

**HANDBOOK: BENEFITS AND PRIVILEGES FOR MEMBERS OF THE WESTERN CAPE  
PROVINCIAL CABINET**

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## **PREFACE**

This Handbook is the official policy that governs benefits and privileges, to which Members and their families are entitled, in the execution of their duties. These benefits and allowances are over and above Members' normal remuneration and refer to both the time during term of office and in some cases to the time thereafter. The Handbook is effective as of 1 November 2010 and incorporates the Executive Code of Ethics, which regulates probity in public life.

The guidelines with regard to administrative and support services, and the benefits, privileges associated with occupying these offices, provide assistance in ensuring good governance in line with the Code. The Handbook seeks to sensitise Members on the security measures that have to be observed in co-operation with the National Intelligence Agency and Safety and Security Services.

The interpretation of anything relating to these guidelines rests with the Provincial Cabinet. Any person interpreting this Handbook should consult the Provincial Cabinet Secretariat when in doubt. In the event of the latter having doubts about the interpretation of the provision(s) in question, the matter should be referred to the Provincial Cabinet.

All staff members providing support services to the portfolios mentioned above are expected to acquaint themselves thoroughly with the provisions contained in these guidelines.

Anything not mentioned in these guidelines does not form part of the benefits, allowances and support services envisaged for Members of the Provincial Cabinet.

## DEFINITIONS

In this Handbook, unless the context otherwise indicates:

**“Adult”** means a person who has reached the age of legal majority of 18 years.

**“Department”** means any department of the Western Cape Provincial Administration, as listed in Schedules 1 and 2 of the Public Service Act, 1994.

**“Domestic worker”** means an employee who performs domestic work in the home of his or her employer and includes:

- (a) a gardener;
- (b) a person employed by a household as driver of a motor vehicle; and
- (c) a person who takes care of children, the aged, the sick, the frail or the disabled, but does not include a farm worker.

**“Dependant”** means a child, adopted child and/or foster child whom the Member is legally obliged to support financially and is in fact supporting.

**“Driver / Aide”** means a staff member of the office serving a Member, employed to perform driver and messenger functions as envisaged in Chapter 7.

**“Family”** in relation to any person, means his or her parent, child or spouse, and includes a person living with that person as if they were married to each other, i.e. a spouse/ life partner and/or the following dependants:

Any child recognised as a dependant for the purpose of the Parmed Medical Aid Scheme; and

Any relative (child, parent, brother or sister, whether such a relationship results from birth, marriage or adoption) who resides permanently with the Member and is of necessity dependent, and whose income, from whatever source, does not exceed the amount of the applicable maximum basic social pension prescribed in regulations made under the Social Pension Act, 1973.

**“Member/s”** means the Premier and the other Members of the Provincial Cabinet (Provincial Ministers).

**“Official Residence”** means a Provincially-owned residence, Provincially leased residence or a private residence designated by a Member to be used, amongst others, for official purposes at the seat of office.

**“Permanent companion”** means a person who is cohabiting with the Member and is publicly acknowledged by the Member as a permanent companion, provided the Member has informed his/her Department in writing of such a companion.

**“Private Residence”** means a privately owned house.

**“Province”** means the Provincial Government of the Western Cape.

**“Provincial Parliament”** means the Provincial Parliament of the Western Cape.

**“Provincially-owned Residence”** means housing, furniture and effects owned by the Province.

**“SAPS VIP Driver / Protector”** means a member of the SAPS VIP Protection Unit, allocated / appointed to provide security and driving services to the Member.

**“Spouse”** means a person legally married to the Member including a spouse in a polygamous marriage, a partner in a customary union according to indigenous law, or a permanent companion/life partner.

## CHAPTER 1

### A. NATIONAL EXECUTIVE ETHICS CODE

The following national Executive Ethics Code was published in Government Gazette no 21399 of 28 July 2000 and is applicable to all Members.

#### 1. Definitions

1.1 In this Code, any word or expression defined in the Act bears that meaning and, unless the context indicates otherwise—

“**company or corporate entity**” includes any public or private company, any close corporation and any trust, other than a charitable trust, but does not include a charitable organisation or an association not for gain (section 21 company);

“**family member**”, in relation to a member, means the member’s parent, spouse, companion or dependent child;

“**member of the Executive**” means a Cabinet member, a Deputy Minister or a Member of a Provincial Executive Committee, and “member” and “Executive” have corresponding meanings;

“**permanent companion**”, in relation to a member, means a person who is cohabiting with the member and is publicly acknowledged by the member as the member’s permanent companion;

“**Secretary**”, in relation to members of the Cabinet, means the Secretary of the Cabinet and, in respect of members of an Executive Council, the Secretary of the Executive Council;

“**the Act**” means the Executive Members’ Ethics Act, 1998 (Act No 82 of 1998).

#### 2. General Standards

2.1 Members of the Executive must, to the satisfaction of the President or the Premier, as the case may be—

- (a) perform their duties and exercise their powers diligently and honestly;
- (b) fulfill all the obligations imposed upon them by the Constitution and law; and
- (c) act in good faith and in the best interest of good governance; and
- (d) act in all respects in a manner that is consistent with the integrity of their office or the government.

2.2 In deciding whether members of the Executive complied with the provisions of clause 2.1, the President or Premier, as the case may be, must take into account the promotion of an open, democratic and accountable government.

2.3 Members of the Executive may not—

- (a) wilfully mislead the legislature to which they are accountable;
- (b) wilfully mislead the President or Premier, as the case may be;
- (c) act in a way that is inconsistent with their position;

- (d) use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person;
- (e) use information received in confidence in the course of their duties otherwise than in connection with the discharge of their duties;
- (f) expose themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests;
- (g) receive remuneration for any work or service other than for the performance of their functions as members of the Executive; or
- (h) make improper use of any allowance or payment properly made to them, or disregard the administrative rules which apply to such allowances or payments.

### **3. Conflict of Interest**

3.1 A member must declare any personal or private financial or business interest that the member may have in a matter—

- (a) that is before the Cabinet or an Executive Council;
- (b) that is before a Cabinet Committee or Executive Council, on which the member serves; or
- (c) in relation to which the member is required to take a decision as a member of the Executive.

3.2 A member must withdraw from the proceedings of any committee of the Cabinet or an Executive Council considering a matter in which the member has any personal or private financial or business interest, unless the President or the Premier, as the case may be, decides that the member's interest is trivial or not relevant.

3.3 If a member is required to adjudicate upon or decide a matter in which the member has a personal or private financial or business interest the member must declare that interest to the President or the Premier, as the case may be, and seek the permission of the President or Premier to adjudicate upon or decide the matter.

3.4 If a member makes representations to another member of the Executive with regard to a matter in which the member has a personal or private financial or business interest, the member must declare that interest to the other member.

3.5 For the purposes of the paragraphs 3.1, 3.2, 3.3 and 3.4 the personal or private financial or business interest of a member includes any financial or business interest which, to the member's knowledge, the member's spouse, permanent companion or family member has.

3.6 Where a member holds any financial or business interest in a company or corporate entity or profit-making enterprise which may give rise to a conflict of interest in the performance of that member's functions as a member of the Executive, the member must, within two months of the promulgation of this Code, or within two months of assuming office, or within two months of acquiring such interest, as the case may be, or within such longer period as the President or, if the member is a member on an Executive Council, the Premier determines—

- (a) dispose of such interest; or
- (b) place the administration of the interest under the control of an independent and professional person or agency.

