

PART A: EXECUTIVE AUTHORITY DELEGATIONS TO HEAD OF DEPARTMENT FOR PUBLIC MANAGEMENT AND ADMINISTRATION

DEPARTMENT OF LIMPOPO PROVINCIAL TREASURY

In accordance with the powers vested in me by -

- (a) the Public Service Act, 1994, as amended by Act 30 of 2007, as set out in Appendix A; and
- (b) the Public Service Regulations, 2016, promulgated in terms of Section 41 of the said Act, as set out in Appendix B;

I, Sekoati Seaparo Charles, Member of Executive Council for FINANCE delegate the powers and duties vested in me to the Head of Department: LIMPOPO PROVINCIAL TREASURY as set out in Appendix A and B, read in conjunction with the general conditions set out hereunder.

Executive Authority and Head of Department to sign and date all pages.

SIGNED AT Polokwane ON THIS 08 DAY OF MAY 2023

NAME OF EXECUTIVE AUTHORITY: **SEKOATI SEAPARO CHARLES**

SIGNATURE

NAME OF EXECUTIVE AUTHORITY PORTFOLIO: **MEMBER OF EXECUTIVE COUNCIL**

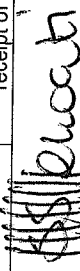
NAME OF HEAD OF DEPARTMENT: **PRATT GAVIN CHARLES**

SIGNATURE

NAME OF DEPARTMENT: **LIMPOPO PROVINCIAL TREASURY**

Annexure D1: PART A, APPENDIX A: Delegations Register- EA to HoD delegations in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Functionary	POST LEVEL DELEGATED TO HOD	DELEGATION CONDITIONS AND LIMITATIONS	
Section	Topic Description			Indicators for Execution/ Reporting/ Consultation/ Informing	
1.	3 (7) An executive authority has all those powers and duties necessary for- (a) the internal organisation of the department concerned, including its organisational structure and establishment, the transfer of functions within that department, human resources planning, the creation and abolition of posts and provision for the employment of persons additional to the fixed establishment; and (b) the recruitment, appointment, performance management, transfer, dismissal and other career incidents of employees of that department, including any other matter which relates to such employees in their individual capacities, and such powers and duties shall be exercised or performed by the executive authority in accordance with this Act.	EA	Not Delegated	Institutional arrangement for Government components not delegated (7A). EA approves L2-16 (Internal Structure) Corporate Management Services to facilitate the development and implementation in consultation with branches. CFO to be consulted OD Directive to be followed. Restructuring to be approved by EA. Review/ redesign of individual components or branches L2-16 to be approved by EA.	
2.		EA	HOD L2-14	EA approves L15-16 (excluding HOD post) EA approves selection and interview panel for Level 15-16 (excluding HOD post) HOD can sign off administrative processes after EA's approval. HOD cannot sub delegate levels L13-14.	
3.	3 (8) (a) The relevant executive authority may, subject to paragraphs (b) and (c), perform any act in connection with any matter which relates to or arises from the employment or the conditions of service of a person formerly employed in the public service whilst he or she was so employed in the department concerned. (d) On request of the relevant executive authority and on good cause shown, the Minister may in respect of a particular person extend the period of three years with such period as the Minister considers appropriate. (b) If the Commission issues a direction contemplated in paragraph (a), the relevant executive authority or head of department, as the case may be, shall implement the direction as soon as possible after receipt of the written communication conveying the	EA	Section (a) HOD 2-14	For 3(8)(a): EA approves L15-16 HOD cannot sub delegate levels L13-14.	
4.	5(8)	EA	Section (d) Not delegated	For 3(8)(d): EA to approve L2-15 subject to Minister's approval	
		EA	HOD 2-15	EA retains L16 HOD approves L2-15	

