



A SIMPLE GUIDE TO ACT 8 OF 2026

Who checks that government serves you?

The Public Service Commission Act explained

When public offices are poorly managed, people feel the effects through delays, unfair treatment and services that do not work. The new law aims to strengthen the independent body that checks how government is run. Its promise is a more ethical and capable state: one in which administrative failures are investigated, public officials explain their decisions and lawful corrective action follows.



What is the Act?

ACT: SECTIONS 1-2 AND 21 | CONSTITUTION: SECTION 196

The Act updates the legal framework for the **Public Service Commission (PSC)**, which already exists under the Constitution. The PSC examines how public institutions are organised, how staff are managed and whether administrative practices meet constitutional standards. Sections 1 and 2 extend the framework to municipalities and public entities, while section 21 and Schedule 2 provide for replacing the 1997 Act and amending related laws. These changes are intended to strengthen accountability across more of the institutions on which people rely.

When was it signed?

10 SEPTEMBER

President assented

15 SEPTEMBER

Published in the Gazette

16 SEPTEMBER

Presidency announcement

Signed does not mean fully in force. Section 23 requires commencement by presidential proclamation. The wider mandate is also subject to phased implementation under section 22. See page 6.

What changes?

The reform broadens the PSC's oversight beyond national and provincial departments. This matters because people also depend on municipalities and public entities for essential services. The focus remains the quality of administration and personnel practices: whether institutions are properly organised, whether decisions are fair and whether officials use their responsibilities to serve the public.

THE OVERSIGHT MAP | ACT: SECTIONS 1-2, 9-10 AND 22-23

PUBLIC SERVICE COMMISSION

Checks administration, personnel practices and public service values.

Continuing focus



National and provincial departments and government components remain within the PSC's public-service focus. In practice, this can mean examining recruitment records, staffing arrangements or management systems that contribute to delays and unfair treatment.

Wider reach



The Act includes municipalities and public entities, including municipal entities. Once the relevant provisions are operational, the PSC can scrutinise administrative and staffing failures in these institutions too. The extension is subject to the staged rollout on page 6.

Which public entities? Section 1 uses the definitions in the Public Finance Management Act and the Municipal Finance Management Act. Coverage depends on those legal definitions; it does not extend to every private business or every organisation that supplies government.



IN PRACTICE | ILLUSTRATIVE EXAMPLE

Repeated water interruptions may reveal more than a broken pipe. Vacant technical posts, poor supervision or a failure to record and escalate complaints may warrant scrutiny within the PSC's operative mandate. The municipality or provider must still repair the infrastructure and restore the service.

The wider reach creates an additional route for examining the management behind poor services. It does not make the PSC a municipal service centre or give it responsibility for running the institutions it oversees.

How will the PSC be supported?

An oversight body needs more than legal powers. It needs people who can examine evidence, manage investigations and follow up on the response. The Act combines a dedicated secretariat with rules protecting impartiality, while retaining the constitutional process for appointing commissioners.



14 COMMISSIONERS



INDEPENDENT WORK



SECRETARIAT

A dedicated secretariat

ACT: SECTION 16; SECTION 18(3)

Section 16 establishes the staff structure that supports the commissioners. The Chairperson is its executive authority, and the Commission appoints a suitably qualified chief executive officer. The CEO appoints supporting employees, subject to the laws governing the public service. In practice, this gives the PSC a structure for organising its own work and developing the expertise needed for investigations. Section 18(3) also requires it to budget for the resources needed to perform its functions effectively.

Public appointment processes

ACT: SECTIONS 3-4 | CONSTITUTION: SECTION 196(7)-(9)

The President appoints 14 commissioners. Five are approved by the National Assembly following the required committee process; each province provides one nominee through its legislature and Premier. Section 4 regulates this process, including public invitations for nominations. This creates a national institution with provincial participation.

Independence in practice

ACT: SECTION 14 | CONSTITUTION: SECTION 196(2)-(3) AND (5)

Commissioners and secretariat staff must act independently and impartially. Section 14 requires them to step aside from a matter where a financial or other interest could prevent a fair, unbiased assessment. For example, a person involved in an investigation should recuse themselves if their interest in its outcome would compromise their judgment. The PSC remains a Chapter 10 institution accountable to the National Assembly; accountability does not permit interference with its investigations.

