were terminated without disciplinary proceedings, be reinstated with effect from the date of termination, and the officer shall be repaid any emoluments withheld.

(4) The setting aside of any conviction in terms of sub-section (3) shall not be a bar to disciplinary proceedings being instituted against that officer arising from the same facts, but in respect of a different offence under the laws or administrative orders governing the conduct of public officers.

***Influencing appointing authority.***

53. (1) Any person who, otherwise than in the course of the duty of that person, improperly, directly or indirectly by oneself or any other person, in any manner, influences or attempts to influence the decision of a service commission, an appointing authority or responsible officer shall be guilty of an offence, and on conviction liable to a fine not exceeding two thousand Emalangenzi or to imprisonment not exceeding six months or both.

(2) Nothing in this section shall be deemed to make unlawful the giving of any certificate, reference or testimonial to any applicant or candidate for any office or the supplying of any information or assistance requested by that applicant or candidate.

***Supplying false information.***

54. Any person who, in connection with any application by any person for appointment or promotion in the public service, or with any matter upon which it is the duty of a service commission, an appointing authority or a responsible officer to act or advise, wilfully gives to such commission, authority or officer or to any person or body of persons lawfully appointed to assist in the appointment or promotion, or disciplinary proceedings, any information which that person knows to be false or does not believe to be true or knows or believes to be misleading by reason of the omission of any material particular, shall be guilty of an offence and upon conviction liable to a fine not exceeding two thousand emalangenzi or to imprisonment not exceeding six months or both.

***Improper disclosure.***

55. (1) Any member of a service commission or similar body or person who, without the written permission of the line Minister, knowingly publishes or discloses to any other person otherwise than in the exercise of official duties of that member or person the contents of any document, communication or information whatsoever which has come to the notice of that member or person in the course of the duties of that member or person under this Act or any other law in relation to any matter referred to the service commission, shall be guilty of an offence and upon conviction liable to a fine not exceeding two thousand emalangenzi or to imprisonment not exceeding six months or both.

(2) If any person having possession of any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), publishes or communicates to any other person that information, otherwise than for the purpose of any prosecution or disciplinary proceedings, that person shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred emalangenzi or to imprisonment not exceeding six months or both.

***Appeals and review.***

56. (1) An officer aggrieved by an action taken against the officer under this Act may, within 21 days from the date the action was taken, appeal against, or apply for a review of that action to a court of competent jurisdiction, and the court may, on good cause shown, extend the period for appeal or review.

(2) An action taken by a person or authority exercising delegated functions shall be appealable to the person or authority who delegated those functions.

**PART XII**  
**MISCELLANEOUS**

*Procedure on discipline.*

57. (1) Where disciplinary action is to be taken against any officer, the appropriate procedure as prescribed shall be commenced as soon as possible and promptly proceeded with.

(2) The procedure followed in disciplinary proceedings shall comply with rules of natural and administrative justice.

*Interdiction.*

58. (1) If the Principal Secretary or the Head of Department -

(a) becomes aware or is officially informed that criminal proceedings have been or are about to be instituted against a public officer; or

(b) considers that disciplinary proceedings should be instituted against a public officer, and is of the opinion that such officer should be interdicted from the performance of the duties of that officer pending the taking of disciplinary proceedings against that officer,

the Principal Secretary or the Head of Department shall report the matter to the relevant appointing authority recommending the interdiction of that officer.

(2) On receipt of a report under sub-section (1), the relevant appointing authority shall decide whether the public officer should be interdicted and, if so, the amount of salary (being not less than one-half) that should be paid to that officer during the period of interdiction.

(3) The duration of an interdiction under this section shall comply with the provisions of the Constitution.

(4) If, as a result of the disciplinary proceedings, the public officer is awarded a punishment less than dismissal, the relevant appointing authority shall decide what proportion of the emoluments withheld (if any) shall be paid to the officer.

(5) If a punishment is not awarded as a result of the disciplinary proceedings, the whole of the emoluments withheld shall be paid to the officer without undue delay.

(6) If, as a result of any interdiction, part of the emoluments of an officer was withheld, and the officer has successfully challenged the interdiction in court, the withheld emoluments shall be paid to the officer before any other action including any appeal is taken against the officer unless the Court orders otherwise.

(7) Disciplinary proceedings may be brought and concluded against an officer notwithstanding that criminal proceedings arising out of the same facts are being investigated or are pending against that officer.

(8) A statement made by an officer concerning the disciplinary proceedings under this section shall not be used in any criminal proceedings arising out of the same facts.