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5. 9	direction but, in any event, within 60 days after the date of such receipt. Appointments in Public Service				
6. 9	An executive authority may appoint any person in his or her department in accordance with this Act and in such manner and on such conditions as may be prescribed.	EA	HOD L2-14	EA approves L 15-16 in concurrence with Provincial Executive Council (excluding HOD post) HOD approves L13-14 DDG: CMS approves L2-12	
7. 12	Appointment of heads of department and career incidents				
8. 12	(1) Notwithstanding anything to the contrary contained in this Act, but subject to this section and sections 2 (2B) and 32 (2) (b) (i), the appointment and other career incidents of the heads of department and government component shall be dealt with, in the case of: (a) a head of a national department or national government component, by the President; and (b) a head of the Office of a Premier, provincial department or provincial government component, by the relevant Premier. (2) (a) A person shall be appointed to the post of head of department in terms of section 9 for such term, not exceeding five years, as the relevant executive authority may approve. (b) The head of department shall conclude the prescribed contract within the prescribed period. (c) The relevant executive authority may at the expiry of the term of office of a head of department or at the expiry of an extended term of office extend the term for a period of not more than five years at a time. (3) (a) The President may transfer the head of a national department or national government component before or at the expiry of his or her term, or extended term, to perform functions in a similar or any other capacity in a national department or national government component in a post of equal, higher or lower grading, or additional	Premier	Not delegated		
		Premier	Not delegated		

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	to the establishment, as the President considers appropriate. (b) The Premier of a province may transfer the head of the Office of the Premier, a provincial department or a provincial government component before or at the expiry of his or her term, or extended term, to perform functions in a similar or any other capacity in the Office of the Premier, a provincial department or a provincial government component of the relevant province in a post of equal, higher or lower grading or additional to the establishment, as the Premier considers appropriate. (c) The President may, in consultation with the Premier or Premiers concerned, transfer before or at the expiry of his or her term, or extended term- (i) the head of a national department to perform functions in a similar or any other capacity in the Office of a Premier, a provincial department or a provincial government component; or (ii) the head of the Office of a Premier, a provincial department or a provincial government component, to perform functions in a similar or any other capacity in the Office of a Premier, a provincial department or provincial government component of another province or in a national department or national government component, in a post of equal, higher or lower grading or additional to the establishment, as the President, in consultation with the Premier or Premiers, considers appropriate. (d) A transfer in terms of this subsection may only occur if (i) the relevant head of department consents to the transfer; or (ii) after due consideration of any representations by the head, the transfer is in the public interest.	Premier	Not delegated	

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	(e) Any person appointed as head of department or government component who is transferred in terms of this subsection- (i) during his or her term of office or extended term-(aa) shall for the unexpired portion of that term not suffer any reduction in salary and change of other conditions of service, unless he or she consents thereto; and (bb) to a higher post shall not by reason only of that transfer be entitled to the higher salary applicable to the higher post; and (ii) at the expiry of his or her term of office, or extended term, shall receive the salary and conditions of service attached to the capacity in which he or she is so transferred. (4) If it is in the public interest and it is allowed by a determination made in terms of section 3 (5), an executive authority may, on the conditions provided for in such determination, grant a special service benefit to head of the relevant department before or at the expiry of his or her term of office or an extended term, or at the time of retirement or dismissal from the public service.				
9. 12A	Appointment of persons on grounds of policy considerations				
10. 12A	(1) Subject to this section, such executive authorities as the Cabinet may determine may appoint one or more persons under a contract, whether in a full-time or part-time capacity- (a) to advise the executive authority on the exercise or performance of the executive authority's powers and duties; (b) to advise the executive authority on the development of policy that will promote the relevant department's objectives; or	EA	Not delegated	EA to appoint persons on grounds of policy considerations. EA approves appointments. HOD signs off administrative processes for Level 13 DDG: CMS signs off administrative processes for Levels 2-12	

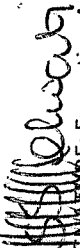
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	(c) to perform such other tasks as may be appropriate in respect of the exercise or performance of the executive authority's powers and duties. (2) The maximum number of persons that may be appointed by an executive authority under this section and the upper limits of the remuneration and other conditions of service of such persons shall be determined by the Cabinet in the national sphere of government. (3) The special contract contemplated in subsection (1) shall include any term and condition agreed upon between the relevant executive authority and the person concerned, including- (a) the contractual period, which period shall not exceed the term of office of the executive authority; (b) the particular duties for which the person concerned is appointed; and (c) the remuneration and other conditions of service of the person concerned.				
11	13				
12	13 (1)	EA	HOD L2-14	EA recommends L16 to OTP EA approves L15 HOD approves L13-14 DDG: CMS approves L2-12	
13	13 (2)	EA	HOD L2-14	EA recommends L16 to OTP EA approves L15 HOD approves L13-14 DDG: CMS approves L2-12	