What can the PSC do?

Once the relevant provisions are operative, the framework supports evidence gathering, findings and follow-up within the PSC's legal mandate. These steps can expose administrative failures and require a response, without guaranteeing a particular outcome for every complaint.

01 Investigate

ACT: SECTIONS 9-11



The PSC may inspect institutions, access relevant records and obtain information needed for its lawful work. It can call or summon witnesses to give evidence or produce records. For example, an inquiry into an allegedly unfair appointment could examine the advertised criteria, shortlisting records and interview evidence. Section 11(5) preserves the legal rules on witness privilege.

02 Give findings and directions

CONSTITUTION: SECTION 196(4) | ACT: SECTIONS 10 AND 13



The PSC may report findings and recommend improvements. Directions can require recruitment, transfer, promotion and dismissal procedures to meet constitutional standards. A recommendation and a direction are not interchangeable: section 13(3) requires a direction to be implemented within the period set by the relevant law or the direction itself.

03 Require a report back

ACT: SECTION 13(1)-(4)



A recipient must report how a decision was implemented or otherwise dealt with, normally within 60 days, unless the PSC determines or allows another period. Failure to report may be escalated to the relevant legislature or authority. This reporting deadline is distinct from the deadline for implementing a direction. A person claiming a valid reason not to comply with a direction must take it to court for review.

What if someone obstructs it?

UP TO R50 000 / 12 MONTHS / OR BOTH

Section 15: obstruction is an offence, and the PSC may open a criminal case. These are maximum penalties following conviction; a court imposes the sentence. Section 11(3) separately provides the same maximum penalties for specified failures to cooperate as a witness.



Is it good or bad?

A positive step in principle. The real test is implementation. Stronger independent oversight can help protect people from unfair treatment and poor administration. It can also make the management failures behind service problems more visible. But passing a law does not, by itself, improve a service: the PSC must be able to investigate effectively, and the responsible institutions must respond with lawful, practical changes.

AN ASSESSMENT THROUGH THE FOUNDATION'S PUBLISHED PRINCIPLES

Why it can help



Broader scrutiny can expose administrative failures in institutions beyond the PSC's ordinary public-service focus. A dedicated secretariat can support consistent investigations, and section 13 creates a formal requirement to report back. Together, these measures can make it harder for problems to disappear into correspondence without an explanation or response.

What must follow



The PSC needs capable staff, sufficient resources and freedom from political interference. Institutions must keep reliable records, cooperate with investigations and implement directions. Wrongdoing should lead to appropriate, lawful consequences. Otherwise, a wider mandate could produce more reports while the underlying failures remain unresolved.

What standard should government meet?

CONSTITUTION: SECTION 195(1) | ACT: SECTIONS 14 AND 18

Section 195 requires ethical, fair and accountable administration, effective use of resources and attention to people's needs. Its employment principles include ability, objectivity, fairness and redress to achieve broad representation. The Foundation's published support for merit-based appointments fits this constitutional approach. The practical test is whether public institutions have people able to do the work, make fair decisions and explain how they use public resources.



IN PRACTICE | WHAT IMPROVEMENT SHOULD LOOK LIKE

After an investigation identifies weaknesses in recruitment or supervision, meaningful progress would include corrected procedures, clear responsibility for action and evidence that the changes are being applied. The value of oversight lies in what institutions do with the findings, not simply in the number of reports issued.

When will the wider powers apply?

The Act has been signed and published, but those events do not automatically activate every part of the new framework. **Section 23 requires a date fixed by presidential proclamation in the Gazette.** Sections 22 and 23 also provide for a staged extension to municipalities and public entities, allowing preparation for the wider workload.

THE ROLLOUT | ACT: SECTIONS 22(3)(f)-(g) AND 23



1. Start date

SECTION 23(1)-(2)

The President fixes commencement by proclamation. Different dates may be set for different provisions and for categories of municipalities or public entities. The signing date is therefore not a reliable starting date for calculating when a particular new power applies.