**Regulations.**

59. (1) The Minister may, by notice in the Gazette, make regulations for the better carrying out of the purposes and provisions of this Act.

(2) Without prejudice to the generality of sub-section (1), the Minister may make regulations -

- (a) prescribing other matters, in addition to those specified in section 32(2), that are to be included in a performance agreement for a Principal Secretary in terms of section 32(2)(g); and
- (b) prescribing other matters, in addition to those specified in section 36(3), that are to be included in a performance agreement for a Head of Department or a public officer in terms of section 36(3)(i).

(3) Unless otherwise expressly repealed, any regulations governing any aspect or part of the public service existing on the coming into force of this Act shall, so far as those regulations are not inconsistent with the provisions or purposes of this Act, continue to be in force as if made under this Act.

**Amendment of Schedules.**

60. The Minister may, by notice in the Gazette, amend the schedules for the better carrying out of the purposes and provisions of this Act.

**Repeal**

61. The Civil Service Order No. 16 of 1973 is repealed.

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**FIRST SCHEDULE**

(Under Section 4)

**PUBLIC SERVICE VALUES**

The values to which the public service shall aspire and which shall govern its administration and operation are -

- (a) to serve diligently the Government of the day and the public in an apolitical, impartial and courteous manner and to deliver high- quality policy advice and services;
- (b) to uphold the proper administration of justice and the principles of natural justice;
- (c) to strive continually for efficiency, effectiveness and value for money in all Government activities;
- (d) to adhere to the highest ethical, moral and professional standards at all times;
- (e) to encourage creativity and innovation, and recognise the achievement of results;

- (f) to be an employer that cares, is non-discriminatory, makes employment decisions on the basis of merit, and recognises the aims and aspirations of its employees, regardless of gender, marital status, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion, age, disability or HIV and AIDS status;
- (g) to be an employer that encourages workplace relations that value communication, consultation, co-operation and input from employees (either individually or collectively) on matters that affect their workplace and conditions of service; and
- (h) to provide a safe and healthy working environment.

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**SECOND SCHEDULE**

(Under Section 5)

**PUBLIC OFFICER'S CODE OF CONDUCT.**

A Public Officer shall –

- (a) behave honestly and conscientiously, and fulfil the duties of a public officer with professionalism, integrity and care;
- (b) be courteous and respectful to the other public officers and members of the public, and treat everyone with impartiality and without harassment of any kind;
- (c) be politically neutral in the work of the public officer and serve the Government of the day in a way that ensures that the public officer maintains the confidence of the Government, while also ensuring that the public officer is able to establish the same professional and impartial relationship with future Governments;
- (d) not at any time engage in any activity that brings the ministry of the public officer, the public service or the Government into disrepute;
- (e) obey the law including international law and treaty obligations and comply with all lawful and reasonable directions, including work place rules and regulations;
- (f) disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) with the duties of a public officer as a public officer, and shall not use the official position of the public officer for personal or familial gain;
- (g) treat all official information as confidential, and, unless authorised to do so, shall not give or disclose, directly or indirectly, any information about official business or anything of which the public officer has official knowledge;
- (h) not use official resources, including electronic or technological resources, offensively; and
- (i) not receive or keep a fee, reward, bribe, gift or remuneration of any kind, beyond the emoluments of the officer for own use by a public officer for the performance of any service for the Government, unless specifically authorised by written law or by the terms of appointment of that officer or by the Ministry responsible for public service management.

**THIRD SCHEDULE**  
(Under Section 5)

MINISTRY OF PUBLIC SERVICE

THE SWAZILAND PUBLIC SERVICE CHARTER:

Towards a Renewed Commitment to Service, Ethics and Accountability in Government

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**GENERAL PRINCIPLES**  
STANDARDS

Setting, monitoring and publishing clear standards of service that individual members of the public can reasonably expect.

**INFORMATION**

Providing information about public services in a straightforward and open manner which is readily understandable.

### **COURTESY AND HELPFULNESS**

Providing a courteous and helpful service which is run to suit the convenience of those entitled to the service; services being provided by public officers who can be identified readily, through wearing name badges, by their customers.

### **CONSULTATION AND CHOICE**

Ensuring that there is regular consultation with those who use services and, having taken their views and priorities into account, providing a choice wherever possible.

### **ACCOUNTABILITY**

Providing details of performance against targets and identifying who is responsible.

### **OPENNESS**

Disclosing how public services are managed, and the cost and performance of specific services.

### **NON-DISCRIMINATION**

Ensuring that services are available and applied equally to all.

### **QUALITY OF SERVICE**

Publicizing straightforward complaints procedures with independent reviews where possible. Providing, where errors have been made, an apology, full explanation and early correction of the error.

