

PART B: HEADS OF DEPARTMENT DELEGATIONS TO PERFORMER LEVELS 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, ..GAVIN CHARLES PRATT Head of Department: LIMPOPO PROVINCIAL TREASURY, delegate the powers and duties vested in me to the incumbents of posts as set out in Appendix A and B, read in conjunction with the general conditions set out hereunder.

Head of Department to sign and date all pages.

SIGNED AT Polokwane ON THIS 08 DAY OF MAY 2023

NAME OF HEAD OF DEPARTMENT: GAVIN CHARLES PRATT

NAME OF DEPARTMENT: LIMPOPO PROVINCIAL TREASURY

SIGNATURE: _____



Annexure D3: PART B, APPENDIX A: Delegations Register- HoD delegations to other Performer Levels in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Function any	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS	
Section	Topic Description		Head Office	Region	District	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	EA	Not delegated	-	-	Not delegated	
2.	(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	DDG:CMS L2 - L12	-	-	EA approves L15 -16 (excluding HOD post) HOD to sign off administrative processes after EA's approval HOD approves L13-14 DDG: CMS approves L2-L12	
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.	EA	DDG: CMS	-	-	For 3(8)(a): DDG: CMS approves L2-L12 No delegation for 3(8)(d)	
4. 5(8)	(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	EA	Not delegated	-	-	HOD approves L2-15	

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	receipt of the written communication conveying the direction but, in any event, within 60 days after the date of such receipt.					Indicators for Execution/Reporting/ Consultation/ Informing
5. 9	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	DDG: CMS 2-12	-	-	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	Premier	Not delegated			

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	in a post of equal, higher or lower grading, or additional 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;					Indicators for Execution/Reporting/ Consultation/ Informing

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	(ii) after due consideration of any representations by the head, the transfer is in the public interest. (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- (ae) 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	EA	Not delegated				EA to appoint persons on grounds of policy consideration. EA approves appointments. HOD signs off administrative processes for Level 13 DDG: CMS signs off administrative processes for Levels 2-12
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 for	EA	Not delegated				EA to appoint persons on grounds of policy consideration. 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. [Sub-s. (1) amended by s. 18 of Act 30 of 2007.] (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.					Indicators for Execution/Reporting/ Consultation/ Informing
11	13					
12	13 (1)	EA	DDG: CMS L2-L12	-	-	HOD approves L13-L14 DDG: CMS approves L2-L12
13	13 (2)	EA	DDG: CMS L2-L12	-	-	HOD approves L13-L14 DDG: CMS approves L2-12 HRM to facilitate in consultation with relevant functionaries Completion and submission of quarterly reports by relevant supervisors.

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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	DDG: CMS L2-L12	-	-	HOD approves L13-L14 DDG: CMS L2-L12
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	DDG: CMS L2-L12	-	-	HOD approves L13-L14 DDG: CMS: L2-12 Corporate Services to facilitate HOD approves L13-L14 DDG: CMS: L2-12 Corporate Services to facilitate
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	(a) Not delegated (b) Not delegated	-	-	(a) and (b) 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	-	-	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	Retirement and retention of services					
21	16(2) (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	DDG: CMS L2-L12	-	-	EA approves L 15 HOD approves L13-L14 DDG: CMS approves L2-L12	
22	16 (4) An officer, other than a member of the services or an educator or a member of the State Security Agency who has reached the age of 60 years may, subject in every case to the approval of the relevant executive authority, be retired from the public service.	EA	DDG: CMS L2-L12	-	-	EA approves L 15 HOD approves L13-L14 DDG: CMS: L2-L12	
23	16(5) (a) Subject to the terms and conditions of a contract contemplated in section 12 (2), an executive authority may, at the request of an employee occupying the office of head of department, allow him or her to retire from the public service before the expiry of the term contemplated in section 12 (2), or any extended term contemplated therein, and notwithstanding the absence of any reason for dismissal in terms of section 17 (2) or	EA	Not delegated	Not delegated	Not delegated	EA recommends to OTP for approval. 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	Not delegated	Not delegated	EA recommends to OTP for approval. 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.	EA	Not delegated	-	-	EA approves L2-15	
26	16 (7) 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	
27	16A Failure to comply with Act						
28	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;	EA	Not delegated			Premier approves for HOD	

