

2/4/6/3/6/1

FIRST REPORT

SUBTHEME COMMITTEE 6.1 PUBLIC ADMINISTRATION

THEME COMMITTEE 6 SPECIALISED STRUCTURES OF GOVERNMENT

1 INTRODUCTION

This report emanates from discussions in Theme Committee 6 on the theme of Public Administration and the Constitution. The discussion in the Theme Committee suggests that a constitutional provision on the Public Service may be desirable. It is the subject of debate, however, what level of detail should be covered in such provision. The weight of opinion is that a constitutional provision on the Public Service should contain as little detail as possible, in order to provide room for adaptation, flexibility and innovation.

The key issues identified for further discussion were:

- (a) the need or otherwise for a constitutional provision on the Public Service/public administration;
- (b) the nature of that provision in terms of brevity and flexibility;
- (c) key themes including:
 - the role of the Public Service;
 - politics and administration;
 - the Public Service Commission structures at national and provincial levels; and
 - the Public Service as an agent of development.

Questions:

- 1.1 Should the Public Service be regulated by way of a constitutional provision? If so, what should the content and form of the constitutional provision be?

2 THE ROLE OF THE PUBLIC SERVICE

The Public Service can be characterised as an institution which should be:

- professional;
- career-oriented;
- non-partisan;
- efficient, effective and responsive in terms of service delivery;
- loyal in its service to the public and the elected government of the day;
- accountable to the public and Parliament.

The role of the Public Service should be considered in the context of transformation to a democratic state and society with a bias towards reconstruction and development. This will require a high quality of human resources, as well as the establishment of frameworks which create a climate for open and interactive involvement in policy making and implementation processes between government and the public.

Questions:

- 2.1 How is the Public Service to be defined and which institutions of government should be incorporated in the definition? For example, should the army, police, health, education, local government and parastatals, as well as administrative personnel in the judiciary, be covered in this definition?
- 2.2 What should be the guiding values and principles for the Public Service?
- 2.3 What would be appropriate, speedy and effective mechanisms for ensuring accountability of public servants for their actions or inactions?
- 2.4 How should the concept of a representative Public Service be defined and what affirmative mechanisms and procedures will assist in achieving such representivity?
- 2.5 Does representivity entail both deracialisation, as well as transformation of state institutions?
- 2.6 Should the public and public employees be entitled to participate in formulating policy on public services and should public service managers be responsible for creating the mechanisms for such participation?

Put differently, should there be a duty on public service managers to consult employees and the public in relation to the provision of public services?
- 2.7 Should there be an obligation on public managers to monitor and evaluate the implementation of public policy and what would be the appropriate mechanisms?

2.8 What forms of review and redress should the public/public employees have in relation to dissatisfaction with service delivery?

3 POLITICS AND ADMINISTRATION

As far as politics and administration is concerned, there are two viewpoints.

The one is that politicians make policy and law, while the Public Service is only involved in the implementation of public policy. The basis for this argument is the view that the involvement of public servants in policy decisions will impact negatively on their ability to act fairly and impartially in the rendition of public services.

The other viewpoint is that public employees cannot be isolated from the policy-making process. This view holds that public employees and senior administrators can play an important and even critical role in the formulation of policies designed to meet the needs of communities. This requires that criteria for appointment of senior administrators must consider their competence to act as policy analysts and advisors in the policy-making process. This is often referred to as a system of limited political appointments.

For example, in the USA, the President or an appointment authority can appoint up to 3 000 civil servants in the top echelons of the Public Service for policy purposes.

In France, each Minister is permitted to appoint 10 persons to a ministerial *Cabinet*, which is responsible for supporting the Minister in relation to policy matters. Members of these *Cabinets* are appointed for their technical and policy expertise and ideological outlook and their term of office is normally linked to that of the Minister. Members of the *Cabinets* include persons seconded from within the Public Service, as well as individuals appointed from outside.

In Holland before a person is appointed as a "mandarin" (the equivalent of our Director-General), the political views of such person are investigated. This is not done with the view of appointing someone who comes from the same ideological hue as the incumbent minister, but rather to ensure that the political composition of Parliament is mirrored in the highest level of public administration. Dutch Ministers are allowed to have two or more political advisors of their own choice, though they have no connection with the ordinary Public Service.