3.7 When the administration of a member's interest has been placed under the control of a person as contemplated in paragraph 3.6 (b), the member may not, during the course of his or her term as member, have any communication with or give any instructions to that person regarding the interest or the administration or control thereof, save for purposes of complying with any legal requirement in respect of such interest, or to give instructions to sell such interest.

3.8 When a member is required to make arrangements to meet the conditions of paragraph 3.6, the professional costs occasioned thereby are recoverable from the state.

#### **4. Gifts**

4.1 A member may not solicit or accept a gift or benefit which—

- (a) is in return for any benefit received from the member in the member's official capacity;
- (b) constitutes improper influence on the member, or
- (c) constitutes an attempt to influence the member in the performance of the member's duties.

4.2 When a member, in the course of the member's duties, has received or has been offered a gift with a value of more than R1000, the member may request permission from the President or Premier, as the case may be, to retain or accept the gift. If the permission is granted the member may retain or accept the gift, but must disclose particulars thereof in terms of paragraph 6.5 of this Code. Where such permission has not been requested or granted the member must either—

- (a) return the gift or decline the offer; or
- (b) donate the gift to the state.

4.3 For the purposes of paragraph 4.2 "gift" does not include travel facilities or hospitality arising from attendance at meals, functions, meetings, cocktail parties, conventions, conferences or similar events attended by the member as part of the member's executive duties.

#### **5. Disclosure of Financial Interests**

5.1 Every member must disclose to the Secretary particulars of all the financial interests, as set out in paragraph 6, of—

- (a) the member; and
- (b) the member's spouse, permanent companion or dependent children, to the extent that the member is aware of those interests.

5.2 The first disclosure must be made within 60 days after the promulgation of this Code or of a member's assumption of office, or of a member becoming aware of such interest, as the case may be.

5.3 After the first disclosure, members must annually disclose particulars of their financial interests on or before a date determined by the Secretary.

5.4 Cabinet members and Deputy Ministers who are members of the National Assembly and are required to disclose particulars of their financial interests in terms of the Rules of Parliament, comply with paragraph 5.1—

- (a) by submitting to the Secretary a copy of those particulars on the same date as they are filed with the relevant parliamentary official; and

- (b) in so far as those particulars do not meet the requirements of paragraph 6 of this Code, by filing with the Secretary a statement containing the necessary additional disclosure.

5.5 Where any doubt exists as to whether particular financial interests must be disclosed, the member must consult the Secretary.

5.6 When a member makes a disclosure in terms of paragraph 5.1, the member must confirm in writing to the Secretary that the member receives no remuneration other than as a member of the Executive.

## **6. Financial Interests to be Disclosed**

Members must disclose the following interests and details—

6.1 Shares and other financial interests in companies and other corporate entities by indicating—

- (a) The number, nature and nominal value of shares of any type in any public or private company;
- (b) the name of that company; and
- (c) the nature and value of any other financial interests held in any company or any other corporate entity.

6.2 Sponsorships—

- (a) The source and description of direct financial sponsorship or assistance from any source other than the member's party which benefits the member in his or her personal and private capacity; and
- (b) the amount or value of the sponsorship or assistance.

6.3 Gifts and hospitality other than that received from a spouse or permanent companion or family member—

A description, including the value and source of—

- (a) any gift with a value of more than R350;
- (b) gifts received from a single source which cumulatively exceed the value of R350 in any calendar year;
- (c) hospitality intended as a personal gift and with a value of more than R350; and
- (d) hospitality intended as a gift and received from a single source, and which cumulatively exceeds the value of R350 in any calendar year.

6.4 Benefits—

- (a) The nature and source of any other benefit of a material nature; and
- (b) the value of that benefit.

6.5 Foreign travel other than personal visits paid for by the member, or official travel paid for by the state, or travel paid for by the member's party—

- (a) A brief description of the journey abroad; and
- (b) particulars of the sponsor.

- 6.6 Land and immovable property, including land or property outside South Africa—
- (a) A description of and the extent of the land or property;
  - (b) area in which it is situated; and
  - (c) nature and value of interest in the land or property.

- 6.7 Pensions—
- (a) The source of any pension; and
  - (b) the value of the pension.

## **7. Register of Financial Interests**

7.1 Each Secretary must keep a register of all financial interests disclosed by members. The register must have a confidential part and a public part.

7.2 The following financial interests must be recorded in the confidential part of a register—

- (a) The value of interests in a corporate entity other than a private or public company;
- (b) the details of foreign travel when the nature of a visit requires those details to be confidential;
- (c) the details, including the address, of any private residence;
- (d) the value of any pension;
- (e) details of the financial interests of a member's spouse, permanent companion or dependent child;
- (f) the member's liabilities.

7.3 Only the President or Premier, as the case may be, the Public Protector, the Secretary concerned and staff designated by the Secretary have access to the confidential part of a register.

7.4 No person who has access to the confidential part of a register may disclose particulars of any entry in that part to anyone other than the member concerned or another person who has such access, except when a court or the Public Protector so orders.

7.5 Any person has access to the public part of a register during office hours of the Secretary concerned.

## **8. General**

8.1 A member must instruct a member of the staff of the member's office or Ministry to assist and monitor compliance with this Code. The information obtained by that staff member may not be disclosed to anyone, except in executing measures envisaged in this Code.

8.2 A member must assist the Public Protector in the performance of the Public Protector's functions under the Act.

8.3 This Code may be amended or replaced, and the amounts specified in the Code adjusted, from time to time by proclamation in the Government Gazette.

- 8.4 This Code is called the Executive Ethics Code, and comes into effect on the date of its promulgation in the Government Gazette.

## **B. PROVINCIAL CODE OF CONDUCT**

In terms of section 27 of the Western Cape Constitution provision is made that Provincial Legislation must provide for a Code of Conduct for the members of the Provincial Parliament.

The following provincial Code of Conduct was published in terms of the Western Cape Provincial Parliament Code of Conduct Act, 2002 (as amended) and is applicable to all Members.

### **PART I**

#### **1. Preamble**

WHEREAS the Constitution of the Republic of South Africa requires that all levels of government promote accountability, responsibility and openness;

And whereas the Constitution of the Western Cape affirms that the Western Cape Province is founded on responsible and accountable government and that government must aim to promote a work ethic;

WE, the Members of the Western Cape Provincial Parliament

- (a) recognise that we are accountable to the electorate and have a duty to instil and maintain public trust in democratic institutions;
- (b) affirm that Members of the Provincial Parliament have an obligation to perform their duties conscientiously, with honour and dignity; to be true and faithful public representatives, having due regard for the common good;

THEREFORE agree to abide, individually and collectively, by the principles, rules and obligations set out in this Code of Conduct.