### **VALUE FOR MONEY**

Providing efficient and economic public services within affordable resources.

## **CHAPTER ONE - GENERAL PROVISIONS**

### ***Part 1: Preamble***

- Noting the need to continuously improve Public Service professional standards and bolster citizen confidence in the capacity and integrity of government institutions;
- Recalling the efforts made to improve the performance and productivity of the Public Service of the Kingdom of Swaziland;
- Considering the attention that is being given all over the world to measures aimed at strengthening the service-delivery capacities of public institutions;
- Bearing in mind the critical role of the Public Service in pursuing a course that promotes the citizens' faith in government and in consolidating the gains of governance reform in the Kingdom of Swaziland;

- Proceeding with the firm conviction that measures directed towards enhancing the professional competence, ethics, and accountability of public institutions have the backing of every Swazi citizen;
- The Government of the Kingdom of Swaziland hereby adopts and promulgates the following Charter for the Public Service.

## **Part II : Purpose, Scope of Application and Definitions**

### ***Article 1: Purpose***

The purpose of this Charter is to codify the norms and standards of acceptable behaviour in Government. The Charter seeks to provide general guidelines in support of on-going efforts to enhance the professional competence, strengthen the ethical foundation, and promote the public esteem of the Public Service.

### ***Article 2: Scope of Application***

The scope of this Charter shall be restricted to those holding office in the Public Service of the Kingdom of Swaziland, excluding politicians. Without derogating powers of professional and other bodies to establish their own unique codes of professional conduct, this Charter shall be the principal behavioural code for the public service.

The Charter is not intended to replace on-going initiatives directed towards eliminating corrupt and negative tendencies in the public service, making state institutions accountable to civil society, and promoting a sense of individual and collective responsibility among all cadres of officials. While the Charter may inform the national legislature about policy measures undertaken to promote ethics and accountability, the provisions of the Charter can, serve as a basis for the initiation of judicial or internal disciplinary proceedings or of enforcement action.

The Charter may further serve as a reference material for public officials as well as for civil society actors and others who have an interest in the conduct of governmental affairs.

### ***Article 3: Definitions***

For the purpose of this Charter, and unless otherwise indicated:

- (a) "Competent authority" shall mean the agency or person at different governmental levels that is statutorily empowered to take, and is held accountable for decisions on specific subjects;
- (b) "Duties" refer to the tasks or functions the performance of which fulfil the direct objective of establishing a position; the duties of an office are generally reflected in well-structured Job Descriptions;
- (c) "Responsibility" is the totality of what the holder of an office has to answer for in the performance of designated tasks, the use of human, material, and financial resources, and the impact of decisions on the image of the organisation or on the citizenry at large;
- (d) "Ethics" are the standards, which guide the behaviour and actions of personnel in public institutions and which may be referred to as moral laws;

- (e) "Good judgement" is behaviour that conforms with general usage – that is with the socially accepted notion of what is right as against what is wrong;
- (f) "Corruption" is any act that fulfils personal or private desires but, at the same time, compromises public purpose.
- (g) "Conduct" shall be understood as the behaviour and actions of public service employees both within and outside their work environment.
- (h) "Public Interest" shall be understood to be any deed or behaviour that maximizes the collective welfare of the citizens in the process of producing and delivering of public service.

### Part III: Guiding Principles

#### *Article 4: Guiding Principles*

The overriding objective of this Charter shall be to achieve the highest ethical and professional standards in the public service as well as to underpin the conduct and enhance the prestige of public servants. Accordingly, the guiding principles shall be those of:

- (a) **Integrity:** To the extent possible, public officers shall refrain from actions which can reasonably be construed as placing personal interest above public good. The integrity of a public officer becomes questionable if and when she/he takes a decision or makes a recommendation (e.g. on award of contracts, or recruitment of staff), which is based on information that she/he knows to be false or otherwise indefensible.
- (b) **Professionalism:** Without ignoring the policy on gender mainstreaming, recruitment into the career Public Service shall be based on merit, and the qualifications of all candidates shall be reviewed taking into account the job requirements as specified in widely circulated vacancy announcements. In furtherance of the objective of professionalism, the candidates finally selected shall themselves ensure that the actions they take or the recommendations they submit (e.g. on human, material, and financial resources) are based on objective assessment of options rather than being tainted by personal or political prejudice.

It is the responsibility of public officers to provide forthright an objective advice to, and carry out the directions of the competent authority. Public officers have a duty to carry out government decisions loyally, irrespective of the government in power and irrespective of their personal opinions.