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14	13 (3) If the probationary appointment is not confirmed in terms of subsection (2), the executive authority may extend the period of probation or dismiss the employee in accordance with the Labour Relations Act.	EA	HOD L2-14	EA recommends L16 in concurrence with OTP EA approves L15 HOD approves L13-14 DDG: CMS approves L2-12
15	14 Transfers within public service			
16	14 (1) Subject to subsections (2), (3) and (4), any employee of a department may be transferred— (a) within the department, by its executive authority; (b) to another department by the executive authorities of the two relevant departments.	EA	(a)HOD L2-14	Section 14 (1) (a) and (b) EA approves L15 HOD approves L13-14 DDG: CMS: L2-12
17	15 Transfer and secondment from and to public service			
18	15 (2) If it is in the public interest and if the prescribed conditions (if any) have been complied with, the executive authority of a department may, with the approval of the employer concerned, approve the secondment of a person in the service of an organ of state, another government or any other body to the department— (a) for a particular service or period not exceeding the prescribed period (if any); and (b) on the prescribed conditions (if any) and such other conditions as agreed between the relevant functionary of the body concerned and the executive authority.	EA	Not delegated both (a) and (b)	EA approves Not delegated
19	15 (3) (a) The executive authority of a department may second an employee of the department to another department, any other organ of state, another government or any other body—	EA	Not delegated	EA approves Not delegated

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	i. for a particular service or period not exceeding the prescribed period (if any); and ii. on the prescribed conditions (if any) and such other conditions as agreed upon between the executive authority and the relevant functionary of the body concerned.				
20	16				
21	Retirement and retention of services (b) An officer who has the right to an earlier retirement age in terms of paragraph (a), and who wishes to be so retired, shall give written notification to his or her head of department of his or her wish to be so retired, and he or she shall— (ii) if that notification is not given at least three calendar months prior to the date on which he or she attains the said age, be so retired on the first day of such month as the executive authority may approve, which day may not be before the date on which he or she attains the said age and not be later than the first day of the fourth month after the month in which the notification is received.	EA	HOD L2-14	EA approves L 15 HOD approves L13-14 DDG:CMS: L2-12	
22	16 (4)	EA	HOD L2-14	EA approves L 15 HOD approves L13-14 DDG: CMS: L2-12	
23	16(5)	EA	Not delegated	Premier approves HoD.	

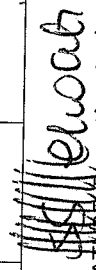

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24	16 (5)	the contract concluded with the employee, as the case may be, if sufficient reason exists for the retirement. (b) If an officer is allowed to retire from the public service in terms of paragraph (a), he or she shall, notwithstanding anything to the contrary contained in subsection (4), be deemed to have retired in terms of that subsection, and he or she shall be entitled to such pension as he or she would have been entitled to if he or she had retired from the public service in terms of that subsection.	EA	Not delegated	Premier approves HoD.	
25	16 (6)	(a) An executive authority may, at the request of an employee, allow him or her to retire from the public service before reaching the age of 60 years, notwithstanding the absence of any reason for dismissal in terms of section 17(2), if sufficient reason exists for the retirement. If it is in the public interest to retain an officer, other than a member of the services or an educator or a member of the State Security Agency, in his or her post beyond the age at which he or she is required to be retired in terms of subsection (1), he or she may, with his or her consent and with the approval of the relevant executive authority, be so retained from time to time for further periods which shall not, except with the approval of Parliament granted by resolution, exceed in the aggregate two years.	EA	Not delegated	EA approves L2-15 in cases where employees request the department to consider payment of penalties (To be read in conjunction with 16 (b) (b))	
26	16 (7)		EA	Not delegated	EA approves L2-15	
27	16A (1)	(1) An executive authority shall- (a) immediately take appropriate disciplinary steps against a head of department who does not comply with a provision of this Act or a regulation, determination or directive made thereunder; (b) immediately report to the Minister the particulars of such non-compliance; and	EA	Not delegated	Premier approves HoD. The relevant EA or in the case of the Office of the Public Service Commission, the Chairperson of the Public Service Commission, must- (a) Identify a prima facie case to indicate that misconduct has taken place and compile a preliminary report on such misconduct. (b) Determine whether the precautionary suspension of a HoD is warranted in the circumstances taking into account that in terms of the Disciplinary Code applicable to HoDs, a HoD may be suspended on full pay if:	