#### **2. Definitions**

In this Code, unless the context indicates otherwise –

- (i) “**Act**” means the Members of the Western Cape Provincial Parliament Code of Conduct Act, 2001 (Act 3 of 2002);
- (ii) “**Appeals Committee**” means the Committee established under paragraph 23;
- (iii) “**Code**” means the Code of Conduct for Members of the Western Cape Provincial Parliament.
- (iv) “**Committee**” means a standing committee established under the Standing Rules of the Western Cape Provincial Parliament;
- (v) “**company or corporate entity**” includes any public or private company, close corporation and any trust, other than a charitable trust, but does not include a charitable organisation or an association not for gain (section 21 company);
- (vi) “**Conduct Committee**” means the Committee established under the Standing Rules of the Western Cape Provincial Parliament;

- (vii) **“Constitution of the Western Cape”** means the Constitution of the Western Cape, 1997 (Act 1 of 1998);
- (viii) **“Constitutional body or office”** means an office or body established under the Republic of South Africa Constitution Act (Act 108 of 1996);
- (ix) **“family member”** in relation to a Member, means a Member’s spouse, dependent child or permanent companion;
- (x) **“Member”** means a Member of the Western Cape Provincial Parliament, and includes a member of the Provincial Cabinet;
- (xi) **“permanent companion”** in relation to a Member, means a person who is cohabiting with the Member and is publicly acknowledged by the Member as that Member’s permanent companion;
- (xii) **“Provincial Parliament”** means the Western Cape Provincial Parliament;
- (xiii) **“Public Protector”** means the Public Protector contemplated in Section 181 of the national Constitution;
- (xiv) **“Register”** means the Register of Members’ Interests opened under paragraph 12;
- (xv) **“Registrar”** means the Registrar of Members’ Interests appointed in terms of paragraph 18;
- (xvi) **“registrable interest”** means financial interests listed in paragraph 14, and in relation to a Member, includes the financial interests of that Member’s spouse, dependent child and permanent companion;
- (xvii) **“remuneration”** means receipt of benefits in cash or in kind;
- (xviii) **“Secretary”** means the Secretary to the Provincial Parliament; and
- (xix) **“Speaker”** means the Speaker of the Provincial Parliament.

## **PART II – PRINCIPLES AND GENERAL OBLIGATIONS**

### **3. Principles**

A Member must adhere to the following principles:

- (1) Loyalty to the Western Cape Province and South Africa
  - (i) A Member shall be loyal to the Western Cape Province, to South Africa and its people.
  - (ii) A Member will uphold the provincial and national constitutions and all other laws of the province and of the country.
- (2) Primacy of the public interest
  - (i) A Member shall take decisions only in the interest of the public.
  - (ii) A Member shall avoid conflicts of interest between personal interest and public duty.

(3) Integrity

A Member shall ensure at all times that the dignity and integrity of the Provincial Parliament is maintained.

(4) Accountability

A Member –

- (a) is accountable to the public for his or her decisions and actions and must submit himself or herself to whatever scrutiny is appropriate to his or her office;
- (b) must exercise due diligence in the performance of his or her official duties;
- (c) must supply public resources efficiently and effectively and only for the purpose for which they are intended; and
- (d) must avoid improper use of any payment or allowances made to a Member for public purposes, and observe strictly the administrative rules that apply to these payments.

(5) Openness and honesty

A Member shall –

- (a) exercise his or her public duties in an open and transparent manner, and
- (b) act honestly and maintain the trust that the public places in him or her.

(6) Status of principles

The principles set out above may, depending on their nature, be enforceable, and act as guidelines in the application of the Code.

4. **General obligations**

A Member shall, at all times, in the exercise of his or her duties adhere to the principles set out in paragraph 3 of the Code and shall –

- (1) not take decisions in order to gain financial or other material benefit for himself or herself, his or her family, or his or her friends;
- (2) exercise his or her duties and conduct himself or herself with dignity and integrity appropriate to his or her office;
- (3) not place himself or herself under financial or other obligations to outside individuals or organisations that might improperly influence performance of his or her duties;
- (4) ensure that his or her personal conduct is consistent with the dignity and integrity of the Provincial Parliament;
- (5) make choices on merit in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for reward or benefit;
- (6) subject himself or herself to any form of lawful scrutiny appropriate to his or her office as a Member;

- (7) declare any private interest relating to his or her official duties;
- (8) declare in the Register of Members' Interests all registrable interests as required; and
- (9) take steps to resolve any conflict of interest that may arise in a manner that protects the public interest, as opposed to his or her private interests, as well as the Provincial Parliament's dignity and integrity.

### **PART III – CONDUCT**

#### **5. Declaration of private interests in Committees and proceedings of Provincial Parliament**

A Member must –

- (1) declare any personal or private financial or business interest that he or she, his or her family member or business partner may have, in a matter before a standing committee, *ad hoc* committee or other parliamentary forum in which that Member serves; and
- (2) withdraw from the proceedings of that Committee or parliamentary forum when that matter is considered, unless that Committee or parliamentary forum decides that the Member's interest is immaterial.

#### **6. Declaration of private interests when making representations**

If a Member makes representations, either formally or informally, in his or her capacity as a public representative, to a member of the Executive or any other organ of state with regard to a matter in which that Member, his or her family member or business partner has a personal, private financial interest or business interest, that Member must declare that interest before such representations are made to that member of the Executive or organ of state.

#### **7. Lobbying for reward**

No Member shall lobby for reward in cash or kind.

#### **8. Remunerated employment outside Provincial Parliament**

A Member may only engage in remunerated employment outside the Provincial Parliament when such employment is-

- (1) sanctioned by the political party to which the Member belongs; and
- (2) compatible with that Member's functions as a public representative.

#### **9. Proper exercise of influence**

A Member shall not utilise the influence he or she derives from public office to improperly give advantage to private entities or persons in their dealings with the government, where this will result in pecuniary gain for such entities or persons.

#### **10. Refrain from using "insider" information**

A Member shall not use confidential government information or information obtained in the course of exercising a public duty to advance a private interest.

11. **Post-tenure employment restrictions**

- (1) After tenure, a former Member shall-
  - (a) not act in such a manner, which would take improper advantage of his/her previous employment as a Member of the Provincial Parliament;
  - (b) refrain from receiving preferential treatment or privileged access to government;
  - (c) refrain from taking advantage of information obtained in the course of official duties and responsibilities until the information becomes readily available to the public; and
  - (d) refrain from using public office to unfair advantage in order to obtain employment opportunities elsewhere.
- (2) Any former Member who breaches the provisions of subparagraph (1) shall be liable to the penalties listed under paragraph 25, in so far as these penalties can apply.

**PART IV – DISCLOSURE OF REGISTRABLE INTERESTS**

12. **Establishment of Register of Members' Interests.**

- (1) The Registrar must open and keep a register for the purposes of the Code, called the Register of Members' Interests.
- (2) The Register must –
  - (a) be divided into a **public section** and a **confidential section**;
  - (b) contain the information regarding Members' registrable interests as set out in paragraph 12(3) read with paragraph 14; and
  - (c) be in a format approved by the Conduct Committee.
- (3) The Registrar must record all details of the following registrable interests in the **confidential** section of the Register:
  - a. the value of financial interests in a corporate entity;
  - b. the amount of any remuneration for any employment outside the Provincial Parliament;
  - c. the amount of any remuneration for any directorship or partnership;
  - d. details, including the address, of any private residence;
  - e. the value of any pension;
  - f. details of all financial interests of a Member's family member; and
  - g. a Member's liabilities.

- (4) Where any doubts exist as to whether any particular financial interest must be disclosed, the Member concerned must consult the Registrar.
- (5) Notwithstanding subparagraph (1), the Conduct Committee may on good cause shown, instruct the Registrar to record any details of any of a Member's registrable interests in the confidential part of the Register.

### 13. Disclosure of registrable interests

- (1) A Member must disclose to the Registrar, on the form prescribed for this purpose by the Conduct Committee, particulars of all his or her registrable interests.
- (2) The first disclosure must be within the period as determined by the Conduct Committee.
- (3) Thereafter, disclosure shall be within 30 days after the first sitting of a new Provincial Parliament or nomination of a Member. If a Member has no registrable interests he or she must indicate this in writing to the Registrar.
- (4) After the first disclosure, Members must annually disclose particulars of their registrable interests, including any transfer of such interests, by a date determined by the Registrar.

