



MEDIA RELEASE **PSA concerned about new *Border Management Bill***

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The Public Servants Association (PSA), which represents more than 240 000 public sector servants, is concerned about the new *Border Management Agency Bill* that was signed into law by the President on 21 July 2020, and which has caused fears about job security for many groups of public servants.

Government embarked on establishing the Border Management Agency (BMA) to take control of coast and border guarding. The *Bill* is aimed at providing for the establishment, organization, regulation and control of the BMA, providing for the transfer, assignment, and designation of law enforcement border-related functions to the BMA. The BMA is intended to perform border law enforcement functions within the borderline and at ports of entry; coordinate the implementation of its border law enforcement functions with the principal organs of state and may enter into protocols with those organs of state to do so; and provide an enabling environment to facilitate legitimate trade.

The PSA is aware that the *Bill* is already being subjected to Parliamentary processes. The PSA has, however, concerned that the *Bill* may impact on the conditions of service of public servants at various Departments, despite the consultation process on the *Bill* not having been concluded in the various forums, including the Public Service Coordinating Bargaining Council (PSCBC).

The PSA further believes that the impact on the BMA's functions is not in line with the Constitution of South Africa and may need clarification on how the Agency will fit into the various functions of the Executive. Clarity is also required on reporting lines of employees appointed by the various Departments to perform the functions in line with the applicable legislation. These include Immigration Officers, members of the Department of Defence, the SA Police Service and Customs officials. It appears as if some of these functions will now be performed by the BMA, which may result in redundancies of public servants who are currently performing these functions.

The PSA opposes any attempt by Government to pass functions mandated to it by the Constitution to agencies. In other Departments, such as the Department of Trade and Industry where agencies have been established, they are ineffective and cause workplace instability with their creation and possible dissolution. It is regrettable that the *Bill* was signed into law without the matter being concluded in the PSCBC. The dismal state of struggling state-owned entities and the current economic climate, coupled with the absence of good corporate governance and consequence management is of grave concern to the PSA. These factors make the establishment of such entities questionable. The creation of more agencies also unfortunately opens more avenues for corruption and maladministration, which the country can ill afford.

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