- (c) **Legality/ non-discrimination:** Any action taken by a public officer shall be null and void unless backed by law. The "ultra vires" rule applies particularly to actions depriving a citizen of his/her due process, or restricting the benefits to which he/she is entitled under the law. In the same spirit, the citizen shall have a legal recourse specifically, where a public official has failed to perform functions specified by law.
- (d) **Impersonality:** Public office shall not be equated or confused with the private domain or estate of the public official. In specific terms, the official's property rights shall not extend to the public realm. As such, it is not for him/her to decide, based on his/her personal likes and dislikes, who remains on public payroll, who is eligible for certain classes of service or amenities, and how public resources shall be allocated. The legality principle referred to above shall, in every case, impose limits on the public

official's "ownership" rights.

- (e) **Equality:** Every citizen, the public officers included, shall be treated equally. Unless the unique circumstances of a particular citizen call for exceptional treatment, individuals in like situations should be treated equally. The obligation to prove that discriminatory decisions are justified shall fall on the public officer taking such decisions.
- (f) **Diversity:** As much as possible, the public service should accommodate differences in racial origin, religion, gender, opinion, intellectual dispositions, and nature-imposed physical or mental conditions.
- (g) **Accountability:** Public officers shall, when required, submit their actions to political, legal, internal administrative or external, watchdog scrutiny. A public officer who erects barriers to accountability shall be deemed to have subverted fundamental principles of this Charter.
- (h) **Transparency:** Similarly, a public officer shall be expected to facilitate the process of accountability by making available information that persons affected by his/her decision requires to challenge that decision in line with approved procedures for release of official information. The burden of proof that national security considerations and/or existing statutes on official secrets forbid the release of information shall be placed on the public officer concerned.
- (i) **Citizen sovereignty:** Public officers shall, in words, deeds, and attitudes, portray themselves as servants of the People. By accepting appointment, they have pledged themselves to discharge their duties and to regulate their conduct with the interests and preferences of the People only in view.
- (j) **Continuity:** The public service shall operate on an ongoing basis and in all its component parts, in accordance with the rules governing its operation. Failure to comply with the principle of continuity may incur the liability of the administration in respect of any person who might have suffered harm on account of such failure. In this connection, the right to strike shall be exercised within the bounds of respect for the rule of law and the principle of continuity and in respect of those services the interruption of which endangers the life, personal safety or health of the whole or any part of the population.

## **CHAPTER TWO - DUTIES, OBLIGATIONS AND PRIVILEGES OF PUBLIC OFFICIALS**

### **Part IV - Duties and Obligations**

#### **Article 5: Obligation to give undivided loyalty**

Public officers shall neither seek nor accept instructions from persons or bodies external to the Kingdom of Swaziland. The loyalty of public officers shall be to the State and to the Government that is constitutionally mandated to act on behalf of the People. Public officers shall not carry out instructions that compromise the security and territorial integrity of Swaziland, or otherwise run counter to the interest of the people.

Public officers shall not participate in business activities or accept the directorship of business enterprises without seeking and obtaining authorisation from competent authority.

***Article 6: Obligation to the People***

The public officer's primary loyalty shall be to the People. In the discharge of responsibilities, the public officer shall be guided solely by the interest of the People as articulated in public policy and subsidiary legislation. As an officer of the People, a public officer shall place the public officer's time exclusively in the service of the People.

***Article 7: Obligation to the Office***

Each public officer shall exercise good judgement in regard to all matters of official business. A public officer shall at all times act in a manner that does not bring the office of that public officer into disrepute or public ridicule. A public official shall not, except with due authorisation, communicate to any person any information that the public officer comes across in the performance of official duties. Whether on or off-duty and except in the performance of lawful duties, a public officer shall not associate with persons whose conduct is the subject of police or judicial investigation, or whose life-style is ostentatious to the point of indiscretion.

**Part V - Rights and Privileges of Public Officials*****Article 8: Basic rights Unimpaired by Appointment***

Nothing in this Charter shall be construed as stripping a public officer of that public officer's basic rights as a citizen. Specifically, acceptance of public office shall not restrict his/her rights to vote. Like every other citizen, a public official accused of wrongdoing shall be presumed innocent until proven guilty. A public officer shall be given an opportunity to defend, to call witnesses in the defence of that public officer, and to be represented by a counsel. The due process that is the right of the citizen shall not be denied to the public officer.