The system of limited political appointments into the Public Service has found favour with some South African public administration academics and managers, who argue that such a system creates space for the injection of innovative ideas from the academic and professional worlds and civil society.

Questions:

- 3.1 Should there be a separation of powers between policy-making and administration?
- 3.2 Should provision be made for limited political appointments in the South African Public Service? If so, what should be the procedure and criteria for such appointments?

4 THE PUBLIC SERVICE COMMISSION

Under South Africa's Interim Constitution, the Public Service Commission is given wide competence to make recommendations and issue directives on public service departmental organisation, conditions of service, personnel practices including appointment and promotion, the promotion of efficiency and effectiveness and the drawing up and monitoring of a Code of Conduct.

Questions have been raised about the powers which reside with the Commission. It has been argued that such wide powers present a real danger of the Commission usurping the functions of government and undermining the role and responsibilities of elected political representatives, especially the Ministry for the Public Service and Administration.

Critics of the role of the Commission, as presently defined in the Interim Constitution, argue that a more appropriate role for the Commission should be:

- To ensure merit, equity and representivity in the appointments and promotions process;
- To act as an agent of change, development and administrative reform.

Questions:

- 4.1 Should an institution such as the Public Protector be embodied in the final text of the constitution? Is there a need for another body, such as the Public Service Commission, that deals exclusively with ombuds aspects relating to the Public Service? If so, what should be its role, particularly in relation to appointments, promotions, human resource development and performance evaluation of departments and employees? How should it be composed? By whom should it be appointed and what are the appropriate mechanisms for public accountability? Should any provisions for the above be made in the Constitution?

- 4.2 What should be the respective roles and responsibilities of the Ministry for the Public Service and the Commission? What, if any, should be the relationship between the Ministry and the Commission?
- 4.3 What role should Parliamentary Select Committees play in relation to the Public Service and the oversight of policy formulation and implementation? Should the Public Service Commission be accountable to a Select Committee on the Public Service?
- 4.4 Should the Public Service Commission act as a body of appeal for public servants or should this role be entrusted to an independent agency?
- 4.5 Who should represent the state as employer in the bargaining process and who mandates these representatives of the state as employer?
- 4.6 Should there be provincial Public Service Commissions? If so, what should their role be? What should be the relationship between the national and provincial Commissions? Should the Constitution contain any provisions on the above?
- 4.7 How should norms and standards of public administration and management be developed and what, if any, should be the instruments of delegation from national to provincial governments?

5 THE PUBLIC SERVICE AS AN AGENT OF DEVELOPMENT

The kernel of the debate is that South Africa's transition provides the opportunity for building a new type/culture of public sector administration which serves to deepen democracy and implement "people-centred" and sustainable development. It has been suggested that the state can play a critical role in development through:

- creating mechanisms for open and interactive policy-making between citizens, communities and government and promoting social partnerships for service delivery;
- forms or forums for effective communication between the administration and the public, user and consumer groups and public employees themselves;

- implementation of RDP programmes and projects which establishes a bias towards redressing the inequalities caused by apartheid.

According to the proponents of the concept of a developmental public service, there is a need to shift the contours of the debate beyond mere restructuring and deracialisation to fundamental transformation of the state administration and a governance approach. This implies a shift from a rule-driven culture towards a strategic planning and strategic management approach, with an emphasis on change management processes. It also requires an approach to human resource development which will ensure the increasing capacity of the state to meet the needs of communities and the challenges of development.

Questions:

- 5.1 Should the Public Service act as an agent for development? If so, how can the Constitution create an enabling framework for such action or should this matter be dealt with elsewhere?

6 CONCLUSION

The purpose of this report is to invite comment from the public and to provide a framework within which comments may be drafted. However, submissions need not be limited to the questions posed, and the Assembly welcomes the broadest range of views and comments on the theme Public Administration and the Constitution.

The brief of Subtheme Committee 6.1 (which is a substructure of Theme Committee 6) is to focus on the Public Service and administration and it be will appreciated if all submissions relevant to this report can address themselves to this issue.

PART II

OVERVIEW OF MATERIAL PROCESSED BY THE COMMITTEE

1. INTRODUCTION

The salient issues in regard to the Public Service which emerged from the material processed by the Committee are the following :

- 1.1 The need for a constitutional provision on the Public Service; ✓
- 1.2 The nature of the constitutional provision on the Public Service; ✓
- 1.3 The definition of the Public Service; ✓
- 1.4 Limited political appointments in the Public Service; and
- 1.5 National Public Service Commission; and ✓
- 1.6 Provincial Service Commissions.

