

MPUMALANGA PROVINCE

MPUMALANGA PROVINCIAL LEGISLATURE SERVICE AND ADMINISTRATION LAW REPEAL BILL, 2025

*As introduced in the Mpumalanga Provincial Legislature; explanatory summary of
Bill and prior notice of its introduction published in Provincial Gazette No. 3834 of
18 July 2025
(The English text is the official text of the Bill)*

**(Ad Hoc Committee on the Repeal of the Mpumalanga Provincial
Legislature Service and Administration Act, No. 7 of 2006)**

[B4—2025]

BILL

To repeal the Mpumalanga Provincial Legislature Service and Administration Act, 2006; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of Mpumalanga, as follows:

Definitions

1. In this Act, unless the context otherwise indicates–

“**Legislature**” means the Mpumalanga Provincial Legislature established in terms of section 104 of the Constitution of the Republic of South Africa, 1996.

Repeal of Act 7 of 2006

2. The Mpumalanga Provincial Legislature Service and Administration Act No. 7 of 2006 is hereby repealed.

Effect of repeal

3. The repeal of the Mpumalanga Provincial Legislature Service and Administration Act, 2006 shall not –

- (a) revive anything not in force or existing in the Legislature at the time at which the repeal takes effect;
- (b) affect the previous operation of the law so repealed or anything duly done or suffered under the law so repealed;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law so repealed; and
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the law so repealed.

Transitional arrangements

4. When this Act takes effect, the management and administration of the Legislature, conditions of service of employees and other related matters shall be regulated by the Rules and Orders of the Legislature.

Short title and commencement

5. This Act is called the Mpumalanga Provincial Legislature Service and Administration Law Repeal Act, 2025.

MEMORANDUM ON THE OBJECTIVES OF THE MPUMALANGA PROVINCIAL LEGISLATURE SERVICE AND ADMINISTRATION LAW REPEAL BILL, 2025

1. BACKGROUND

- 1.1 The South African Legislative Sector (“Legislative Sector”), through the Speakers’ Forum of South Africa is in the process of harmonising the Legislative Sector by creating uniform standards and systems relating to management and the administration of Legislatures, conditions of service of employees and other related matters.
- 1.2 The legal frameworks which will regulate Parliament and Provincial Legislatures in terms of conditions of service and administration are being processed by the Legislative Sector.
- 1.3 In compliance with the Constitution of the Republic of South Africa, the Mpumalanga Provincial Legislature (“Legislature”) has therefore decided to repeal Mpumalanga Provincial Legislature Service and Administration Act No. 7 of 2006, to ensure effective transition and alignment in the Legislative Sector.
- 1.4 Pending the enactment of the uniform legal frameworks for the Legislative Sector, the Legislature’s management and the administration, conditions of service of employees and other related matters will be regulated by the Rules and Orders of the Legislature.

2. OBJECTIVES OF THE BILL

The objectives of the Bill are to:

- 2.1 Repeal the Mpumalanga Provincial Legislature Service and Administration Act No. 7 of 2006;

2.2 Ensure that the Legislature's management and administration, conditions of service of employees and other related matters are aligned with practices in the Legislative Sector;

2.3 Ensure that the normal retirement age for personnel of the Legislature is amended to 65 years, to be in line with the retirement age in the public service and some legislatures in the Legislative Sector; and

2.4 Regulate the management and administration of the Legislature, conditions of service of employees and other related matters in the Rules and Orders.

3. FINANCIAL IMPLICATIONS FOR THE STATE

The estimated costs associated with publication of the Act in the *Provincial Gazette* and newspapers will not exceed R30 000.00. There will be no other financial implications.

4. THE PROCESS USED TO SOLICIT COMMENTS FROM STAKEHOLDERS AND THE PUBLIC

The soliciting of written public comments was done through the publication of the Bill in the *Provincial Gazette*, social media platforms and in four newspapers circulating in the Mpumalanga Province, namely, Mpumalanga News, Khanyisa News, Lowvelder and Highveld Chronicle.

5. ORGANISATIONS AND INSTITUTIONS CONSULTED

5.1 The following organisations, institutions and organs of state were consulted:

- General Public
- Secretary to the Legislature
- Employees of the Legislature
- Office of the Premier

- Mpumalanga Provincial Treasury
- Auditor-General South Africa, Mpumalanga
- Public Service Commission, Mpumalanga
- South African Local Government Association, Mpumalanga
- Mpumalanga Provincial House of Traditional and Khoi-San Leaders
- National Education, Health and Allied Workers Union (NEHAWU) Mpumalanga Provincial Legislature Branch

5.2 Fourteen written submissions were received from:

- Mr S Msibi, representing 26 Retired Employees of the Mpumalanga Provincial Legislature
- National Education, Health and Allied Workers Union (NEHAWU) Mpumalanga Provincial Legislature Branch
- Mr JM Modipane: Legislature
- Mr CS Ndzinisa: Legislature
- Ms EF Thabane: Legislature
- Mr M Mkhombo: Legislature
- Ms H Sambo: Private
- Ms N Nkuna: Private
- Ms P Mashego: Legislature
- Mr T Makofane: Private
- Ms S Mpofu: Legislature
- Mr AJ Makofane: Legislature
- Ms S Makofane: Legislature
- Ms J Nyathi: Legislature

6. AN EVALUATION OF THE COMMENTS SOLICITED, RECEIVED AND DISCOUNTED IN THE DRAFTING PROCESS

The written submissions received from stakeholders and interested parties were duly considered in the drafting process, in accordance with the provisions of the Constitution, relevant legislation and applicable case law.

7. A CLAUSE-BY- CLAUSE EXPLANATION ON THE CONTENT OF THE BILL

7.1 Clause 1 defines the terminology used in the Bill;

7.2 Clause 2 repeals the Mpumalanga Provincial Legislature Service and Administration Act 7 of 2006;

7.3 Clause 3 provides for the effect of the repeal of the Act as provided for in clause 2 of the Bill;

7.4 Clause 4 provides for transitional arrangements; and

7.5 Clause 5 provides for the short title and commencement of the Act.

8. ANY SUCH OTHER INFORMATION DEEMED NECESSARY REGARDING THE BILL

None