### 14. Nature and details of registrable interests to be disclosed

A Member must disclose the following registrable interests and details:

- (1) Shareholding and financial interests in companies and other corporate entities
  - (i) The number, nature and nominal value of shares of any type in any public or private company;
  - (ii) the name of that company; and
  - (iii) the nature and value of any other financial interests held in any company or any other corporate entity.
- (2) Ownership and any other interest in land or property in or outside South Africa
  - (i) A description of and the extent of the land or property;
  - (ii) the area in which the land is situated; and
  - (iii) the nature and value of the interest in the land or property.
- (3) Pensions
  - (i) The source of any pension; and
  - (ii) the value of the pension.
- (4) Remunerated employment outside the Provincial Parliament
  - (i) The type of employment;
  - (ii) the name and type of business activity of the employer; and
  - (iii) the amount of remuneration received for such employment.
- (5) Consultancies
  - (i) The nature of the consultancy or any retainership of any kind;
  - (ii) the name and type of business activity of the client concerned; and
  - (iii) the amount of any remuneration or other benefits received for such a consultancy or retainership.

- (6) Directorship and partnerships
- (i) The name and type of business activity of the corporate entity or partnership; and
  - (ii) the amount of any remuneration received for such directorship or partnership.
- (7) Sponsorships
- (i) The source and description of direct financial sponsorship or assistance from any source other than the Member's party which benefits the Member in his or her personal and private capacity; and
  - (ii) the amount or value of the sponsorship or assistance.
- (8) Gifts and hospitality received by a Member from a source other than a family member
- A description, including the value and source of
- (i) any gift with a value in excess of R500;
  - (ii) gifts received from a single source which cumulatively exceed the value of R500 in any calendar year;
  - (iii) hospitality intended as a personal gift and with a value of more than R500; and
  - (iv) hospitality intended as a gift and received from a single source, and which cumulatively exceeds the value of R500 in any calendar year.
- (9) Foreign travel (other than personal visits paid for by the Member, business visits unrelated to the Member's role as a public representative and official and formal visits paid for by the state or the Member's party)
- (i) A brief description of the journey abroad; and
  - (ii) particulars of the sponsor.
- (10) Any other benefit of material nature
- (i) The nature and source of any other benefit of a material nature; and
  - (ii) the value of that benefit.

**15. Disclosure of Register of Members' Interests**

- (1) Any person has access to the public part of the Register on parliamentary working days and at times prescribed by the Speaker.
- (2) The Registrar shall publish the public section of the Register during April of each year in a manner prescribed by the Speaker.
- (3) Only the Conduct Committee, the Public Protector, the Registrar and his or her designated staff shall have access to the confidential part of the Register.
- (4) No person who has access to the confidential part of the Register may disclose particulars of any entry in that part to anyone other than the Member concerned or another person who has such access, except when a court or the Public Protector so orders.
- (5) A member of the Conduct Committee who contravenes paragraph 15(4) is in breach of the Code and shall:
  - (a) be ineligible to continue as a member of the Conduct Committee; and
  - (b) be liable to reduction of up to 30 days' salary.

- (6) A parliamentary employee who contravenes paragraph 15(4) is in breach of the Code and shall be subject to disciplinary action applicable to parliamentary employees.

## **PART V – ENFORCEMENT**

### **16. Conduct Committee**

#### **(1) Powers and functions**

- (a) The Conduct Committee established in terms of the Standing Rules of the Western Cape Provincial Parliament shall be competent to deal with the Code.
- (b) The Conduct Committee shall:
- (i) implement the Code of Conduct;
  - (ii) develop standards of conduct;
  - (iii) regularly review the Code and make recommendations for its amendment;
  - (iv) perform other functions and exercise other powers reasonably assigned to the Committee by the Code and in terms of resolutions adopted; and
  - (v) report to the House at least annually on its operations and the effectiveness of the Code.

#### **(2) Meetings**

- (a) Meetings of the Conduct Committee must be held in closed session when the committee regards the matter as confidential.
- (b) When the Conduct Committee regards a matter as being confidential all reports and minutes of the Conduct Committee are to be kept confidential.
- (c) All material acquired during the Conduct Committee meeting shall be stored confidentially.
- (d) All documents distributed in a Conduct Committee meeting shall be kept confidential.

#### **(3) Quorum**

- (a) Save when a question is being decided, business at the meeting of a Conduct Committee may be proceeded with if at least one third of the members of the committee are present.
- (b) The Conduct Committee may decide a question only if a majority of the members drawn from the majority of the parties represented on the Conduct Committee is present.
- (c) If the Conduct Committee has to decide a question when a quorum is not present, the Chairperson may either suspend business until a quorum is present or adjourn the meeting till a next meeting is convened.

#### **(4) Decisions**

- (a) Decisions by the Conduct Committee are taken with the support of the majority of members present.

- (b) The Chairperson of the Conduct Committee has, in addition to his or her vote as a member, a decisive vote whenever there is an equal number of votes on each side of the question.

(5) Consideration of Report

The Conduct Committee shall consider the report provided by the Registrar and may call for further evidence from any other person relevant to the case.

(6) Recusal by member

Should any member of the Conduct Committee be the subject of a conduct investigation, that member should recuse himself or herself from the committee's deliberations on that investigation.

17. **Confidentiality and affirmation of members of Conduct Committee**

- (1) Each member of the Conduct Committee must swear or affirm before the Speaker to honour the requirements of confidentiality.
- (2) The Registrar appointed in terms of the Code and each member of staff assigned to work for the Conduct Committee must swear or affirm, before the Speaker to honour the requirements of confidentiality.

18. **Appointment of Registrar**

(1) Appointment

- (a) The Registrar shall be appointed in terms of section 3 of the Members of the Western Cape Provincial Parliament Code of Conduct Act, 2001 (Act 3 of 2002).
- (b) The Registrar shall be assisted by such staff, assigned by the Secretary, for the work of the Conduct Committee.
- (c) The Speaker may determine the additional remuneration and conditions of service, if any, of the Registrar.

(2) Impartiality

The Registrar shall act impartially.

(3) Advice and counsel to Members

- (a) A Member may approach the Registrar to obtain personal advice and counsel, if he or she suspects that he or she may have committed a violation.
- (b) All sessions of advice and counsel between the Registrar and the Member shall be confidential.
- (c) The Registrar shall report to the Conduct Committee the number of times he or she has had advice and counseling sessions over a given period of time without disclosing the identity of the Member involved.
- (d) Should the Registrar, during the advice and counseling session, realize that a violation has been committed by a Member, he or she shall reserve the right to keep the matter confidential, provided the violation is remedied within the agreed time period.

19. **Submission of complaint**

- (1) Any person who reasonably believes that a Member of the Provincial Parliament has breached this code may lodge a written complaint with the Registrar.
- (2) The Registrar shall assist any person wishing to report a breach and who requires assistance to do so.
- (3) The Registrar shall register all complaints received.

20. **Investigation and report**

- (1) The Registrar shall commence an investigation into the matter after registration of the complaint.
- (2) The Member implicated in the alleged breach shall make himself or herself accessible to the Registrar for the purpose of the investigation.
- (3) The Registrar shall have the power to request documentation from a Member, or an official of the government or provincial state organ or a member of the public in order to further his or her investigation.
- (4) The Registrar shall produce a report on his or her findings, detailing both the merits and demerits of the case brought forth once the investigation has been finalized. The report will include detailed recommendations for action on the matter and shall be submitted to the Conduct Committee for consideration.

21. **Findings of Conduct Committee**

- (1) At the conclusion of its investigation, the Conduct Committee must make a finding, supported by reasons, on the alleged breach of the Code.
- (2) The finding and the reasons for the finding must be announced in the "*Announcements, Tablings and Committee Reports*".
- (3) If the hearing was in closed session (*in camera*) a summary of the facts must be announced in the "*Announcements, Tablings and Committee Reports*".