***Article 9: Protection against malicious allegations***

A public officer shall enjoy reasonable protection against unfair and malicious allegations. Besides the public officer's unfettered right to defend that public officer, a public officer whose conduct is unduly impugned shall be allowed to seek legal redress and clear the name of that public officer. The moral damages and other awards made by a Court of competent jurisdiction to a public officer who successfully brings a case of libel/slander shall go directly to the estate of that public officer.

***Article 10: Right to Privacy***

In view of the "public" nature of the role of a public officer, the public officer can enjoy but only a limited degree of privacy. While family life of a public officer shall not be the subject of tabloid dissection, the public officer has of necessity to expect that private dealings of that public officer would, from time to time, attract public attention.

***Article 11: Standing as a Member of Parliament***

In terms of the Constitution of the Kingdom of Swaziland, Act no. 1 of 2005, no person holding or acting in any public office shall qualify to be elected or appointed as a Senator or Member of Parliament unless that public officer has been granted leave of absence.

**Article 12: Property rights**

The public officer's property rights shall be protected subject to the proviso that the property in question is legitimately acquired. It is the responsibility of every public officer to maintain a standard of living which is commensurate with that public officer's earnings and to prove that earnings emanate from legitimate sources. If proper investigation reveals that a public officer has been illegally enriched, such ill-gotten wealth shall be forfeited to the State and the matter be dealt with in terms of prevention of the anti-corruption Act.

**CHAPTER THREE - CODE OF CONDUCT****Part VI: Oath of Office and Service Pledge****Article 13: Content of Oath and Service Pledge**

On appointment to office, but before exercising the authority of the office, a public officer shall be required to stand before a competent authority and affirm as follows:

"I solemnly affirm to exercise in all loyalty, discretion and conscience the functions and authority entrusted to me as \_\_\_\_\_ (Post Title), to discharge these functions and regulate my conduct with the interests of the People of the Kingdom of Swaziland only in view, and not to seek or accept instructions in regard to the performance of my duties from any person or authority whose interests conflict with those of Swaziland.

I further pledge that any decision that I take, any recommendation that I make, and any official act with which my name is associated will not be tainted by prejudice, wilful distortion of facts, or malicious intent. So help me God."

**Article 14: Renewal of Oath**

The oath of service shall be renewable on appointment to a new office or at five-yearly intervals, whichever is earlier.

**Part VII - Standards of Behaviour****Article 15: Coping with conflict of interest situations**

A public officer confronted with a situation whereby the interest of the State conflicts with any other shall resolve such a conflict in favour of the State. A public officer shall either declare the extent of the public officer's personal involvement in matters to be decided, or ask for authorisation to abstain at the critical decision making stages. A public officer who knowingly conceals information concerning personal interest of that public officer in a case shall be guilty of misconduct.

**Article 16: Acceptance of gifts, favours, honours, etc.**

No public officer shall accept any honour, decoration, favour, gift or remuneration from any person or organisation, particularly, where the acceptance can reasonably be construed as impairing, or likely to impair, the good judgement of the official.

Any gift received from outside parties should not only be reported to competent authority but also deposited at a place stipulated by the competent authority. Gifts so reported shall be taken on charge and duly receipted. Names of the donors should also be posted on the agency's

bulletin boards, and shall remain posted for as long as the competent authority may decide.

***Article 17: Public Interest***

Public officers should resolve any conflict between their personal or private interest and their official duties in favour of the public interest. Public officers should seek to serve the public interest by upholding both the letter and the spirit of laws established by the legislature and of the regulations and directions made pursuant to these laws.

***Article 18: Public pronouncements and activities***

Public officers shall conduct themselves at all times in a manner befitting their status as servants of the public. They shall not engage in any activity that is incompatible with the proper discharge of their duties. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status or on the integrity, non-partisanship, and prestige of the Public Service. While they are not expected to give up their basic political rights, their religious beliefs, or their ethnic or racial identities, they shall at all times bear in mind the reserve and tact incumbent upon them by virtue of their membership to the public service.

***Article 19: Private life and official obligations***

The public officer's right to privacy is protected so long as private indiscretions do not compromise public policy. It is therefore the duty of every public officer to ensure that they remembers their public obligations any they are involved in private transactions.

***Article 20: Falsification of official records***

A public officer who makes an oral or written affirmation of a position that the public officer knows to be false shall be guilty of gross misconduct. The gravity of the offence shall increase exponentially as the officer is given an opportunity to retract such false affirmations but persists in the act of misleading others.

***Article 21: Destruction of official records***

In likewise manner, a public officer who destroys an official record shall be guilty of gross misconduct. The onus shall be on the public officer to prove that the destruction was inadvertent.