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	(c) as soon as possible report to the Minister the particulars of the disciplinary steps taken.			(i) The HoD is alleged to have committed a serious offence. (ii) It is believed that the presence of the HoD at the workplace might jeopardise and investigation into the alleged misconduct, or endanger the well-being or safety of any person or state property. (c) In the event that a precautionary suspension is warranted, request the MPSA to facilitate the signing of the President's Minute to delegate the power to suspend the HoD to a Minister and in the case of the Office of the Public Service Commission, the President shall determine whether to suspend the HoD of the Office of the Public Service Commission. Such request must be accompanied by a preliminary report justifying such request. 2. In the event that the HoD is placed on precautionary suspension, the disciplinary hearing must be convened within 60 days of the date of suspension. The extension of the suspension period may only be done by the Chairperson of the disciplinary enquiry, failing which the suspension terminates and the HoD must return to work. 3. The relevant Minister or in the case of the Office of the Public Service Commission, must— (a) initiate a full investigation of the allegations of misconduct; (b) In the event that the investigation demonstrates allegations of serious misconduct, request the MPSA to facilitate the signing of a President's minute to delegating the power to discipline the HoD to a specific Minister and in the case of the Office of the Public Service Commission, the President shall determine whether to discipline the HoD of the Office of the Public Service Commission. Such request must be accompanied by a detailed investigation report justifying such request, including draft charges. 4. The relevant Minister must ensure that the disciplinary hearing is conducted in compliance with the prescribed Disciplinary Code.	
28	16A (4) The Minister shall at least annually submit to the relevant committees of Parliament dealing with matters relating to the public service and, through the relevant Premier, to any similar committee of the relevant provincial legislature, every non-compliance with a provision of this Act or a regulation, determination or directive made thereunder— (a) reported in terms of subsection (1) or (2); or	EA	Not delegated	HRM facilitates Not delegated	

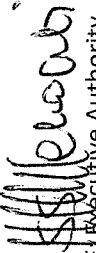
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	(b) confirmed in an investigation in terms of section 5 (8).				
29	16B(1) Subject to subsection (2), when a chairperson of a disciplinary hearing pronounces a sanction in respect of an employee found guilty of misconduct, the following persons shall give effect to the sanction: (a) In the case of a head of department, the relevant executive authority; and (b) in the case of any other employee, the relevant head of department.	EA	HoD L1-15		EA approves HoD Level The relevant Minister or in the case of the Office of the Public Service Commission, the Chairperson of the Public Service Commission, must request the MPSA to facilitate the signing of the President's minute to delegate the power to implement the sanction in respect of the HoD found guilty of misconduct. Such request must be accompanied by a copy of the chairperson's finding and sanction.
30	16B(6) If notice of a disciplinary hearing was given to an employee, the relevant executive authority shall not agree to a period of notice of resignation which is shorter than the prescribed period of notice of resignation applicable to that employee.	EA	Not delegated		Not delegated
31	17 Termination of employment				
32	17 (1) (a) Subject to paragraph (b), the power to dismiss an employee shall vest in the relevant executive authority and shall be exercised in accordance with the Labour Relations Act.	EA	HOD L1-12		EA for levels 13-16 (excluding HOD post)
33	17 (2) An employee of a department, other than a member of the services, an educator or a member of the Intelligence Services, may be dismissed on account of- (a) incapacity due to ill health or injury; (b) operational requirements of the department as provided for in the Labour Relations Act; (c) incapacity due to poor work performance; or (d) misconduct.	EA	HOD L1-12		EA for levels 13-16 (excluding HOD post) HOD for levels L1-12 Note: The dismissal of a HoD for incapacity due to ill health or injury shall be made in accordance with the Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR) applicable for the public service. 17(2)(c) The relevant Minister or in the case of the Office of the Public Service Commission, the chairperson of the Public Service Commission, must request the MPSA to facilitate the signing of the President's minute to delegate the power to initiate a process that may result in the dismissal of the HoD due to poor performance.

