



The Trace of Professionalization in the South African Public Service Amendment Bill and Public Administration Management Bill: A Comparative Analysis

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Abstract

The South African public sector has over the years seen erosion of professionalization and proliferation of corruption which is perpetuated largely through supply chain management processes. Politicians, officials, and business people are equally involved in the corrupt practices and more than anything it is driven by greed and indifference to the needs of the poverty-stricken communities. What is even worse is that the money stolen is meant to serve poor people and is stolen by relatively rich people. Erosion of ethical governance in the public sector has directly affected professionalization of the public service. Employees who do not qualify or meet the requirements are appointed to positions of authority so that they can pay back to those who appointed them through tenders. These corrupt officials become untouchable and cannot be disciplined even if there are proven allegations on financial misconduct. Corruption also erodes professionalization by chasing away true professionals from the public sector. That is the reason why many South African professionals are leaving the country and relocating to countries like Australia, New Zealand, etc. The South African government has tried through legislation to combat corruption in the public service and promote professionalization, but it is still too early to see if these attempts are successful or not. It is for this reason that this study focused on tracing professionalization in the Public Service Bill and Public Administration Management Bill. The comparative analysis revealed that the Public Service Bill can identify and address strategic and systemic challenges that will inhibit professionalization of the public sector and put some mechanisms to deal with those challenges. Whilst the Public Administration Management Bill is not necessarily criticised for not being upfront with the reforms that will help professionalization, its focus by its very nature is the administration and management of the provisions of the Public Service Act. It therefore remains to be seen if there will be any changes brought about by these amendments when they are accented into law by the President. The research was able to trace the elements that promote and support professionalization in the two Bills. However, it remains to be seen if, once these Bills are accented into law, they are implementable and can achieve the objectives of the respective amendments. On the main the two Bills aim to eradicate political interference from administration. The recommendation is that all parties involved (politicians and officials) should respect these two pieces of legislation and implement them as they are for the benefit of the public service.

Keywords: *Corruption; Ethical Governance; Professionalization; Professionals; Delineation; Professional Development; Public Service, Corruption; Administration; Management; Ethical Conduct*

Introduction

Apart from the fact that South Africa, as a democracy, boasts one of the best constitutions over the world, and possibly the best corresponding legislative framework, the country and the public sector in particular continue to be marred with unethical and corruption scandal after the other involving high-profile politicians and officials who have milked the state and taxpayers billions of rands. This then does not only become erosion of ethical governance in the public sector but also erodes ethical and professional values amongst the public servants (politicians and officials). This is contrary to the assertion by the Constitution of the Republic of South Africa which espouses that the public service must maintain high levels of professionalism and any public servant has to be professional, accountable and service oriented at all times.

The Transparency International Corruption Perception Index (2023) scored South Africa at 43 out of 100 (100 representing very clean countries). South Africa is ranked 72nd among the 180 countries perceived to have the most honest public sector. This therefore means that South Africa is rated number 96 as a corrupt country with Somalia rated number 1 (one) as the most corrupt country in the world followed by Venezuela. Whilst there are three African countries in the top 10 most corrupt countries in the world i.e. Equatorial Guinea, South Sudan and Somalia in descending order respectively, these are the worst democracies in the world where constitutional democracy and the rule of law are almost non-existent compared to South Africa. Haiti, which is rated number 7 of the most corrupt countries in the world, has 70% of its economy in the hands of corrupt mafia (gangs) and the scary part is that it started as state capture by mafia taking over the supply of services and tenders to government which is a worrying similar trend in the case of South Africa. Critics like Swanepoel (2021) have labelled South Africa as the orgy of corruption.

A South African civil society group, Corruption Watch, published its Annual Report in 2022 which highlighted the types of corruption in South Africa. According to this Annual Report 25% of the reports on corruption come from the mining sector, followed by bad policing (paying bribes to policemen) at 10% and corruption in business standing at 8%. 25% of the reports point to maladministration, mismanagement of funds, fruitless and wasteful expenditure as the most prevalent types of corruption. Fraud accounts for 17% of the reported corruption cases. Local government is the main source of whistleblower complaints totalling at about 75% with the cities of Johannesburg, Tshwane and eKurhuleni respectively being the biggest culprits accounting for 58% of all incidents of reported cases in local government.

