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Corruption Watch calls for the reintroduction of the Anti-corruption bureau into the new public service legislation

On 7 March 2014 Corruption Watch (CW) made submissions to the Portfolio Committee on Public Service and Administration regarding the new Public Administration Management Bill (PAM Bill).

CW expressed deep concern and disappointment that two key provisions that were initially introduced in an earlier version of the PAM Bill have been excised.

In this regard, CW called for the reintroduction of a 'cooling-off' period before public officials who were involved directly in contract awards can enter the private sector from the public sector. CW submitted that a 'cooling-off' period is necessary in order to: protect state proprietary information, limit the potential influence of the prospect of a lucrative private employment opportunity in public decision-making, as well as prevent corruption and the appearance of corruption.

In addition, CW called for the reintroduction of the anti-corruption bureau into the PAM Bill. The anti-corruption bureau was replaced by provisions creating a technical support unit without the key investigative powers that were conferred on the anti-corruption bureau. CW submitted that the state is constitutionally required to establish effective anti-corruption mechanisms and that the bureau was a laudable attempt to do so. It should thus be reintroduced.

CW views the anti-corruption bureau as necessary in the fight against corruption in the public service. It views its powers as consistent with section 197 (4) of the Constitution. In CW's view, the anti-corruption bureau does not impermissibly intrude on the autonomy of provincial and local government. Rather it goes a long way to fulfilling the requirement of effectively tackling corruption.

Corruption Watch expressed its general support to the DPSA for its move to improve the functions of the public service. It welcomed the ban on public officials conducting business with the state and called for increased resources to monitor this novel legal provision.

"The reports received by CW coupled with Public Service Commission data demonstrate the need for a more robust approach to tackling corruption in the public service. In particular the data on the number of public sector employees placed on lengthy suspensions for alleged corruption related offenses demonstrate the acute difficulty that public sector agencies have in investigating these allegations and in exercising discipline. The new PAM bill is a key opportunity to address these serious problems. This opportunity should not be lost. We need to bring back the anti-corruption bureau with its vital investigative powers," said David Lewis executive director of Corruption Watch.

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