***Article 22: Transparency and accountability***

A public officer shall promptly comply with requests from members of the public for the supply of data, information, or explanations, which would enable a competent authority to verify the motives behind an official decision, prior to determining whether such decisions should be upheld or quashed. Where information is withheld, the competent authority has to "show cause" in writing, e.g., that the requested information is protected by official secrets Law, that national security would be jeopardised, or that the rights of other parties would be compromised, by the release.

A member of the public who is not satisfied with a given explanation shall be free to challenge the decision before the Office of the Commission of Human Rights and Public Administration.

**Article 23: Release of official information**

The disclosure of official information is subject to the general principle that information should be made available on request, unless compelling reasons exist why it should not. However, specific procedures for dealing with the release of information shall also be laid down by departments. Official information should be released only in accordance with those procedures and by employees authorised to deal with requests for information. In all other circumstances, information is to be used by employees only for official purposes and treated as confidential to the department.

Employees authorised by their department to respond to requests for release of information should exercise proper care and discretion in the application of departmental procedures. In cases of doubt, employees should seek the guidance of their superior. Should the release of politically sensitive material be required, such employees should ensure (through their line manager) that the Minister is kept fully informed.

It is unacceptable for public officers to make unauthorised use or disclosure of information to which they have had official access. Whatever their motives, such employees betray the trust put in them, and undermine the relationship that should exist between Ministers and the Public Service. Depending on the circumstances of the case, the unauthorised disclosure of information may lead to disciplinary action, including dismissal.

**Article 24: Confidentiality**

Public officers should not disclose to any member of the public, either orally or in writing, any secret or confidential information acquired by virtue of their official position.

Within the bounds of law and propriety, public officers should be sensitive and responsive to the needs of the public, the news media and legislators for information on and explanation of the content and administration of Government policies and programs.

**CHAPTER FOUR - IMPROVED SERVICE QUALITY****Part VIII - Goal and Essence of Quality Service Initiative****Article 25: Primary Goal of Improved Service Quality**

The primary objective of the Charter's quality service initiative is to foster in government officials the constant craving for perfection that is so essential to the attainment of zero-defect in the delivery of public services.

**Article 26: Basic Thrusts of Quality service Initiative**

The essence of the Charter's quality service initiative lies in the attention accorded to the simplification of work processes, rationalisation of work layout, improvement of service environment and facilities, and the inculcation among service delivery agents of a frame of mind that places high premium on "customer" comfort and satisfaction.

**Part IX - Service Standards**

**Article 27: Obligations to establish service standards**

It is incumbent upon every competent authority to establish time and performance standards for incorporation in "Customer Service Pledges". Each Ministry/Department's Customer Service Pledge should provide a basis for holding public officials accountable for the various goods produced or the services rendered. Service standards shall, to the extent possible, be set in close collaboration with the different beneficiary groups, and shall seek to encourage service delivery agents to achieve incremental savings in costs, time, and quality of service.

**Article 28: Standards in "Customer Service Pledges"**

While circumstances and "customer" priorities vary from one place to another, every Ministry or Department offering service to the public shall publish and conspicuously display a "Customer Service Pledge" incorporating the following standards, among others:

- i) **Unambiguous definition of eligibility:** The Pledge shall clearly specify who is eligible for a service/amenity, and who is not;
- ii) **Ease of access:** A hassle-free system shall, as part of the Pledge, be established to put the service within the reach of eligible beneficiaries;
- iii) **Timeliness of service delivery:** The process applied shall not only guarantee prompt delivery of service but will also set time-frames for completion of different phases of action;
- iv) **Process simplification:** The systems and procedures currently in place shall eliminate unnecessary decision layers, "thirteenth" signatures, illogical and wasteful workflow patterns, and needless form filling. As much as possible, "one-stop" centres shall be established for a whole range of services taking into account the "customer's" personal welfare and comfort;
- v) **Convenience of hosting facilities:** The "customer's" welfare shall be taken into account in the design of service delivery perimeters, including the waiting lounges, the seating plans, queuing arrangements (and queue discipline), toilet facilities, vehicle parking space, and the flow of traffic in the vicinity of the service area;
- vi) **Courtesy and politeness of service delivery agents:** The Customer Service Pledge shall pay particular attention to the attitude of service delivery agents, and shall provide a convincing undertaking to act when a customer brings allegations of rudeness or impertinent behaviour on the part of an employee; staff members who are adjudged by the agency's clients as helpful shall, by the same token, be duly recognised and regarded;
- vii) **Accountability for actions or omissions:** The Pledge shall give a clear and credible undertaking on responsibility for actions as well as for the consequences; it shall specify the procedure to adopt in investigating what and who is wrong, and whose task it is to fix it,
- viii) **Provision for fault-reporting and rectification:** The Customer Service Pledge shall encourage the customers to avail themselves of clearly set out "fault-reporting" procedures, and shall accept responsibility not only for errors but for taking prompt remedial actions;