Another survey done by Afrobarometer (2021) seems to be corroborated by the Corruption Watch (2022) assertions. Its findings are as follows:

- Citizens say 64% of South Africans say corruption has increased or has become worse;
- Citizens say 56% of corruption happens in the South African Police Service and 51% in municipalities in local government;
- 76% of the citizens say the South African government has failed dismally to deal with corruption;
- 71% of the citizens believe that officials who are corrupt go unpunished because they can “pay authorities” which means the anti-corruption (SAPS) and the justice system are also corrupt.

What is alarming in this Report by Afrobarometer (2021) is that judges and magistrates account for 36% of corruption and this is very worrying since these are the same institutions that should be fighting corruption. This correlates with the fact that 60% of the citizens felt that government is doing very badly in fighting corruption. Paying a “bribe” (cash) is the most prevalent act of corruption, where police account for the highest recipients of bribes at 25% followed by Home Affairs staff at 21%.

What has eroded professionalism in the public sector is “nepotism” where officials who do not meet essential requirements of positions, especially the senior management and executive positions of influence like those that deal with budget and projects. The main reason for these irregular appointments is the fact that those in positions of power or authority (such as politicians) want to have officials who are able to redirect the tenders to their own favoured companies.

Whilst professionalization is not a panacea for all public sector problems or challenges, it is very clear that its implementation in the public sector can obviate many of these challenges. This article then traces the aspects of professionalization in the recently developed Bills which are meant to fill the professionalization gap in the public service, and these are the South African Public Service Amendment Bill and Public Administration Management Bill. The study is a comparative analysis of both Bills with an intention to establish how they promote or protect or improve professionalization of the public sector.

Aim and Objectives of the Study

The main aim of the study was to do a comparative analysis of the South African Public Service Amendment Bill and Public Administration Management Bill with a view to trace professionalization. The objectives of the study were to:

- Review literature and previous studies about the public service and public administration management in general.
- Analyse and compare the Public Service Amendment Bill and Public Administration Management Bill with a view to establish if the changes provided in the two Bills accommodate Professionalization as espoused by the South African Professionalization Framework

Literature Review

Legislative Provisions for Public Service

South Africa has a lot of legislation that regulates the public service and only a few will be discussed here.

Constitution of the Republic of South, 1996

Section 197 provides for a Public Service and sub-section 1 specifies that within public administration there is a public service for the Republic, which must function, and be structured, in terms of national legislation, and which must loyally execute the lawful policies of the government of the day. Although this section of the Constitution is not explicit on professionalization of the public service, a hint thereto is the use of the words “loyally execute the lawful policies”. Most importantly is that public servants must be “loyal”, and this is one of the professional values. In addition, policies must be “lawful” which also relates to professionalization for the policies of government should be supportive and fair to the aspirations and existence of the population and citizenry of the country at large. Section 197 (4) provides that provincial governments are responsible for the recruitment, appointment, promotion, transfer, and dismissal of members of the public service in their administrations within a framework of uniform norms and standards applying to the public service. These are the most critical areas to focus on in the implementation of the Professionalization Framework.

Public Service Act, 1994

The objects of the Public Service Act of 1994 are to provide for:

- The organisation and administration of the public service of the Republic;
- The regulation of the conditions of employment, terms of office, discipline, retirement, and discharge of members of the public service.

The regulations of the conditions of employment are meant to emphasize on professionalism and professionalization of the public sector, however it is doubtful if these have helped in solving the public sector problems.

Legislative Provisions for Public Administration Management

Public administration management is regulated by a lot of legislation, however only a few will be discussed here.

Constitution of the Republic of South Africa, 1996

Section 195(1) emphasizes that public administration must be governed by the democratic values and principles enshrined in the Constitution including the following principles:

- a) A high standard of professional ethics must be promoted and maintained;
- b) Efficient, economic and effective use of resources must be promoted;
- c) Public administration must be development oriented;
- d) Services must be provided impartially, fairly, equitably and without bias;
- e) People's needs must be responded to, and the public must be encouraged to participate in policy-making;
- f) Public administration must be accountable;
- g) Transparency must be fostered by providing the public with timely, accessible and accurate information;
- h) Good human resource management and career development practices, to maximize human potential, must be cultivated; and
- i) Public administration must be broadly representative of the South African people, with employment and management principles based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

The Constitution expressly emphasizes that one of the expectations from a public servant is a high standard of professional ethics that must be promoted and maintained at all times. Corresponding legislation should therefore unpack these expectations.

