

**NORTHERN CAPE
LEGISLATURE SERVICE ACT
(ACT 2 OF 2011)
SIMPLIFIED VERSION**

NORTHERN CAPE LEGISLATURE SERVICE ACT

1. WHAT IS THE PURPOSE OF THE ACT?

To provide a **framework** for **administrative support** to the Legislature and its **members** in order to fulfill the respective responsibilities in accordance with the provisions of the **Constitution of the Republic of South Africa, 1996**. The service structure consists of **divisions, departments and sections**, each is headed by an employee.

2. WHO WILL BE AFFECTED BY THE ACT? (Section 10 (5))

The Act applies to all persons employed **permanently, fixed term contract** or a **position in the office of the Speaker or Deputy Speaker**.

3. WHAT IS THE ROLE OF THE SPEAKER? (Section 4)

The Speaker as the political head must **oversee** amongst others, the following:

- Matters connected with the **business of the Legislature**.
- Administration and **implementation of the Standing Rules**
- **Compliance with all legislation** that impacts on the administration and the finances of the Legislature.
- **Development and implementation** of policies of the Legislature.

4. HOW IS THE SECRETARY APPOINTED AND REMOVED? (Section 5 & 15)

- The Speaker must nominate a suitable person who must be appointed by a **Resolution** adopted by the Legislature as **Secretary for a 5 year period**.
- The Secretary must be removed from office by a **resolution adopted** by the House.

5. WHAT ARE THE FUNCTIONS OF THE SECRETARY? (Section 7)

- The Secretary is the Accounting Officer and **responsible** for all matters connected with the business of the Legislature. The Secretary **may** delegate a power or assign a duty conferred or imposed on him or her by the Act or by legislation to a senior official or other employee.
- The power to dismiss an employee vests in the Secretary but this power must be exercised with due observance of the applicable provisions of the Labour Relations Act.

6. HOW IS A SENIOR MANAGER AND AN EMPLOYEE APPOINTED? (Section 11)

- The Speaker **approves** the appointment of a **senior manager**.
- The Secretary **recommends** to the Speaker for his or **her approval** the appointment of all other employees and the appointment of all employees is made on **probation**.
- The Secretary **may**, in writing appoint a **suitable** employee to **act** in the office when a Senior official is, **absent or unable to fulfill the duties of that office or during a vacancy in such office**.

7. WHAT ARE THE RESPONSIBILITIES OF A SENIOR OFFICIAL? (Section 12)

A senior official is the head of a **division**, a **department** or a **section** and is responsible to efficiently manage and **administer** his or her area of responsibility, including the effective utilization and training of employees.

8. PROCEDURE FOR MISCONDUCT, SUSPENSION, TERMINATION OF SERVICE, GRIEVANCE AND APPEAL (Sections 17 & 20)

- **Suspensions, Terminations** and **Appeals** must be dealt with in accordance with the procedure set out in a **policy or the Regulations**.
- An employee has the right to have his or her **complaint or grievance** concerning an official **act or omission** investigated and considered in terms of the procedure set out in **policy or the regulations**.

9. OTHER WORK BY AN EMPLOYEE (Section 21)

- An employee must place the whole of his or her time at the disposal of the Service and obtain permission to perform other remunerative work.
- The Secretary and all employees must **declare interest** in accordance with a **policy** or the Regulations.

10. REGULATIONS AND POLICIES (Section 24 and 25)

- The **Speaker** must in concurrence with the **Rules Committee** make Regulations which are not inconsistent with this Act or any other legislation.
- The **Secretary oversees** the development of **policies** and the **Speaker approves** policies.
- Regulations **must** be published in the Gazette and policies **may** be published in the Gazette.