



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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CONTENTS

Page

GOVERNMENT NOTICE

No. 155 Promulgation of Public Service Amendment Act, 2012 (Act No. 6 of 2012), of the Parliament 1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 155

2012

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 6 of 2012: Public Service Amendment Act, 2012.

Act No. 6, 2012

PUBLIC SERVICE AMENDMENT ACT, 2012

EXPLANATORY NOTE:

- _____ Words underlined with a solid line indicate insertions in existing provisions.
- [] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Public Service Act, 1995, so as to empower the Secretary to Cabinet to establish a disciplinary committee consisting of persons who may or may not be staff members in case of disciplinary proceedings instituted against a permanent secretary; and to deal with incidental matters.

(Signed by the President on 9 June 2012)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:

Amendment of section 27 of Act 13 of 1995

1. Section 27 of the Public Service Act, 1995 (Act No. 13 of 1995) is amended by -

(a) the substitution for subsections (3) to (5) of the following subsections:

“(3) The provisions of -

- (a) subsection (2) of section 26 shall, subject to necessary changes, apply to a suspension contemplated in subsection (2), and for that purpose any reference in the first-mentioned subsection to the permanent secretary shall be construed as a reference to the Secretary to the Cabinet; and
- (b) subsections (3) and (4) of section 26 shall, subject to necessary changes, apply to a staff member charged under this section and any reference in subsection (3)(a) of that section to the permanent secretary shall be construed as a reference to the Secretary to Cabinet.;

(4) If the staff member charged denies the charge, the Secretary to the Cabinet, in consultation with the Prime Minister and the Minister of the permanent secretary concerned, shall, within seven days from the date of receipt of the written denial, establish a disciplinary committee consisting of three suitable persons who may or may not be staff members to inquire into the charge of misconduct and the Secretary to Cabinet shall designate one of the persons so appointed to be the chairperson of the committee.

(5) The provisions of subsections (6) to (19), inclusive, of section 26 shall, subject to necessary changes, apply to an inquiry contemplated in subsection (4), and for that purpose any reference in subsections (12)(a), (13), (15(a)(iii) and (iv), (16) and (17)(a), of that section to the permanent secretary shall be construed as a reference to the Secretary to the Cabinet.; and

Act No. 6, 2012**PUBLIC SERVICE AMENDMENT ACT, 2012**

(b) the addition after subsection (5) of the following subsection:

“(6) If the Secretary to Cabinet has reason to believe that a permanent secretary charged or to be charged under subsection (1) committed the acts or engaged in the conduct which constitute the misconduct together with or in collusion with any other staff member or staff members the Secretary to Cabinet may, notwithstanding the provisions of section 26, charge the permanent secretary jointly with the staff member or staff members concerned and in that case all the provisions of this section shall apply to such a staff member or staff members so charged.

Short title

2. This Act is called the Public Service Amendment Act, 2012.