Public Administration Management Act, 2014

The objects of the Public Administration Management Act of 2014 are to:

- Promote the basic values and principles governing the public administration referred to in section 195(1) of the Constitution;
- Provide for the transfer and secondment of employees in the public administration;
- Regulate conducting business with the State;
- Provide for capacity development and training;
- Provide for the establishment of the National School of Government;
- Provide for the use of information and communication technologies in the public administration;

- Establish the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit;
- Provide for the Minister to set minimum norms and standards for public administration;
- Establish the Office of Standards and Compliance to ensure compliance with minimum norms and standards; and
- Empower the Minister to make regulations.

Current Context of the South African Public Sector

The public sector has seen a spike in the number of protests that are a result of dissatisfaction of communities with service delivery. Local government as a sector has seen the worst of protests that have escalated to violence simple because local government is in the coalface of service delivery. Members of the community are beginning to be smarter day by day and are now aware of their rights. They have started to question competencies and capabilities of government officials and can easily see where there is lack of professionalism from the side of government officials. Amongst the things that have eroded professionalization is rife nepotism happening in the public sector where unqualifying personnel are employed in various executive positions. Unfortunately, these are the people who should take executive decisions and that then impacts service delivery severely.

The other challenge facing the public sector is corruption allegedly from both the elected and appointed public officials. Jarbandhan (2022) asserts that public officials have been seen as a corrupt lot, who either enrich themselves or who aid political appointments in malfeasance and corruption. It is alleged that when the appointment of the members of Senior Management Services (SMS) was vested in the president in 1994, acting in consultation with the cabinet, that marked the start of the erosion of merit appointments. Whilst the legislation such as the Local Government Municipal Systems Amendment Act of 2011 and the Public Administration Amendment Bill of 2013 tried to address political interference in these appointments, there was no success at all, in fact these irregular appointments are getting worse. In 2020 the National Development Plan (Vision 2030) also tried to address the political administrative interface by identifying professionalization of the public service as a key solution to most of the challenges facing the public sector. The National School of Government (NSG) was then mandated by Parliament to drive the process of the development of the Professionalization Framework for the Public Sector. The broad understanding by NSG of the professional public service is the one where people are recruited and promoted on merit and potential rather than on political connections and this requires transparent recruitment processes.

The other challenge impacting on professionalization of the public service is the erosion of ethical governance amongst government institutions thus resulting into erosion of ethics amongst their employees. A lot of government employees either have their own companies or interests on companies doing business with the state which is illegal, and they do not declare these interests and once found they simply resign without facing any consequence management. According to Jarbandhan (2022), within an ethically sound public service, service is held above self-interest, and where public officials are held to account for their actions. The President of the Republic of South Africa, Hon. Cyril Ramaphosa is quoted saying that people are often hired into or promoted to key positions they are neither suitable or qualified and this does not only affect government performance but also contributes to nepotism, political interference in the working departments, lack of accountability, mismanagement, and corruption. This summarizes the challenges faced by the public service and it is appreciated that it comes directly from the President.

The State of Public Administration in South Africa

Despite progress achieved through the New Public Management (NPM) approach in South Africa, there are still ongoing arguments or debates and criticism based on the structure, efficiency and

functioning of the public sector (Karatat, 2019). One area of criticism is about the bloated structure of the public administration which results into a lot of inefficiencies and duplication of services. It is clear that the public service needs to be reduced. Karatat (2019) recommends “downsizing”, the approach sought to bring about a culture of innovation, management flexibility, problem solving, productivity and entrepreneurship. According to Terrance & Uwizeyimana (2023) to summarise the principles and strategies of the NPM approach, it actually emerged to introduce public administration into reducing bureaucratic rules, to enhance human resource management, to decentralize authority, to implement the use of information technology (electronic government/governance) and to design competitive strategy and allow the management to be flexible.