- ix) **Sensitivity to transparency and due-process:** Each Ministry shall establish mechanisms for checking favouritism, application of double standards, and departure from known ways of doing things; the procedure devised for this purpose should be outlined in the Customer Service Pledge;
- x) **Adequacy, reliability and clarity of information:** Adequate, reliable, and clear information shall at all times be made available to members of the public so they could easily "navigate" their ways through the sometimes complex organisation structures to the various service delivery points. Examples of the types of information required are sign posts indicating the locations of the various offices, conspicuously displayed name tags, as well as service directories complete with name listings, telephone and/or room numbers, and the supervisor or person(s) to contact when things get stuck;
- xi) **Offer of choice:** within resource limitations, each public agency shall endeavour to offer its "customers" a wide range of choice (e.g. phone cards in place of operator assisted calls, instant metering instead of delayed billing for electricity consumption, payment of bills at the nearest government revenue office instead of at one specified place);
- xii) **Assurance of security, dependability and confidentiality:** (e.g., of cheques, money orders, or documents sent through the postal or courier service); and
- xiii) **Cost-effectiveness/economy of operation:** Each public institution shall seek ways of reducing costs by outlining total quality plans, which eliminate unnecessary activities or wasteful procedures.

#### **Part X - Measures in support of quality service objectives**

##### ***Article 29: Review of Agency Goals and Functions***

In pursuance of the Charter's quality service objectives and taking into account the interests of its diverse clientele, every Ministry/Department shall undertake a critical review of its objectives and programmes. Activities that no longer respond to citizens' needs or that are, otherwise, obsolete, shall be discontinued and the resources shall be shifted to pressing areas of need. The Ministry's/Department's principal stakeholders (particularly, the generality of its staff, the programme's "customers" or beneficiaries, as well as resource providers within the NGO community) should be closely involved in this strategic visioning exercise.

##### ***Article 30: Job Analysis and Specification***

As a logical extension of the strategic planning process referred to under Article 30, each Ministry/Department shall commission job analytic studies with a view to ascertaining the duties and responsibilities of every established post and aligning them to the new (citizen-focused) requirements. Thereafter, up-dated Job Descriptions shall be prepared specifying the job contents and responsibilities of different categories of posts.

##### ***Article 31: Work Simplification and Process Rationalisation***

In view of the causal relationship between jobs and the environment in which they are carried out, due attention should be paid by each Ministry/Department to measures aimed at simplifying methods and processes, reducing the amount of paper work (and form-filling), streamlining the work-flow patterns, eliminating wasteful operations/motions, and clearing needless bottle-

necks. In this regard, the effectiveness of electronic government will be explored.

***Article 32: Staff Training, Motivation, and Supervision***

The successful implementation of the quality service objective will, to a large extent, depend on the capacity, motivation, and supervision of the staff of each Ministry/Department, particularly, those charged with the responsibility for service delivery. Accordingly, efforts should be made to impart in them skills, knowledge and attitudes that are likely to prepare them for the new, customer-care role. In addition, supervisors must be exposed to training in group dynamics, employee motivation, as well as performance and productivity management.

**Part XI - Citizen Evaluation of Service Delivery Procedure and Impact**

***Article 33: Impact Assessment and Beneficiary Surveys***

Each agency offering a service to the public shall design and administer instruments that will enable it to obtain a feedback on the clients' assessment of the impact and effectiveness of the service. Information may be solicited from "customers" and beneficiaries with the aid of survey questionnaires, focus group interviews, etc.

**CHAPTER FIVE- CHARTER IMPLEMENTATION MODALITIES**

**Part XII - Role of the Executive**

**Article 34: Obligations of the Executive Branch to promote Charter objectives**

The primary responsibility for promoting the objectives of this Charter and enforcing its provisions devolves on the Executive Branch of Government. In collaboration with other arms of government and civil society actors, the Executive will supervise the preparation of supplementary legislation deemed necessary, and ensure that appropriate watchdog institutions are established and made fully operational.

**Part XIII - Role of the Legislature**

***Article 35: The Legislature and the Charter***

In carrying out its functions under the Charter, the Executive will need the support and co-operation of the Legislature. It is up to the latter to review draft bills submitted in pursuance of the Charter objectives, and, after debating options, to provide the necessary legislative backing. The need for expeditiousness in traversing the various legislative stages cannot be over-emphasised.