2. AREAS OF AGREEMENT

2.1 CONSTITUTIONAL PROVISION ON THE PUBLIC SERVICE

Constitutional Principle XXX require the inclusion of a Public Service provision in the final text of the constitution.

All parties and submissions processed favour the inclusion of a clause in the final text on the constitution on the public service as the Public Service is seen as having an important role to play in the attainment of constitutional and other policy goals.

2.2 NATURE OF CONSTITUTIONAL PROVISION ON THE PUBLIC SERVICE

All parties agree that the Constitution should provide a minimalist, flexible framework of broad principles for a developmental public service and that the Public Service be regulated by way of legislation, rather than the Constitution.

The Constitution should provide a governing framework outlining the democratic assumptions on which the Public Service is based and establish a common set of basic values and principles applicable to all public sector institutions.

The following is a list of the key values and principles proposed:

- * impartiality and equity in relation to the provision of services;
- * efficiency and effectiveness in relation to developmental and constitutional objectives;
- * professional and ethical conduct on the part of public sector employees;
- * a broadly representative public sector linked to deracialisation, flatter hierarchies and best management practice;
- * accessibility of services and information to the public;
- * responsiveness to the needs of citizens and communities;
- * transparency and openness in government and administration;
- * objectivity and equity in relation to employment practices;
- * a developmental orientation;
- * democratic, structured public participation in public policy-making and management;
- * non-hierarchical, democratic and transparent in relation to the role of public employees in public management;
- * accountability to the structures of government and to the public;
- * career development orientation; and
- * loyalty in the execution of the lawful policies of the government of the day.

The following noteworthy views were expressed in regard to some of the above principles.

● **Accountability**

It was suggested that existing constitutional mechanisms for accountability are acceptable as far as they go, but that they are largely complaints-based mechanisms which deal with accountability for past actions. There is a strong need for proactive measures (before the fact/act) such as inspections etc.

● **Representivity**

The view appears to be that the concept of a broadly representative Public Service is acceptable and that mechanisms for attaining such representivity should not be referred to in the Constitution, but left to policy and legislation.

Representivity should be linked to the deracialisation and transformation of state institutions to ensure employment equity and effective service provision.

● **Policy-Making and Management**

It is the general view that structured public participation in public policy-making is highly desirable and that appropriate, workable consultative mechanisms should be designed and established.

The monitoring and evaluation of public policy implementation should be an essential feature of public administration and mechanisms should include internal arrangements in the Public Service, as well as appropriate oversight bodies/arrangements.

2.3

DEFINITION OF THE PUBLIC SERVICE

The notion of one Public Service for the whole of the Republic of South Africa was supported.

There is agreement that the public service definition should be wide enough to cover national, provincial and local tiers of government, parastatals and the security services as all these institutions are bound together by a set of fundamental values and principles applicable to the public service. These values and principles should be binding on all organs of state at all levels.

The above definition was agreed to subject to the following conditions:

- (a) that local authorities and parastatals (i.e. organisations funded partially or wholly by the State) will not be regulated by the same legislation governing personnel and management practices at national and provincial levels of government.
- (b) that the security services (police, prisons, defence, and departments such as education) and others where necessary, be regulated and administered in terms of separate (i.e. "own") legislation.

2.4 LIMITED POLITICAL APPOINTMENTS IN THE PUBLIC SERVICE

All parties agree in principle on the need for a provision in the constitution allowing for limited political appointments in the public service. These appointment should take the following forms:

- 2.4.1 appointment of ministerial advisors on contract and not in terms of legislation; and
- 2.4.2 appointment on contract by a Cabinet Minister of certain officials in the management echelons of the Public Service (i.e Directors-General and other heads of departments/sections).

This approach was supported on the basis that it allows for lateral entry into the civil service and accordingly strengthen and improve management expertise and capacity in the Public Service, thereby creating space for the injection of fresh and novel ideas from outside the Public Service.

There was unanimity that limited political appointments within the sphere of the professional/career Public Service should not be along party political lines or ideological affiliations.