In the South African context, the NPM is often criticized for not being able to solve the societal problems such as economic meltdown, corruption, and political instability. Munzhezzi (2020) maintains that it has been difficult to set clear, precise, limited and prioritize stable targets in relation to the providing of public services, hence challenges of lack of political leadership, inadequate skills and expertise, and corruption. The other area of concern in public administration is performance management. Whilst the term itself has been borrowed from the private sector, implementation in the public sector has been seriously criticized. One other barrier that has impacted negatively on the implementation of performance management in the public sector is cadre deployment. In locating pressing issues, Swanepoel (2021) argues that the cadre deployment policy has been blamed for the widespread corruption, mismanagement, and unmatched appointments of officials into various spheres of government (national, provincial, and local government).

Professionalization Framework

The South African Medium-Term Strategic Framework (MTSF) for the period 2019-2024 prioritizes a capable, ethical, and developmental state which is articulated as follows:

- A capable state has the required human capabilities, institutional capacity, systems, service processes and technological platforms to deliver on the National Development Plan (NDP) through a social contract with the people;
- An ethical state is driven by the constitutional values and principles of public administration and the rule of law, focused on the progressive realization of socio-economic rights and social justice as outlined in the Bill of Rights; and
- A developmental state aims to meet people’s needs through interventionist, developmental, participatory public administration.

The Professionalization Framework (2022) has five critical pillars of professionalization, and these are:

- **Pre-Entry Recruitment and Selection:** If South African government wants to ensure that only eligible professionals enter the system of government, it needs to tighten pre-entry requirements. Higher Education Institutions (HDIs) should play a pivotal role in preparing relevant undergraduate qualifications and programmes for employees who enter the public service at the lower levels of employment for this preparation becomes foundational knowledge to enhance the ability to work in the public sector. The Professionalization Framework (2022) proposes National Qualification Levels 9-10 (Masters and PHD Degrees) for any senior management or executive positions.

The Professionalization Framework (2022) also prescribes a Senior Management Development Programme to be done by all senior managers before they start their duties. This programme is meant to develop management competencies of senior managers so that they are ready to take management roles and responsibilities. Senior managers should also do competency and integrity

assessments, the former meant to measure expert knowledge and the latter meant to determine the risk profile of applicants including detection of involvement in corruption practices. Apart from the qualification requirements the Professionalization Framework (2022) proposes that those managers with post-graduate qualifications should be able to demonstrate self-direction and originality in their strategic acumen in tackling and solving problems, including the ability to act autonomously in planning and implementing programmes, projects, or tasks. This therefore means that undergraduate qualifications should help officials with the mastery of operations and post-graduate qualifications should help especially managers and senior managers to be strategic.

There is also a proposal to include the political (management thereof), economic, and technical competences (political management competencies are new). The Professionalization Framework (2022) therefore proposes a very rigorous entry process that involves the results of competency assessments, public service entry examinations, technical competency testing, personality assessment testing, interviewing, reference checking, track record, and integrity checks. Anyone who can pass all these tests is therefore regarded as a capable public servant who is ready to serve in a capable state.

- **Induction and On-Boarding:** The Professionalization Framework (2022) proposes a Compulsory Induction Programme (CIP) and Executive Induction Programme (EIP) for all appointments in the public sector and these need to be done during the first week of appointment as part of onboarding and should be part of organizational socialization. Onboarding should be carefully structured and well-planned so that it becomes efficient but also cost effective.

There is a call for professional bodies to be part of the onboarding process where the new recruits can be socialized into the professional bodies' "community of practice." The role of professional bodies should in fact start at the Higher Education Institution level where the students should be recruited to join professional bodies in their respective fields. The role of technology in the onboarding process cannot be overemphasized and should be used to encourage interactions amongst professionals to share common and best practices.

- **Planning and Performance Management:** The Professionalization Framework (2022) advises that the key aspects of professionalization must be emphasized in the planning, performance management and appraisal systems, including performance standards and assessment instruments for different categories of employees. The individual or employee performance management system should be aligned with the organizational performance, and this is done to improve effectiveness, efficiencies, and the value for money. The government performance management system is highly criticised of being superficial and its inability to measure the impact.