22. **Right of appeal**

A Member found guilty by the Conduct Committee of contravening the Code may appeal to the Appeals Committee.

23. **Appeals Committee**

The Appeals Committee shall consist of the following:

- (a) Speaker (Chairperson);
- (b) Deputy Speaker;
- (c) Chief Whip(s) of the governing party or political grouping; and
- (d) One member per party not otherwise represented.

**24. Appeals procedure**

- (a) The affected Member who is aggrieved by a decision made by the Conduct Committee, may, within 14 days thereafter, give notice of leave to appeal to the Appeals Committee.
- (b) The affected Member shall, within one month, submit written submissions to the Speaker stipulating the basis and reasons for an appeal.
- (c) In hearing evidence, the Appeals Committee may request the Registrar and the appellant to give evidence, within one month of receiving written submission for an appeal.
- (d) The provisions of paragraphs 16(2), 16(3), 16(4), 16(5), 16(6) and 17 shall apply to Appeals Committee proceedings *mutatis mutandis*.
- (e) The Appeals Committee shall either affirm or reverse the decision of the Conduct Committee, no later than one month after the close of the hearing mentioned in subparagraph 24(c).
- (f) The decision of the Appeals Committee shall be in writing and shall be submitted to the House for consideration.

**25. Penalties**

The Conduct Committee must recommend the imposition of one or more of the following penalties where it has found that a Member has breached a provision of the Code –

- (a) private warning with a requirement to correct behaviour complained of;
- (b) public warning with a requirement to correct behaviour complained of;
- (c) private censure or reprimand;
- (d) public censure or reprimand;
- (e) loss of certain privileges of office;
- (f) a financial penalty requiring a Member to repay in full the amount of the funds misappropriated or funds earned for profit;
- (g) temporary ineligibility of office; or
- (h) declare a Member unfit to hold his or her current position or to be a Member of the Provincial Parliament.

**26. Conduct Committee and/or Appeals Committee to report to House**

- (1) The Conduct Committee or the Appeals Committee, as the case may be, must report its findings and recommendations as to penalties, if any, to the House.
- (2) If the Conduct Committee and/or Appeals Committee recommends a penalty, the House must either –
  - (a) accept or reject the recommendation; or
  - (b) refer the matter back to the Committee for further consideration.

- (3) If the House accepts the Conduct Committee and/or Appeals Committee's recommendation, the Speaker must act on such decision without undue delay.

27. **Access to information**

A Member or members of the public shall gain access to information on matters already decided upon by the Committee or as prescribed by the Constitution of the Republic of South Africa (Act 108 of 1996), the Promotion of Access to Information Act (Act 2 of 2000), or as otherwise provided by any other law.

28. **General**

- (1) The Code may be amended or replaced, and the amounts specified in the Code adjusted, from time to time by publication in the *Announcements, Tablings and Committee Reports*.
- (2) The Code is called the Code of Conduct for Members of the Western Cape Provincial Parliament and comes into effect on the date determined by promulgation in the *Provincial Gazette*.

## CHAPTER 2

### RESTRICTION OF OWNERSHIP OF INTERESTS IN CERTAIN BUSINESS ENTITIES

In this Chapter:

“**business interest**” means —

- (a) a right or entitlement to share in profits, revenue or assets of an entity;
- (b) a real or personal right in property;
- (c) a right to remuneration or any other private gain or benefit,

and includes any interest contemplated in paragraphs (a), (b) or (c) acquired through an intermediary and any potential interest in terms of any of those paragraphs;

“**Cabinet Member**” means the Premier or a Provincial Minister;

“**entity**” means any —

- (a) association of persons, whether or not incorporated or registered in terms of any law, including a company, corporation, trust, partnership, close corporation, joint venture or consortium; or
- (b) sole proprietorship;

“**entity conducting business with the Provincial Government**” means an entity that contracts or applies or tenders for the sale, lease or supply of goods or services to the Provincial Government;

“**family member**” means a Cabinet Member’s —

- (a) spouse, including life partner; or
- (b) child, parent, brother or sister, whether such a relationship results from birth, marriage or adoption;

“**intermediary**” means a person through whom an interest is acquired, and includes -

- (a) a person to whom is granted or from whom is received a general power of attorney; and
- (b) a representative or agent;

“**Provincial Government**” means the Provincial Government of the Western Cape, and includes a provincial public entity;

“**provincial public entity**” means a provincial public entity as defined in section 1 of the Public Finance Management Act, 1999;

#### 1. **Disclosure of business interests of Cabinet Members and family members of Cabinet Members in entities conducting business with the Provincial Government**

- 1.1 In addition to any requirements as prescribed in the Executive Ethics Code or as contained in the Code of Conduct as adopted by the Provincial Parliament:

- 1.1.1 A Cabinet Member must disclose to the Secretary of the Provincial Cabinet any business interest that the Cabinet Member or any family member of the Cabinet Member has in an entity conducting business with the Provincial Government.
- 1.1.2 A Cabinet Member must make a disclosure referred to in paragraph 1.1.1 forthwith on becoming aware of the business interest concerned, or when it is brought to his or her attention, and thereafter annually on or before 31 March.
- 1.1.3 A Cabinet Member must disclose any business interest referred to in paragraph 1.1.1 that exists at the date on which this Handbook is adopted by the Provincial Cabinet within three months after the adoption of the Handbook.

## 2. **Restriction of business interests of Cabinet Members in entities conducting business with Provincial Government**

- 2.1 A Cabinet Member may not have a business interest in any entity conducting business with the Provincial Government if the Cabinet Member himself or herself or together with one or more —

- (a) family members of the Cabinet Member;
- (b) partners or other business associates of the Cabinet Member; or
- (c) other Cabinet Members,

directly or indirectly owns or controls more than five per cent of the shares, stock, membership or other interest of that entity.

- 2.2 Paragraph 2.1 does not apply in respect of a business interest acquired from a binding contract which was concluded with the Provincial Government before the adoption of this Handbook, and where the contractual period has not expired.

## 3. **Register**

- 3.1 The Secretary of the Provincial Cabinet must annually compile and maintain a register of all business interests disclosed by Members in terms of this Chapter.

## 4. **Failure to comply**

- 4.1 In the event of an alleged failure by a Cabinet Member (excluding the Premier) to comply with a provision of this Chapter, the Premier must —

- (a) investigate the matter or cause the matter to be investigated; and
- (b) if the evidence gathered in the investigation supports the alleged contravention, take appropriate action against the Cabinet Member.

- 4.2 In the event of an alleged failure by the Premier to comply with a provision of this Chapter, the matter may be referred to the Public Protector for investigation.

## 5. **Inconsistency**

- 5.1 In the event of any inconsistency between the provisions of this Chapter and the provisions of the Executive Ethics Code, as contained in Chapter 1 of this Handbook, the provisions of this Chapter will prevail over the provisions of the Executive Ethics Code.

## CHAPTER 3

### ACCEPTANCE OF OFFICE

#### 1. Swearing in

##### 1.1. Travelling Expenses

1.1.1. The travelling expenses incurred by designated Members and their spouses in connection with their swearing in shall be debited to the Province. Vehicles and drivers for designated Members and their spouses shall be provided at the Province's cost for travelling between the place of residence and place where the swearing in ceremony is to take place. A log of the distances traveled to and from the swearing in ceremony should be kept and used as proof of payment of the claim by the designated Member.