2.5 A NATIONAL PUBLIC SERVICE COMMISSION

2.5.1 Constitutional provision on the Public Service Commission

All parties agree that the final text of the constitution should contain a clause which provide for the establishment of an independent Public Service Commission ("the Commission"). The Commission must be established along the lines of the office of the Auditor General and should be accountable, and report, to parliament - through a parliamentary select committee.

2.5.2 Appointment of Members of the Commission

The parties agree that members of the commission should be appointed by the President subject to confirmation by Parliament.

2.5.3 Role and function of the Commission

All the parties agree that the Commission should be an independent advisory body on policy matters. In addition to its advisory function, the Commission should be responsible for the inspection of personnel and management practices in departments as well as the implementation of policy and should report regularly to a relevant Parliamentary select committee and relevant Provincial Legislatures' select committees.

3. AREAS OF DISAGREEMENT

3.1 PROVINCIAL SERVICE COMMISSIONS

There is disagreement amongst the parties on the need for the continuation or abolition of Provincial Service Commissions. Three different views are held by the parties, namely:

- 3.1.1 (a) There should be no Provincial Service Commissions. Parties that support this view argue that the interests of provinces could still be catered for, without the necessity of establishing Provincial Service Commissions, by structuring the National Public Service Commission - through legislation - in a way that would ensure provincial representation. The Public Service Commission, so structured, would be accountable to both Parliament and Provincial legislatures for policy implementations taking place, respectively, at each level of government.
- (b) Parties supporting one national Public Service Commission aver that the final text of the Constitution should allow for national and provincial executive appointments into the Public Service Commission.
- (c) In view of the above, proponents of a single national Public Service Commission are proposing that Commission be structured as follows:
 - * the Commission should consist of 10 members;
 - * the Chairperson of the Commission should be appointed by the President in consultation with the Executive from nominations by a (joint) Committee of parliament;

- * Provincial Executives must each appoint one person to be a member of the Commission from nominations by Committees from Provincial legislature; and
- * Each Commissioner, should be empowered to establish an office in his area of jurisdiction; and
- * The Commissioners should be accountable to the legislature (at national and provincial level).

3.1.2 The second view supports the establishment by way of a constitution of Provincial Service Commissions. Proponents of this view aver that Provincial Service Commissions should be appointed as bodies of Provincial legislatures, on the same lines as the National Public Service Commission with similar functions to that of the National Public Service Commission.

This implies that Provincial Service Commissions and not the National Public Service Commission inspect Provincial departments and are accountable to Provincial Legislatures. The Provincial Service Commissions, however, should exercise these functions within the broad framework of the constitution and national policy frameworks.

3.1.3 The third view supports the establishment of Provincial Service Commissions as elucidated in paragraph 3.1.2 above subject to the condition that provincial personnel departments be created for purposes of performing the following tasks:

- * policy implementation;
- * management of departments; and
- * inspection of departments at the provincial level of government.

PART II

OVERVIEW OF MATERIAL PROCESSED BY THE COMMITTEE

The salient issues in regard to the Public Service which emerged from the material processed by the Committee are the following :

1. The need for Constitutional provisions in regard to the Public Service. ✓
2. The nature of Constitutional provisions in regard to the Public Service. ✓
3. The definition of the Public Service and its regulation. ✓
4. The appointment of advisors/experts and senior officials with a change of government.
5. National Public Service Commission. ✓
6. A National Ministry for Public Service and Administration. ✗
7. Provincial Public Service Commissions. ✓

1. CONSTITUTIONAL PROVISIONS IN REGARD TO THE PUBLIC SERVICE

The overwhelming trend was that there should be provisions in regard to the Public Service in the Constitution. In fact, there were no proposal or suggestions to the contrary. Arguments were based mainly on the important role of the Public Service in regard to the attainment of Constitutional and other policy goals. Some submissions make brief reference to Principle XXX in Schedule 4 of the present Constitution.

2. NATURE OF CONSTITUTIONAL PROVISIONS

Different views were expressed in regard to the nature of the provisions which should be embodied in the Constitution, but in the main three trends of thought emerged.

One, that by and large, the existing provisions should be retained with only minor modifications and changes of a technical nature.

Two, that the existing provisions in the Constitution should serve as the basic point of departure for discussion and debate.

The **third**, and certainly strongest, trend which emerged was that the existing provisions on public administration are too detailed. It is proposed that the Constitution provide a minimalist, flexible framework of broad principles/guidelines for a developmental public service and that the Public Service be regulated by statute(s), rather than the Constitution. The Constitution should provide a governing framework outlining the democratic assumptions on which the Public Service is based and establish a common set of basic values and principles applicable to all public sector institutions.