The Professionalization Framework (2022) suggests that a successful performance management system rests on strong strategic and operational planning; then leading to appropriate target and indicator development; facilitated by good daily operational management practices which enable appropriate candidate selection and stable leadership. Performance management should be implemented alongside learning and development in the institution and corrective measures should not take long to be implemented because that becomes counterproductive to performance.

Performance management should be done daily, and feedback given daily to make it more effective. The Professionalization Framework (2022) views the role of professional bodies in performance management being that of providing training to senior managers on how to develop targets and indicators and how to deal with underperformance. Registered professionals should help mentor the younger professionals and that should be integrated into a performance management system.

- **Continuous Learning and Professional Development (CPLD):** The concept of professionalization is largely premised on that certain categories of employees should be professionalized (should belong to professional bodies) and it should be compulsory for all senior

managers to belong to professional bodies. There is belief that if employees belong to professional bodies that becomes a deterrent to corruption and misconduct because they commit to professional undertakings and ethical codes of conduct and some professions like Accounting can even delicense those who are found guilty of misconduct and or corruption. It is further proposed by the Framework that Continuous Learning and Professional Development points should be compulsory in the public sector and should be linked to performance management system.

It is noticeable that the Professionalization Framework (2022) has added 'learning' to CPD. Emphasis on 'learning' is based on the fact that it can either be formal or informal and can take place anywhere and it includes socialization whereas 'professional' development is mostly formal, taking place in a formal classroom or virtual platform and follows structured methodology of development. Learning can also happen through observation in municipalities.

Higher Education Institutions should partner with professional bodies to develop CLPD programmes and then help monitor their implementation in the public sector. Modern technologies should be used in CLPD to enhance professional development and encourage easy access to development programmes. CLPD should also be a consideration at the recruitment stage and part of the entry level selection should include, over and above the years of experience, the number of points the professional has attained as part of CLPD.

- **Career Progression and Career Incidents:** The Professionalization Framework (2022) proposes amongst other things career education and career adaptation; a minimum of years of services for one to be promoted to the next level; introduction of examinations to be one of the requirements for promotion in the public sector; introduction of the revolving door policy; and strengthening the Recognition of Prior Learning (RPL) policies.

The Professionalization Framework (2022) further suggests that promotions into leadership positions in the public sector should be grounded on principles of technical competence (qualifications plus proven effective and appropriate work experience) integrity, responsibility, accountability, transparency, and a commitment to the eradication of poverty, unemployment, and inequality. All employees should be trained on ethical codes of conduct and unethical conduct should be dealt with. There is therefore a need to cultivate the culture of consequence management in the public sector.

Comparison Between the Public Service Amendment Bill and the Public Administration Management Bill

The two Bills are comparatively analysed with the intention to establish if they provide for any possible improvement of professionalization of the public service in South Africa.

Public Service Amendment Bill, 2023

The Public Service Amendment Bill (2023) seeks to amend the Principal Act to:

- (a) Devolve administrative powers to the heads of departments while retaining strategic powers with the executive authorities;
- (b) Augment the functions of the Director-General in the Presidency to functions envisaged by the National Development Plan for an administrative head of the public service;
- (c) Clarify the role of the President and the Premier, respectively, as the executive authority in respect of heads of departments;
- (d) Amend section 35 to clarify the role of the Public Service Commission in determining the internal grievance procedures;

- (e) Limit the political rights of departments and employees reporting directly to heads of departments;
- (f) Amend section 38 to provide an alternative mechanism for departments to lawfully deduct overpaid remuneration from an employee's salary; and
- (g) Amend section 42A (3) to clarify the meaning of "Minister".

Clause 2 of the Bill seeks to substitute section 3(7) of the Principal Act, which regulates the powers and duties of the executive authority. Section 3(7) of the Principal Act was redrafted to provide strategic powers to the executive authority and to remove administrative powers from the executive authority to enable the executive authority to focus on providing strategic and policy direction.

The above-mentioned clause seeks to delineate the powers of the executive authority and the head of department to ensure full accountability. This move is good for purposes of professionalization of the public service especially around the appointment of senior managers. Historically senior managers in the South African public sector have been appointed by the executive authority (politician) and this has eroded merit appointments and saw a lot of political appointments where those appointed are allegiant to the political parties rather than to the public. In most cases executive authorities appointed incumbents who did not meet the essential requirements of the jobs they were appointed in.