##### 1.2. Subsistence Expenses

1.2.1. The subsistence expenses incurred by designated Members and their spouses, for a period not exceeding 3 (three) days, in connection with them being sworn in shall be debited to the Province. Accommodation and subsistence expenses should be kept as low as possible by making use of hotels that have reasonable tariffs. As a rule, five star hotels must be avoided.

##### 1.3. Executive Code of Ethics (Application)

1.3.1. Upon being sworn in, the Executive Ethics Code shall be complied with and the 60 day period referred to in Chapter 1, paragraph 5.2 above, commences on the date of being sworn in.

1.3.2. Members shall, in addition to the Executive Code of Ethics, comply with the provisions of the Code of Conduct as adopted by the Provincial Parliament in so far as it relates to their financial interests.

#### 2. Relocation Costs

2.1. The relocation expenses incurred by Members, including those of their families and domestic workers, on assumption of office for relocation, from their home base to the seat of office should be debited to the relevant Department.

2.2. These relocation expenses include the costs of transporting personal belongings, such as a motor vehicle, trailer and pets. If furniture and other personal belongings are not transported directly to the seat of office, Members are responsible for expenditure relating to storage, insurance and related expenses, except in cases where, owing to exceptional circumstances, a Provincially-owned residence or a Provincially leased residence is not immediately available for occupation.

2.3. If, owing to exceptional circumstances, a Provincially-owned residence or a Provincially leased residence is not immediately available for Members upon assumption of duty of office, expenses in connection with alternative accommodation may be debited to the relevant Department until such residence becomes available. For the sake of financial prudence, Members must ensure that the cost of such alternative accommodation is reasonable.

2.4. Transfer duties, bond and all other related costs incurred in obtaining a private residence at the seat of office (whether it is to be used as an official residence or not), are for the account of the Member and may not be debited to the relevant Department.

### **3. Security Analysis**

- 3.1. On assumption of office, Members should approach the Minister of Intelligence and the Minister of Safety and Security, for a security analysis and arrangements for the provision of appropriate security. The Provincial Minister of Community Safety (with the assistance of the programme Security Risk Management) may be requested to facilitate security related enquiries with the responsible National Ministries on behalf of Members.
- 3.2. Members and their support staff should, at all times, adhere to the security arrangements and policies, and take precautions not to do anything that will compromise security. A copy of the Minimum Information Security Standards (MISS) manual can be obtained from the National Intelligence Agency. Members may also request the Provincial Minister of Community Safety to furnish them with copies of the manual.
- 3.3. The analysis referred to in paragraph 3.1 above, will include security of Provincially-owned residences, Provincially leased and private residences used for official purposes, personal security and the offices utilised by the Members.
- 3.4. Relevant Departments must consult with the Department of Transport and Public Works, Department of Community Safety, relevant ministries and the agencies that conducted security analyses, for agreement to be reached on the most critical security interventions to be implemented, taking relevant departmental budgets into account.

## CHAPTER 4

### REMUNERATION, BENEFITS, TAXATION AND LEAVE

#### 1. General

- 1.1. The salaries and allowances of Members and their staff and any expenses, which may be lawfully debited to the Province, have to be paid from the Medium Term Expenditure Framework budget of the Department appearing first in the designations of Members' portfolios.
- 1.2. Should Members' portfolios not correspond to the designations of the departments they administer, the salaries and allowances of Members and their staff and other relevant expenditures have to be paid from the budget of the department commonly associated with the Member (in terms of the budget framework).
- 1.3. The remuneration, allowances and benefits payable to Members are determined in accordance with the Remuneration of Members Act, 1998, and the Proclamations and Notices promulgated by the President and Premier in terms of the Act, from time to time.

#### 2. Inclusive Remuneration Package

- 2.1 Remuneration is paid electronically into Members' bank accounts. Members receive their remuneration on the 15<sup>th</sup> of each month for the full calendar month. If the 15<sup>th</sup> falls on a Saturday or Sunday, Members will be remunerated on the preceding Friday.
- 2.2 Members will receive a total remuneration package. The total remuneration package includes the following:
  - Basic salary component equal to 60 % of total package, which is pensionable;
  - An amount of R120 000 per annum, which is an amount to which section 8(1) (a) of the Income Tax Act, 1962, applies. This amount is included in the basic salary component;
  - An employer's pension benefit contribution equal to 22,5 % of pensionable salary; and
  - A flexible portion.
- 2.2.1 Members need to structure the total remuneration package taking the above into account.
- 2.2.2 The flexible portion of the inclusive remuneration package includes a private Motor Vehicle Allowance for the acquisition of a private motor vehicle.

#### 2.3 Private Motor Vehicle Allowance

- 2.3.1 The motor vehicle allowance is intended to reimburse the Member for the capital outlay in respect of the acquisition of a private motor vehicle. Such a vehicle may not be bought on a Provincial contract or tender and must be negotiated directly with a particular dealership. It may be acquired on hire-purchase, lease or be financed in any other way. It is the Member's prerogative to arrange and negotiate financing. In the event that Members are offered discounts or free vehicle accessories or associated benefits of more than 5% of the purchase price by motor dealers or vehicle manufacturers, it is required that Members declare the said discount/benefit in terms of the Executive Code of Ethics, except when said discount/benefit is generally available to the public. To prevent ethical dilemmas, any offers of discounts or benefits of more than 10% of the purchase price must be pre-approved by the Premier in respect of Provincial Ministers and by the Provincial Cabinet in respect of the Premier, except when said discount/benefit is generally available to the public. Members must use their

official vehicles for official business as far as practically possible. When Members utilise their private vehicles for official purposes, reasons for having to use private vehicles in stead of official vehicles must be disclosed.

2.3.2 Receipt of the motor vehicle allowance is not subject to the Member acquiring ownership of a private vehicle.

2.3.3 Running and maintenance costs:

The motor vehicle allowance (2.3 above) includes running and maintenance costs. Vehicle maintenance is, therefore, the responsibility of the Member and use may not be made of Government facilities in this regard.

2.3.4 Private Vehicle Insurance

a. The private vehicle allowance includes provision for the obtaining of comprehensive insurance. It is the responsibility of the Member to ensure that a private vehicle is adequately insured for business and private use.

b. The Province shall not be liable for expenditure or losses incurred in connection with the purchase, maintenance, operation, garaging and parking, theft of or damage to a private vehicle.

### **3 Pension Fund for Political Office Bearers**

3.1 It is compulsory for Members to belong to the Closed Pension Fund. The fund was established by the Closed Pension Fund Act, 1993. Members' contributions must adhere to the Fund's rules.

3.2 Details regarding the Pension Fund for Political Office Bearers can be obtained from the Secretary to the Western Cape Provincial Parliament.

### **4 Medical Aid Scheme**

4.1 Members are required to be a member of the PARMED medical aid scheme in accordance with the Parliamentary and Provincial Medical Aid Scheme Amendment Act (Act 8 of 1996). If, however, a Member was a member of another medical aid scheme immediately prior to his/ her election to the Provincial Parliament, and he/she chooses to remain a member of that medical aid, application may be made, in writing, to be exempted from membership of PARMED.

4.2 Members' monthly contributions are deducted from their salaries and paid over to the medical aid scheme.

4.3 It is possible to remain a member of PARMED after resignation from the Provincial Parliament, provided that the Member has been a member of PARMED for at least one year.

### **5 Insurance**

5.1 Accident and Life Cover

Members are insured against accidents and death in terms of a contract concluded by Parliament with an insurance company. The Secretary of Parliament will provide each Member with a copy of the policy on his/her appointment and whenever the policy is amended. Enquiries concerning the insurance should be directed to the Secretary of Parliament.