The following is a list of the key values and principles proposed:

- * impartiality and equity in relation to the provision of services;
- * efficiency and effectiveness in relation to developmental and constitutional objectives;
- * professional and ethical conduct on the part of public sector employees;
- * a broadly representative public sector linked to deracialisation, flatter hierarchies and best management practice;
- * accessibility of services and information to the public;
- * responsiveness to the needs of citizens and communities;
- * transparency and openness in government and administration;
- * objectivity and equity in relation to employment practices;
- * a developmental orientation;
- * democratic, structured public participation in public policy-making and management;
- * non-hierarchical, democratic and transparent in relation to the role of public employees in public management;
- * accountability to the structures of government and to the public; and
- * career development orientation

The following noteworthy views were expressed in regard to some of the above principles.

ACCOUNTABILITY

It was suggested that existing constitutional mechanisms for accountability are acceptable as far as they go, but that they are largely complaints-based mechanisms which deal with accountability for past actions. There is a strong need for proactive measures (before the fact/act) such as inspections etc.

REPRESENTIVITY

The view appears to be that the concept of a broadly representative Public Service is acceptable and that mechanisms for attaining such representivity should not be referred to in the Constitution, but left to policy and statute.

Representivity should be linked to the deracialisation and transformation of state institutions to ensure employment equity and effective service provision.

POLICY-MAKING AND MANAGEMENT

It is the general view that structured public participation in public policy-making is highly desirable and that appropriate, workable consultative mechanisms should be designed and established.

The monitoring and evaluation of public policy implementation should be an essential feature of public administration and mechanisms should include internal arrangements in the Public Service, as well as appropriate oversight bodies/arrangements.

3. DEFINITION OF THE PUBLIC SERVICE

The notion of one Public Service for the whole of the Republic of South Africa was supported. The following trends emerged in regard to the definition of the Public Service.

One, that the Public Service be narrowly defined to exclude local government and parastatals. There was a strong feeling that the Constitution should not make public servants out of municipal and parastatal employees.

Two, that there is a common set of fundamental values and principles which are applicable to the public service at national and provincial level, the security services and local government and parastatals. These values and principles should be binding on all organs of state at all levels.

The second approach was coupled by some with the condition that:

- (a) local authorities and parastatals (i.e. organisations funded partially or wholly by the State) were not covered by the same legislation dealing with personnel and management practices at national and provincial government level; and
- (b) that the security services (police, prisons, defence, and departments such as education) and others where necessary, were regulated and administered in terms of separate (i.e. "own") legislation.

4. APPOINTMENT OF ADVISORS/EXPERTS AND SENIOR OFFICIALS

The three trends of thought that emerged can be summarised as follows:

One, that there should be no political appointments in so far as the professional/career Public Service is concerned, since such appointments are based on objective criteria of qualifications, suitability (merit), availability of posts etc.

Two, that there is a need for the appointment of a limited number of Ministerial advisors on a contract basis and not in terms of the Public Service Act.

Three, the appointment of ministerial advisors on contract as set out above as well as the appointment by Ministers of certain officials in the management echelons for the Public Service (eg. Directors-General and other heads of departments/sections) on a contract basis to strengthen and improve management expertise and capacity in the Public Service.

During debates the third approach appeared to be acceptable to most, on condition that contractual appointments within the sphere of the professional/career Public Service were not based on party political grounds or affiliations, and that there was transparency in regard to such appointments.

The questions for the sub-theme committee to debate is:

- (a) whether the Constitution should provide in detail for such appointments;

- (b) whether the Constitution should only in principle, and not in any detail, provide for such appointments at national and provincial level; and
- (c) whether legislation other than the Constitution should provide for such appointments and criteria/details in that regard.

5. A NATIONAL PUBLIC SERVICE COMMISSION

5.1 NEED

There was a general recognition of the need for a National Public Service Commission, although different views were expressed in regard to its status, composition, appointment, role and functions.

5.2 STATUS

The models which were advanced, are the following:

One, that the status quo, be maintained in so far as the Public Service Commission is concerned.

Two, that the Constitution provide for an independent Public Service Commission as a body of Parliament, along the lines of the Auditor-General. This entails accountability to a Select Committee of Parliament, and reporting to Parliament.