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34	17(3) (b) If an employee who is deemed to have been so dismissed, reports for duty at any time after the expiry of the period referred to in paragraph (a), the relevant executive authority may, on good cause shown and notwithstanding anything to the contrary contained in any law, approve the reinstatement of that employee in the public service in his or her former or any other post or position, and in such a case the period of his or her absence from official duty shall be deemed to be absence on vacation leave without pay or leave on such other conditions as the said authority may determine.	EA	Not delegated	Such request must be accompanied by a report containing all necessary information and all steps taken by the relevant Minister or the Chairperson, as the case may be.	Not delegated
35	30 Other remunerative work by employees				
36	30 (1) No employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department.	EA	Not delegated	EA approves L2-16	
37	30 (3) (a) The executive authority shall decide whether or not to grant permission, contemplated in subsection (1) within 30 days after the receipt of the request from the employee in question (b) If the executive authority fails to make a decision within the 30 day period, it would be deemed that such permission was given.	EA	Not delegated	EA approves L2-16	
38	31 Unauthorized remuneration				
39	31(2) (b) In circumstances regarded by the relevant executive authority as exceptional, the said authority may approve of paying out of revenue an amount equal to that salary, allowance, fee, bonus or honorarium, or a portion thereof, to the employee concerned.	EA	Not delegated	EA approves level L2-16	

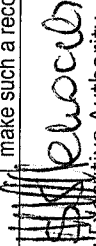
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40	32	Direction to perform other functions or to act in another post				
41	32 (1)	Subject to such conditions as may be prescribed, an executive authority or the head of a department may direct an employee under his or her control temporarily to perform any functions other than those ordinarily assigned to the employee or appropriate to his or her grade or post.	EA	HOD L2-15	HOD approves L13-15 DDG:CMS approves L2-12	
42	32 (2)	(a) An employee may be directed in writing to act in a post subject to such conditions as may be prescribed. (b) Such acting appointment shall be made— (i) in the case of the post of head of department, by the relevant executive authority;	EA	HOD L13-15 (b) HOD	DDG: CMS approves L 1-12: (6 weeks and longer – with financial implications) Supervisors appoints for acting less than 6 weeks (no financial implications) Section 32(2)(a) HOD approves L13-15 For section 32(2)(b)(i) EA approves if longer for six weeks HOD approves if shorter than six weeks	
43	35	Grievances of employees				
44	35(1)	For the purposes of asserting the right to have a grievance concerning an official act or omission investigated and considered by the Commission— (a) an employee may lodge that grievance with the relevant executive authority under the prescribed circumstances, on the prescribed conditions and in the prescribed manner; and (b) if that grievance is not resolved to the satisfaction of the employee, that executive authority shall submit the grievance to the Commission in the prescribed manner and within the prescribed period.	EA	HOD L2-14	EA approves L15 HOD approves L13-14 DDG: CMS: L2-12	
45	35(2)	After the Commission has investigated and considered any such grievance, the Commission may recommend that the relevant executive authority acts in terms of a particular provision or particular provisions of this Act or any other law if, having regard to the circumstances of the case, the Commission considers it appropriate to make such a recommendation.	EA	Not delegated	Not delegated.	

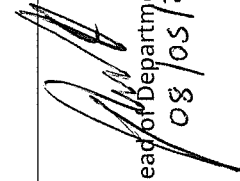
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46	35(3)	A head of department may lodge any such grievance with- (a) the relevant executive authority in terms of subsection (1); or (b) directly with the Commission under the prescribed circumstances, on the prescribed conditions and in the prescribed manner.	EA	-	Premier approves HoD Note: Adopt grievance procedure applicable to HoDs in the public service	
47	37	Remuneration of employees				
48	37 (2)	An executive authority may, only if it is allowed by regulation and to the extent prescribed— (a) grant employees or classes of employees of the relevant department on appointment or transfer salaries higher than the minimum amounts of the appropriate salary levels of the applicable salary scales; (b) grant employees or classes of employees of the relevant department special advancement in salaries within the salary level of the salary scale applicable to them; and (c) grant an employee of the relevant department special advancement in salary within the salary level of the salary scale applicable to him or her or grant him or her a salary in accordance with a higher salary level or any other reward, if he or she has exceptional ability or special qualifications or has rendered meritorious service and it is in the public interest.	EA	Not delegated	Not delegated	
49	38	Wrongly granted remuneration				
50	38 (1)	(a) if an incorrect salary, salary level, salary scale or reward is awarded to an employee, the relevant executive authority shall correct it with effect from the date on which it commenced.	EA	HOD L2-15	Head of CS to inform the relevant employee of the overpayment in consultation with CFO to determine possible steps to be taken to ensure recovery in writing.	


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