

**Interim National Defence Force Service  
Commission:**

**Response to Public Hearings Submissions on  
the Defence Amendment Bill:**

**Proposed National Defence Force Service  
Commission**

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Force Service Commission**

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**AIM**

- To brief the Portfolio Committee on the Interim National Defence Force Service Commission's response to the public hearing submissions on the Defence Amendment Bill, relating to the proposed National Defence Force Service Commission

## **SCOPE**

- Introduction
- Response
  - Background
  - Role of the NDFSC
  - Relationship between the proposed NDFSC and Military Bargaining Council
  - Role of the Minister of Defence & Military Veterans
- Discussion

3

## **BACKGROUND**

- The INDFSC highly appreciates the opportunity to present its response to the Portfolio Committee, and share some background with the PCD & MV.
- The fundamental premise of the nature of the soldiering career is that of a life given to the State.
- The Bill of Rights - Sec 11 – Table of Non-Derogable rights determine that everyone has the right to life, which right cannot be limited
- Soldiers, however, are prepared to forego this profound right through the oath they take upon joining the SANDF, requiring them to sacrifice their lives, unlike any other occupation

4

## **BACKGROUND**

- The significance of this life reality for the Soldier, his/her family and loved ones, is profound indeed!
- The State is therefore obligated to ensure that the conditions of Soldiers' lives under oath, and that of their families, are, as much as possible, commensurate to their sacrifice.
- The central purpose of the Bill before us is to create a reliable and all-embracing infrastructure for the Soldier's life.
- We recruit the Soldier with the family, to form the Military Community that requires an all-encompassing system of support.

5

## **BACKGROUND**

- Against this background, it is important to note that the DOD has for some time been concerned with the need to create such an effective framework as proposed through this Bill:
  - The conceptualization of a NDFSC to advise the MOD&MV on the complex issues relating to soldiers' conditions of service started in 2004
  - The Justice, Crime Prevention and Security Cluster assisted the DOD with advice on the concept

6

## BACKGROUND

- In 2009, an international benchmarking visit on the concept was undertaken by the DOD
- The matter was presented for discussion to the PCD, with the idea of creating a specialized system supported through a special commission, outside of the normal Public Service system.
- In July 2009, the new <sup>Min</sup>MOD & MV, in her maiden speech to Parliament, mentioned her intention to create this kind of infrastructure; This is to share the picture of the pre-history of this concept, as was shared with the INDFSC at its orientation in October 2009.

7

## BACKGROUND

- The NDFSC is therefore at the centre of the long sought after unique dispensation for the SANDF outside the Public Service that will ensure adequate consideration of the uniqueness of conditions of service of the Soldier and his/her family circumstances.

8

## **Role of the NDFSC**

- In the spirit of its broad consultative and advisory nature, the NDFSC:
  - Will focus on policies, procedures and processes necessary to improve the quality of service life for the Soldier; rather than matters of execution and implementation.
  - Therefore, regarding the definition of Conditions of Service in the Bill, the NDFSC will recommend to the MOD&MV on appropriate processes, criteria and standards, but the execution resides with the Minister and SANDF.

9

## **RELATIONSHIP BETWEEN NDFSC & MILITARY BARGAINING COUNCIL**

- The INDFSC proposes the following amendment to Section 55.(1) of the Principal Act:
  - "Members of the Regular Force and Reserve Force must receive such pay, salaries and entitlements including allowances, disbursements and other benefits in respect of their service, training or duty in terms of this Act as may from time to time be agreed upon in the Military Bargaining Council, recommended by the Commission to and approved by the Minister in consultation with the Minister of Finance"

10

## **ROLE OF MOD&MV WRT THE NDFSC**

- Ministerial Commissions (eg Jali Commission and other Ministerial Commissions) have standard processes in terms of how to operate
- These processes entail Cabinet reporting lines and oversight by Parliament

11

## **INDFSC Response to Public Hearing Submissions**

**Discussion**

12