Clause 2 further provides for the executive authority with powers to intervene in the event that the head of department fails or refuses to fulfil a power or duty in terms of the Act. The provision is important as currently, a head of department exercises administrative powers as delegated by an executive authority, who may withdraw the said delegation in the event that the head fails or refuses to perform certain powers or duties delegated to him or her. This is another milestone in terms of professionalization in the sense that the devolution of administrative powers from the executive authority to the head of department means that the executive authority can no longer withdraw a delegation and therefore necessitates a process to allow the executive authority to intervene where justified.

Clause 4 of the Bill seeks to amend section 7(3) of the Principal Act to provide for the devolution of administrative powers to heads of department in national, provincial departments and government components. The amendments to section 7(3) provide for the head of department to:

- Report to the executive authority as and when required;
- Assist the executive authority in fulfilling the executive authority's accountability and responsibility obligations as contemplated in section 92 of the Constitution; and
- Implement the strategic plan.

This also helps in terms of enforcing professionalization of the public service in the sense that the head of department is now charged with the responsibility to implement the strategy and the executive authority to oversee the implementation thereof and this will deter the executive authority from interference with the implementation of the strategy. However, it should be noted that the executive authority is still allowed to intervene where the head of department has failed, and this is worrisome especially when this opportunity to intervene is abused and there have been instances where politicians claim to be "intervening" when in actual sense it is political interference.

Clause 5 of the Bill seeks to amend section 9 of the Principal Act to provide the head of department with the authority to appoint persons in a department. The devolution of this power is to ensure the alignment of the financial responsibility with human resources administrative functions, which enables an executive authority to focus on providing strategic and policy direction. Historically, there have been executive authorities who did not want to delegate the function of appointing personnel to heads of departments, and they would appoint even the general workers. Apart from the fact that this

ridiculously erodes professionalization and encourages gross interference by the executive authority, it encouraged nepotism where all levels of employment are staffed with people loyal to the executive authority irrespective of whether or not they meet the requirements.

Clause 11 of the Bill seeks to amend section 17 of the Principal Act to provide a head of department with the power to dismiss an employee. The devolution of this power is to ensure the alignment of the financial responsibility with human resources administrative functions, which enables an executive authority to focus on providing strategic and policy direction. Historically, there have been employees who were dismissed by the executive authority (politician) and some of those are the true professionals who did not want to bow to political pressure, and this has eroded professionalization in the sense that many true professionals have lost their jobs. A number of professionals have also left the system because of fear for dismissals even if they are not charged because they see the environment being highly toxic.

Clause 16 of the Bill seeks to insert section 36A into the Principal Act to prohibit a head of department and employee directly reporting to the head of department from holding political office. Other political rights of heads of departments are unaffected by the amendment and they remain entitled to enjoy and exercise these rights freely. The purpose of the prohibition in respect of a head of department and an employee directly reporting to the head of department from holding office in a political party is to ensure that there is a clear delineation between the political and administrative roles and responsibilities for heads of departments and the influence employees reporting to a head of department may have in the department. The provision is limited to heads of department and employees directly reporting to heads and employees of department as these heads are responsible for administrative decisions. This is a win for professionalization of the public service for this participation of officials in political structures has not only undermined the authority of both political and administrative leadership but has also undermined service delivery for the said incumbents spend more time attending to political activities than work. In some instances what has been disturbing in this political relationship is a situation where, for example, the head of department or Accounting Officer is the Chairperson of a political party, and the executive authority (Minister or Mayor) is just a member, and the Accounting Officer will have more authority within the political structure and even give instructions to the executive authority.

Public Administration Management Bill, 2023

The objects of the Public Administration Management Amendment Bill (2023) are to:

- Improve service delivery through the alignment of human resources, governance, and related arrangements in the three spheres of government;
- Further provide for the transfer and secondment of employees;
- Provide clarification regarding the prohibition against employees conducting business with an organ of state;
- Provide for the Constitution of the National School of Government as a national department;
- Remove unjustifiable disparities across State institutions; and
- Provide for the co-ordination of mandating processes for collective bargaining in the public administration.