2. A 12-month pause

SECTION 22(3)(f)

Implementation of the municipal and public-entity mandate is suspended for 12 calendar months from the date the Act comes into effect. This pause concerns the expanded mandate; it should not be read as shutting down the PSC's existing constitutional role.



3. Gradual rollout

SECTION 22(3)(g); SECTION 23(2)(b)

The expanded mandate must then be implemented progressively over a period of no more than three years after the 12-month period, subject to available resources. Rollout can differ between categories of institutions, so the applicable proclamation and implementation position must be checked.

Position checked: 22 September 2026. No commencement proclamation was identified in the sources checked for this guide. This is a dated check, not a guarantee that the position will remain unchanged. Consult the Gazette and PSC updates before relying on an expanded power.

Before taking a municipal complaint to the PSC, confirm that it has jurisdiction. Continue to use the municipality's existing service and complaints channels.

What does it mean for you?

Better oversight can help address the management failures behind poor services. A repeated problem may raise questions about staffing, supervision or the handling of complaints. The PSC can scrutinise administration within its mandate, but the responsible municipality, department or provider must still deliver the service and arrange repairs.



REPORT



KEEP EVIDENCE



CHECK JURISDICTION

Report the service problem

PRACTICAL FIRST STEP

For a burst pipe, billing error or missed collection, start with the responsible municipality or provider. Explain what happened, where it happened and what response is needed. Keep the reference number and follow the complaints process if the problem remains unresolved. A councillor can help follow up a municipal complaint, but the officials or provider must arrange the operational response.

Keep a clear record

PRACTICAL SUPPORT FOR AN ASSESSMENT

Record the dates, location, officials involved and steps already taken. Keep copies of replies, reference numbers, photographs where relevant and supporting documents. Distinguish what you personally observed from what you suspect, and explain the outcome you want. For example, a record of repeated unanswered complaints may help an investigator assess whether the complaints system itself is failing.

Ask the PSC about its jurisdiction

ACT: SECTIONS 9-10, 12 AND 20; SECTIONS 22-23

Ask whether the PSC is legally authorised to consider your concern, especially where a municipality or public entity is involved. An employee grievance follows the applicable grievance procedure; section 10(4) provides an internal route before referral for covered municipal and public-entity employees. If an investigation is completed, section 12 allows its report to be provided to the complainant or affected party, subject to protections for third-party personal information.

PSC complaints: complaints@opsc.gov.za

National Anti-Corruption Hotline: 0800 701 701

Enquiries: 012 352 1000 | psc.gov.za

Read the sources

The section references below make it easier to check what the Act actually provides. References marked “Constitution” refer to the Constitution, not to sections of the new Act. The practical examples in this guide are illustrations of how oversight may work, rather than accounts of decided cases or promises of a particular remedy.

Public Service Commission Act 8 of 2026

Government Gazette 55404, 15 September 2026. Assented to on 10 September 2026. English text signed by the President. Click the title to open the gazetted text.

Scope and definitions	Sections 1-2 Public service, municipalities and public entities.
Commissioners	Sections 3-4 Composition and appointment procedure.
Evidence and inquiries	Sections 9-11 Inspections, investigations and witnesses.
Reports and follow-up	Sections 12-13 Access, reporting back, directions and review.
Independence and obstruction	Sections 14-15 Impartiality, conflicts of interest and offences.
Staff and resources	Sections 16 and 18 Secretariat, funding and financial accountability.
Complaints rules	Section 20 Rules for lodging complaints and grievances.
Repeal and municipal changes	Section 21; Schedule 2 1997 Act repeal; Municipal Systems Act changes.
Commencement and rollout	Sections 22-23 Transition, suspension and phased implementation.

Constitution and supporting sources

Constitution, Chapter 10 - Sections 195-196: administrative values, independence and the PSC's constitutional role.

Presidency: signing announcement - 16 September 2026: announcement of assent and overview of the reform.

Foundation: merit-based public appointments - Published support for professionalisation and merit-based recruitment.

PSC: complaints guidance and contact details - Official complaints email, National Anti-Corruption Hotline and general enquiries.

Prepared for constitutional education | Information checked: 22 September 2026.

Stronger oversight is a positive step. Meaningful improvement depends on implementation.