**Part XIV - Role of the Judiciary**

***Article 36: The Judiciary and the Charter***

In the promotion of this Charter the Judicial Branch will collaborate with the Executive and Legislative branches of government and others with an interest in administration of justice. An independent, impartial, accountable and responsive Judicial Branch will administer justice, ensure access to the courts and deliver effective, uniform and consistent services and to serve the interests of justice and the public by resolving matters brought before it in a fair, timely, efficient, and open manner.

**Part XV - Role of the Press*****Article 37: Accommodation of the Press***

The press has a major role to play in the implementation of this Charter. In particular, the press is very well placed to remind public officers about their obligations under the Charter, and to enlighten civil society actors about their rights, and civic obligations. While government itself has an obligation to provide an environment conducive to freedom of speech, the press should ensure that this freedom is not abused. The press would have fully discharged its obligations under the Charter if, instead of adopting an adversarial role, it complements the efforts of the Charter to enhance the professional competence and integrity of the public service thereby making Swaziland a better place for all.

**Part XVI - Role of civil society actors*****Article 38: Role of Civil society***

Civil society institutions, particularly, civil groups, professional associations, trade guilds, student bodies, and other non-governmental organisations, have an important role to play in transforming this Charter into a veritable agent of administrative development. It is therefore essential that these institutions accept the responsibility for designing and conducting civic education programmes for their members. The focus of these programmes should be not just on civic rights as outlined in the Charter, but also – in fact, more especially – on the obligations.

**Part XVII- Final Provision*****Article 39: Enforcement of the provisions in the Charter***

In order to ensure respect for the fundamental principles, values and rules of the Public Service, all public officers shall have a duty to uphold the provisions of this Charter. Any deviation from the provisions of this Charter will attract disciplinary action in accordance with Government disciplinary procedures and the relevant labour laws.

**Part XVIII - Mechanisms for enforcement/Review*****Article 40: The office of the Commission on Human Rights and Public Administration.***

Monitoring of the implementation and enforcement of the Charter shall rest with the Office of the Office of the Commission on Human Rights and Public Administration.

LEGAL NOTICE NO. 52 OF 2018

THE CROWN LANDS DISPOSAL ACT, 1911  
(Act No. 13 of 1911)

EXTENSION OF THE BOUNDARY OF MBABANE TOWNSHIP EXTENSION 5,  
NOTICE, 2018

In exercise of the powers conferred by section 12 of The Crown Lands Disposal Act, 1911 read with section 48 (1) of The Deeds Registry Act, 1968, the Minister for Housing and Urban Development makes the following Regulations-

*Citation and commencement*

1. (1) These Regulations may be cited as the Extension of Boundary of Mbabane Township Extension 5 Regulations, 2018.

(2) These Regulations shall be deemed to have come into force on the day of publication in the gazette.

*Extension of Boundary*

2. The Mbabane Township Extension 5 boundary is extended to include-

CERTAIN : Lot No. 3251, Mbabane Township Extension 5 situate in Mbabane Urban area in the District of Hhohho, Swaziland;

MEASURING : 292 (Two Nine Two) square Metres;

HELD : by the Crown under certificate of registered Title No. 281/1977 dated 13<sup>th</sup> September, 1977.

*Supplementary General plan*

3. The Surveyor-General shall produce a supplementary General Plan so as to include Lot No. 3251 into General Plan No. 5146/75.

*Use of Lots*

4. The Lot within the Mbabane Township Extension No. 5 shall be used only for residential purposes or for any other purposes as the Local Authority may approve.

*Subdivision*

5. A Lot shall not be subdivided without the express written consent of the Minister responsible.

**PHIWAYINKOSI MENDI MABUZA**  
MINISTER FOR HOUSING AND URBAN DEVELOPMENT

LEGAL NOTICE NO. 54 OF 2018

THE CONSTITUTION OF SWAZILAND  
(Act No. 001 of 2005)

THE APPOINTMENT OF ACTING JUDGE OF THE INDUSTRIAL  
COURT NOTICE, 2018  
(Under Section 153)

In exercise of the powers conferred by Section 153(5) of the Constitution of Swaziland Act No. 001 of 2005, read with section 6 (3) of the Industrial Relations Act No. 1 of 2000 as amended, the Chief Justice appoints:

**BONGINKHOSI WILFRED MAGAGULA**

As Acting Judge of the Industrial Court with effect from 22<sup>nd</sup> March to 22<sup>nd</sup> April, 2018.

**M.C.B. MAPHALALA**  
*CHAIRMAN - JUDICIAL SERVICE COMMISSION*