During the debates, the second model appeared to be favoured by most, on account of dissatisfactions with the status quo model, and the need for renewal and transformation.

The Subtheme Committee needs to debate the two models.

5.3 APPOINTMENT AND COMPOSITION

5.3.1 Appointment

One view is that the status quo be maintained, i.e that the President decide on the appointment of members as provided for in present legislation.

A second view was that appointments should be made by the President subject to confirmation by Parliament. This would ensure greater transparency, objectivity and legitimacy.

During debates, the second view appeared to prevail, particularly, if it is coupled with a change in the role and functions of the Public Service Commission as set out in item 5.4.

5.3.2 Composition

Provincial representatives expressed the view that the provinces should be represented on the Public Service Commission.

5.4 ROLE AND FUNCTIONS

One view is that the Commission as a body of Parliament along the lines suggested, should be an independent advisory body tasked to ensure merit, equity and representivity in appointments, promotions and other relevant personnel practices, to act as an agent for transformation of the public service and to promote a development orientation for the public service. It was suggested that this would require the Commission to play a significant role in promoting a human resource policy framework aimed at meeting the above objectives.

This view proposes that the Commission's role should not be that of a central personnel authority or manager of the macro-organisation of government, that it should not be directly involved in industrial relations and that it should only have advisory powers and functions.

A second view, goes further than the first, and suggests that the Public Service Commission, in addition to its policy and advisory roles, should be responsible for the inspection of personnel and management practices in departments, policy implementation etc. and regular reports to a Select Committee of Parliament, and select Committees of Provincial Legislatures.

A **third** view assigns the inspection role to a National Department of Public Service and Administration and Provincial Departments of Personnel Administration.

A **fourth** view - "the status quo view" - is that the Public Service Commission continue to exercise the powers and functions enshrined in the Interim Constitution.

The Subtheme Committee needs to discuss the different views.

6. NATIONAL DEPARTMENT FOR PUBLIC SERVICE AND ADMINISTRATION

There is a strong feeling that the Public Service Commission and the Ministry for Public Service and Administration should be separated by the establishment of a National Department for Public Service and Administration, or the attachment of the Ministry for Public Service and Administration to the Office of the State President.

The National Department for Public Service and Administration should, inter alia:

- implement and monitor the application of public service policy in general; and
- lead negotiations on conditions of service in terms of National labour laws

The view is expressed in some submissions that it would be difficult for the National Department of Public Service and Administration to inspect others as is suggested by some.

The Subtheme Committee needs to debate the establishment of a National Department of Public Service and Administration, not as a Constitutional issue in its own right, but by virtue of its impact on the role and functions of the Public Service Commission.

7. PROVINCIAL SERVICE COMMISSIONS

Views differ in regard to the need for Provincial Service Commissions.

One view is that Provincial Service Commissions should be retained, particularly if the role of Commissions is to be defined as agents to promote merit, equity and transformation towards a developmental ethos and orientation in the Public Service. Those submissions which argued for the continued role of the Commission as a central personnel/management authority also argued in favour of retaining Provincial Service Commissions.

It is argued that Provincial Service Commissions promote efficiency, by shortening channels of communication and decision-taking and that they are better equipped to monitor and improve service delivery, at regional and local level.

A **second** view is, that Provincial Service Commissions are a waste of money, since they have no real power. They are in fact equivalent to central personnel management authorities at provincial level.

A **third** view is that Provincial Service Commissions should be appointed as bodies of Provincial legislators, on the same lines as the National Public Service Commission with similar functions to that of the National Public Service Commission at Provincial level. This implies that Provincial Service Commissions and not the National Public Service Commission inspect Provincial departments and that they be accountable to Provincial Legislatures. They should, however, exercise these functions within the broad framework of the Constitution and national policy frameworks.

A **fourth** view is that in addition to Provincial Public Service Commissions, there should be Provincial Personnel Departments who should be responsible for policy implementation, the management of departments and the inspection of departments at provincial level.

A **fifth** view suggests that Provincial representatives on the National Public Service Commission establish provincial offices to carry out inspection and other functions and that these offices account to Provincial legislators.

The Subtheme Committee needs to debate the issue of Provincial Public Service Commissions in the light of the different views that were expressed and on the basis of decisions regarding the overall structuring of Government in the Constitution.