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29	(b) immediately report to the Minister the particulars of such non-compliance; and (c) as soon as possible report to the Minister the particulars of the disciplinary steps taken. A head of a department shall— (a) immediately take appropriate disciplinary steps against an employee of the department who does not comply with a provision of this Act or a regulation, determination or directive made thereunder; (b) immediately report to the Director-General: Public Service and Administration the particulars of such non-compliance; and (c) as soon as possible report to that Director-General the particulars of the disciplinary steps taken	HOD	(a) DDGs L9-12 (a) CDs L2-8 (b) and (c) not delegated	-	-	HOD disciplines L13-15 DDGs disciplines L9-12 CDs disciplines L2-8 Report to HOD and Labour Relations on disciplinary actions taken	
30	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 (b) confirmed in an investigation in terms of section 5 (8).	EA	Not delegated	-	-	EA reports for L2-16 HRM facilitates	
31	16B Discipline 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: (b) in the case of any other employee, the relevant head of department.	HOD	Not delegated	-	-	HOD L2-15	

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33	16B (4) If an employee of a department (in this subsection referred to as 'the new department'), is alleged to have committed misconduct in a department by whom he or she was employed previously (in paragraph (b) referred to as 'the former department'), the head of the new department— (b) shall institute or continue such steps if so requested— (iii) by the head of the former department, in the case of any other employee.	HOD	Not delegated	-	-	HOD L2-15	
34	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	-	-	HRM facilitates	
35	17 Termination of employment						
36	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 L 1-12	-	-	EA for levels 13-16 (excluding HOD post) HOD for levels L1-12	
37	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	
38	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	EA	Not delegated	-	-	EA approves L2- 16	

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39	30	Other remunerative work by employees						
40	30 (1)	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.						
41	30 (3)	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. (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 Level 2-16	
42	31	Unauthorized remuneration						
43	31 (1)	(a)(ii) If the employee fails to so pay into revenue the amount or value, the said head of department shall recover it from him or her by way of legal proceedings and pay it into revenue. (iv) The accounting officer of the relevant department may approve that the employee concerned retains the whole or a portion of the said remuneration, allowance or reward. (b) if— (i) in the opinion of the head of department mentioned in paragraph (a) an employee has received any remuneration, allowance or other reward contemplated in that paragraph; and	HOD	Not delegated	-	-	HOD approves Level 2-15 Corporate Services to facilitate with CFO	

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	(ii) it is still in his or her possession or under his or her control or in the possession or under the control of any other person on his or her behalf, or, if it is money, has been deposited in any bank as defined in section 1(1) of the Banks Act, 1990 (Act 94 of 1990), or a mutual bank as defined in section 1(1) of the Mutual Banks Act, 1993 (Act 124 of 1993), in his or her name or in the name of any other person on his or her behalf, that head of department may in writing require that employee or that other person or that financial institution not to dispose thereof, or, if it is money, not to dispose of a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of that remuneration, allowance or reward or the value thereof.						
44	31(2)	EA	Not delegated	-	-	EA approves level L2-16	
45	32	Direction to perform other functions or to act in another post					
46	32 (1)	HOD/EA	HOD L13-15 DDG: CMS L2-12	-	-	HOD approves L13-15 DDG:CMS approves L2-12	
47	32 (2)	HOD	DDG: CMS L2-12	-	-	DDG: CMS approves L2-12 (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	

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	(ii) in the case of any other post, by the employee occupying the post, unless otherwise determined by the head of department.		Section (b) Not delegated			For section 32(2)(b)(i) EA approves	
48	Grievances of employees						
49	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	DDG:CMS L2-12	-	-	EA approves L15 HOD approves L13-14 DDG: CMS: L2-12	
50	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	
51	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	Not delegated			Premier approves HoD	Note: Adopt grievance procedure applicable to HoDs in the public service.
52	37 Remuneration of employees						

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53	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	
54	38 Wrongly granted remuneration						
55	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.
56	38 (2) If an employee contemplated in subsection (1) has in respect of his or her salary, including any portion of any allowance or other remuneration or any other benefit calculated on his or her basic salary or salary scale or awarded to him or her by reason of his or her basic salary— (b) been overpaid or received any such other benefit not due to him or her— i. an amount equal to the amount of the overpayment shall be recovered from him or her by way of the	HOD	HOD L2-15	-	-		EA approves L16. 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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		deduction from his or her salary of such instalments as the relevant accounting officer may determine if he or she is in the service of the State, or, if he or she is not so in service, by way of deduction from any moneys owing to him or her by the State, or by way of legal proceedings, or partly in the former manner and partly in the latter manner;					Indicators for Execution/Reporting/ Consultation/ Informing
57	38(3)	The accounting officer of the relevant department may remit the amount of an overpayment to be recovered in terms of subsection (2)(b) in whole or in part.	HOD	HOD L2-15	-	-	EA approves L16. 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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