The ultimate objective of the Professionalization Framework is to ensure that services are delivered to communities efficiently and effectively and there is an assumption that it can be easily done if public servants are professional at all times.

Clause 2 seeks to amend section 5 of the Principal Act to further provide for the transfer of employees between the public service and municipalities and between municipalities. Transfers ensures

the mobility of employees across the spheres of Government to where human resources deficiencies exist where operational requirements necessitate. This will enhance good governance and enable the transferability of skills and resources where required. This move will improve professionalization if properly implemented however on the other hand if those who are transferred do not meet requirements of positions transferred to, especially the qualification requirements, that will erode professionalization.

Clause 6 amendment seeks to address post-employment restrictions. Provision is made for the imposition of a 12 month “cooling off” period for employees involved in the procurement of services of service providers. It provides for a prohibition from accepting employment or appointment to the board of the service provider, the performance of remunerated work or receipt of any other gratification. Service providers or employees who contravene this provision are guilty of an offence and on conviction liable to a fine of R1 million. The relationship that some employees of the state have with some service providers has always been the source of corruption which compromises professionalization. The fine after the employee has left may not be effective for what is needed are preventative measures to stop corruption even before it happens because surely an employee who ends up being an employee of a service provider is likely to have started that relationship long time before.

Clause 8 seeks to amend section 10(2)(a) of the Principal Act to provide that departments must, within their available budget, provide for compulsory training that is directed by the Minister to address developmental needs of categories of employees. The Professionalization Framework (2022) places training and development at the top of the professionalization agenda for training and development generally help employees to be more professional in their work. The professionalization Framework (2022) also recommends Continuous Learning and Professional Development (CLPD) which obligates all professionals to attend learning and development programmes wherein they attain points that will keep them in their professions. Similarly, if an employee cannot attain the CLPD points and loses points they can end up being struck off the roll and never practise in the public sector again.

Research Methodology

The study was a comparative analysis of the South African Public Service Amendment Bill and the Public Administration Management Bill with a view to establish if they support professionalization of the public service. It used qualitative analysis wherein certain clauses that are proposed were analysed on whether they support or inhibit professionalization. The study also used framework analysis as an analysis technique to analyse both Bills against the provisions of the Professionalization Framework. Although themes were not identified in the study, linkages were identified between the Bills and the Professionalization Framework.

Research Findings

Findings on the Public Service Amendment Bill

The Bill successfully provides for professionalization through the following:

- Delineation of powers from the executive authority and the head of department.
- The executive authority is no longer allowed to withdraw the delegation (like the appointment of staff) from the head of department.
- Only the head of department has authority to dismiss staff.
- Prohibition of the head of department and those who report directly to him or her from holding political office.

Findings on the Public Administration Management Bill

The Bill also successfully provides for professionalization through the following:

- Mobility or transfer of staff (professionals) from one sphere of government to the other.
- A 12 month “cooling off” period and prohibition of staff involved in procurement services to be appointed or serve in the boards of service providers.
- Departments to provide budget for compulsory training.

Whilst the study was not necessarily comparing the strengths and weaknesses of the two Bills, the conclusion is that the Public Service Amendment Bill seems to target the high level and strategic areas that directly affect professionalization and have been sources of corruption and maladministration in the public sector. The Bill is very clear that it aims at eradicating political interference in administration.

Recommendations

To further strengthen professionalization the following are the recommendations:

- Recourse for the head of department should he or she experience any political interference.
- Consequences if the executive authority withdraws delegation or does not want to delegate.
- Recourse to the head of department should there be political interference barring him from or her from dismissing staff.
- Professionals should not hold political office, and this should be part of the virtues of professional integrity.
- Transfer of staff from one department to the other should consider that the person transferred should meet the qualification requirements of the post transferred to.

Conclusion

The study compared the South African Public Service Amendment Bill and Public Administration Management Amendment Bill with the intention to trace professionalization. The first part of the study focused on literature review which included legislative provisions of both public service and public administration management; the current context of the South African Public Sector; the state of public administration in South Africa; professionalization framework, comparison between the Public Service Bill and the Public Administration Management Bill. The research method used was a comparative analysis of the two Bills. Findings were then presented followed by recommendations.

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