5.2 Personal Effects [Short Term Insurance]

Insurance of personal effects, including in Provincially-owned, Provincially leased and private residences, has to be arranged for and financed by Members themselves.

**6 Leave**

6.1 Members may take annual, vacation, maternity, sick and other leave, as may be necessary, after consultation with the Premier.

**7. Taxation**

7.1 Members are responsible for acquainting themselves with their own tax obligation.

## CHAPTER 5

### RESIDENCES

#### 1. Official Residences

- 1.1. Official residences are those so designated, and used as such, by Members.
- 1.2. Members whose primary residences are more than 50 kilometres from the seat of the Provincial Parliament can be allocated a Provincially-owned residence(s) or, if not available, a residence can be leased by the Province, for official purposes.
- 1.3. Members can designate a privately owned residence for use as an official residence at the seat of office.

#### 2. Private Residence

- 2.1. Members, whose primary residence is within a 50 kilometres radius from the seat of Parliament, are responsible for all costs related to the procurement, upkeep and maintenance of private residences used for official purposes.
- 2.2. Security arrangements for private residences used for official purposes should be done in accordance with the following and with due regard to the security analysis (Chapter 3, paragraph 3):
  - 2.2.1 The Minister of Transport and Public Works may approve a State contribution of a non-recoverable maximum amount of R100 000, or the total cost of security measures not exceeding R100 000.
  - 2.2.2 Should the cost of the security measures be more than R100 000, the difference shall be borne by the Member.
  - 2.2.3 The State's contribution of R100 000 should be reviewed every five years to match with the changing costs for security systems.
  - 2.2.4 The following procedure should be followed to obtain approval from the Minister of Transport and Public Works for the State's contribution of R100 00 to be made towards security measures at the private residences of Members:
  - 2.2.5 The South African Police (Protection and Security Service) should at the request of a Member, conduct a security evaluation of such Member's private residence.
  - 2.2.6 SAPS (Protection and Security Service) would discuss the Member's personal circumstances with him/her, with a view to inform the recommendations to be made.
  - 2.2.7 SAPS (Protection and Security Service) should submit the security evaluation report to the Department of Transport and Public Works for consideration by the Interdepartmental Security Coordinating Committee (ISCC) and for cost estimates to be prepared.
  - 2.2.8 The Department of Transport and Public Works will provide SAPS (Protection and Security Service) with the cost estimate to be attached to the Members copy of the security evaluation report and to be forwarded to the relevant Member.
  - 2.2.9 Upon receipt of the report and cost estimate, the Member may submit a formal request to the Minister of Transport and Public Works for this Department to make a contribution towards the security measures.

- 2.2.10 The Office Bearer may effect security measures at a lower level than recommended by SAPS (Protection and Security Service), provided that he/she first obtains the approval of the Minister for Community Safety.
- 2.2.11 Once the Minister of Transport and Public Works has approved the contribution by the Department towards the security measures, the Member should obtain quotations for the work to be executed and forward the preferred quote to the Department of Transport and Public Works for technical scrutiny, bearing in mind the fact that the State may only contribute a maximum amount of R100 000 towards the security measures.
- 2.2.12 Should the quotation be found reasonable and in accordance with the approved security measures, the Member may enter into agreements with contractors for the work to be executed.
- 2.2.13 Upon completion of the work, the Member must furnish the Department of Transport and Public Works with receipts of the work executed. The Officer Bearer must certify that the work has been executed to his/her satisfaction. On receipt thereof, the Department of Transport and Public Works, in collaboration with the SAPS (Protection and Security Service), will inspect the completed work. If the Department of Transport and Public Works and SAPS are satisfied that the work has been completed in accordance with the tender/quotations and the recommendation of South African Police Service, payment would be made directly to the Office Bearer, who would in turn be responsible for the payment of contractors.
- 2.2.14 Standard security measures, as recommended by SAPS (Protection and Security Service) for the private residence of Members, may include the following:
- Bulletproof guard hut
  - Perimeter fencing, 2 100 mm high (or any appropriate height recommended by the SAPS)
  - Vehicle and pedestrian gates, 2 100 mm high (or any appropriate height recommended by the SAPS for the perimeter fence)
  - Security gates for external doors
  - Burglar proofing to windows
  - Window glazing to prevent spalling in case of an explosion
  - Illumination (Security lights)
  - Intercom system
  - Alarm system
  - Fire extinguishers
- 2.2.15 The Department does not accept responsibility for the maintenance and running costs of the above security measures (excluding guard hut, should it be of the pre-fabricated removable type provided and constructed by the Department of Transport and Public Works as a temporary facility, at the specific request of the SAPS).
- 2.2.16 The Department of Transport and Public Works is responsible for the provision of removable bulletproof guard huts, if specifically required by SAPS, at the private residences of Members.
- 2.2.17 The Department of Transport and Public Works is also responsible for the payment of water and electricity consumption from the guard huts. The Department of Transport and Public Works should reimburse Members, on a monthly basis or as mutually agreed with the Members, for water and electricity consumption from the guard huts.

2.2.18 A period of five (5) years must lapse before a Member may again request funds for the implementation of security measures on condition that in total the amount of R100 000 (initial amount included) is not exceeded.

### **3. Provincially-Owned/Provincially Leased Residences**

#### 3.1. General

3.1.1. Members may occupy, for official purposes, one Provincially-owned residence in Cape Town, subject to availability, free of charge. If a member's primary residence is in excess of 50 kilometres from the seat of the Provincial Parliament, and no Provincially-owned residences are available, Departments may, through the Department of Transport and Public Works (Chief Directorate: Property Management), enter into lease agreements on behalf of Members for secondary accommodation within the City of Cape Town. The maximum amount payable for a monthly lease may not exceed R 6 500.00 per month and the relevant Department must certify that the lease amount agreed to is market related. Should this arrangement attract any tax implication, it will be for the account of the Minister concerned. The Provincial Cabinet may review the maximum amount of a lease from time to time, based on a recommendation by the Provincial Minister of Transport and Public Works.

#### 3.2. Sub-Letting

3.2.1. Provincially-owned and/or leased residences may not be sub-let.

#### 3.3. Moving and Vacating

3.3.1. Unless the circumstances so require, Members should refrain from moving to other Provincially-owned residences, or exchanging Provincially-owned residences, available for re-allocation during their term of office.

3.3.2. Where a Member has relocated to another Provincially-owned residence as referred to in paragraph 3.3.1, the Provincially-owned residences concerned shall only be re-furnished when renovations are necessary.

3.3.3. Where a Member moves from a Provincially-owned residence to a private residence to be used for official purposes in the same capital, personal effects may be packed and transported at the expense of the relevant Department. This is a non-recurring concession and cannot be utilised more than once during a Member's term of office.

#### 3.4. Personal Effects and Insurance

3.4.1. The Province shall not be liable for any damage to or loss of a Member's personal effects in Provincially-owned residences, Provincially leased or privately owned residences, regardless of whether the residence is occupied or not.

3.4.2. Members may, at their own expense, insure their personal effects against such damage or loss.

#### 3.5. Domestic Services

3.5.1. The costs of employing a domestic worker responsible for the cleaning of a provincially-owned official residence shall be borne by the Department of Transport and Public Works. Such cost will include remuneration of a domestic worker as well as the cost of all cleaning materials, equipment, chemicals and toiletries.

3.5.2. These cleaning services, however, do not include ironing, cooking and washing of clothes, unless agreement is reached and arrangement is made for payment

of the additional tasks with the domestic worker in the personal employ of the Member, by the said Member.

3.6. The Department of Transport and Public Works

3.6.1. The Department of Transport and Public Works is responsible, at Provincially-owned residences, for:

a. General Maintenance and Renovations:

- i) The Department of Transport and Public Works is responsible for the normal maintenance of Provincial property, which includes the grounds, residences, outbuildings, furnishings and accessories or equipment.
- ii) Worn or broken furnishings in Provincially-owned residences will be replaced or repaired as part of the normal maintenance service.
- iii) Renovation of Provincially-owned residences is the responsibility of the Department of Transport and Public Works and will be carried out if and when needed in consultation with the relevant occupants.
- iv) Occupants of Provincially-owned residences are responsible for the costs of any work arising out of their negligence, or that of their household or guests.

b. Gardens and Garden Services:

- i) Garden services (including planting and maintenance) at Provincially-owned residences are provided for by the Department of Transport and Public Works.
- ii) Flowers planted for ornamental purposes at Provincially-owned residences might be picked by Members and their spouses after consulting the horticulturists of the Department of Transport and Public Works.

c. Furniture and Accessories:

- i) The furnishing of Provincially-owned residences is limited to the provision, and maintenance of ordinary household furniture, mattresses, pillows, carpets, curtains, beds, stoves, refrigerators, freezers, washing machines, tumble dryers and heaters, micro-wave ovens and dishwashers on request.
- ii) The Province through the Department of Transport and Public Works does not supply linen, blankets, kitchen utensils, glassware, television sets, video recorders, decoders, wall decorations and ornaments.
- iii) Inventories of all furnishings and accessories belonging to the Province at Provincially-owned residences are kept by the Department of Transport and Public Works. Upon occupation the Member is provided with copies of such inventories. It is advised that Members make their own inventories of personal effects to avoid subsequent confusion.
- iv) If a piece of furniture becomes redundant in a Provincially-owned residence, the Office of the Member concerned should make the necessary arrangements in consultation with the Office of the Provincial Minister of Transport and Public Works to have the article/s removed and the inventories amended accordingly.

- v) No equipment, furniture, carpets or any other articles of any kind provided by the Province in Provincially-owned residences may be removed from one centre to another or from one residence to another without the approval of the Provincial Minister of Transport and Public Works.
- vi) No accessories, furnishings or electrical appliances of any kind will be imported specially for the performance of a particular service. The choice of articles available has to be made from stocks available in South Africa.
- vii) If the Department of Transport and Public Works is of the opinion that the furnishings need to be changed or replaced, the matter will be dealt with in consultation with the relevant occupant.
- viii) The Department of Transport and Public Works does not provide any furniture or other furnishings in cases where Members use privately owned or Provincially leased residences as official residences.

3.6.2. The Department of Transport and Public Works can provide the following goods and services at Provincially-owned residences on receiving written applications directed to the Office of the Provincial Minister of Transport and Public Works:

- a. Assistance with Removals:
  - i) The Department can provide services / make arrangements in the event that a Member moves to or vacates a Provincially-owned residence. The Office of the Provincial Minister of Transport and Public Works should be notified in writing in advance and the costs will be debited to the relevant Department.
  - ii) The Department can assist Members with the provision of services / making arrangements for the packing of personal effects to move to and from Cape Town and the costs will be debited to the relevant Department.
  - iii) Where Members move to or vacate a Provincially-owned residence, with or without the assistance of the Department, Members must obtain their own insurance cover against contingencies such as fire, damage, loss and theft, at the expense of the relevant Department.
- b. Assistance with Official Functions
  - i) The Department of Transport and Public Works can on request provide assistance with official functions held at Provincially-owned properties, including assistance with equipment, accessories and cut flowers.
  - ii) All requests for the supply of requisites, including cut flowers, for official functions should be submitted in writing to the Office of the Provincial Minister of Transport and Public Works at least fourteen (14) days before the day on which they will be needed.
  - iii) Officials of the Department of Transport and Public Works will see to it that all the accessories and equipment requested are supplied from available stocks on time and removed after the function.
  - iv) Should an official function be arranged for a Saturday, all the requisites will be supplied by the date requested, but not later than the preceding Friday. They will be removed on the following Monday or as soon as possible thereafter. During this time the occupants will be responsible for the safekeeping of the items.

- v) All costs related to the provision of assistance with official functions at Provincially-owned residences will be debited to the relevant Department.

3.6.3. All correspondence with the Department of Transport and Public Works with regard to any matter concerning occupation, vacating and maintenance of Provincially-owned residences, including renovation and other services provided at such Provincially-owned residences, should be directed to the Provincial Minister of Transport and Public Works. Under no circumstances should any requests be made directly to officers or employees of the Department of Transport and Public Works.

### 3.7 Gatehouse

The Department of Transport and Public Works will be responsible for the costs associated with the maintenance and the electricity supply to any gatehouses at Provincially-owned, Provincially leased or private residences used for official purposes.

## CHAPTER 6

### OFFICIAL VEHICLES, TRAVEL AND ACCOMMODATION EXPENDITURE

#### 1. Official Vehicles

##### 1.1. General

1.1.1. The procurement, usage, maintenance and disposal must be done in accordance with the prescripts within the framework of the Public Finance Management Act (1999) as amended, National legislation and instructions, National Treasury Regulations and circulars, Provincial legislation and regulations and other Provincial prescripts (Treasury Instructions and circulars, GMT fleet policies, circulars and financial and procurement delegations).

1.1.2. One provincially-owned official vehicle may be allocated to each Member.

1.1.3. The relevant Department, through the Government Motor Transport Trading Entity (GMT), will carry the financial implications in terms of procuring and insuring official vehicles. Departments must ensure that the necessary funds, to meet capital and tariff expenditure, are available in their Medium Term Expenditure Framework allocations. The capital cost of official vehicles classified as first time allocations will be funded by the respective Departments after which further replacements will be funded by GMT through the financial provisions of the Trading Entity.

1.1.4. The South African Police Service is responsible for the financial implications in terms of the SAPS VIP Drivers/Protectors allocated to Members for security reasons; except in cases where the claimed overtime for a SAPS VIP Driver/Protector for a specific month exceeds 80 hours, in which case the relevant Department will be responsible for the costs of overtime claimed above the initial 80 hours. Relevant Departments are responsible for providing and maintaining official vehicles and cell phones for SAPS VIP Drivers/Protectors.

##### 1.2. Types, number and cost of official vehicles

1.2.1. Members will be provided with one official vehicle for use at their seat of office, i.e. Cape Town.

1.2.2. The vehicle is allocated to the Ministry and when an office bearer takes office he/she must continue with the current vehicle until it is withdrawn and replaced in terms of this Handbook.

1.2.3. A Purchase List, as recommended by GMT and approved by the Minister of Transport and Public Works, will be made available on an annual basis after the release of the latest approved transversal vehicle purchase State tender (State Tender).

1.2.4. GMT shall procure vehicles directly from manufacturers through the State Tender. Procurement will only be considered through provincial tenders and local dealerships when the required vehicle cannot be supplied through the transversal tender referred to above once recommended by GMT and approved by the Minister of Transport and Public Works.

1.2.5. The total purchase price of the vehicle chosen by the Member may not exceed 40 % of the inclusive annual remuneration package of the Member.

1.2.6. The total purchase price per vehicle must include VAT, accessories, extras and a motor maintenance plan offered by the manufacturer.

1.2.7. Members are at liberty to choose appropriate vehicles of lesser value in the interest of spending efficiency.

- 1.2.8. GMT shall manage official vehicles with the assistance of the departmental transport/transport control officer (subject to clause 1.1.4).
- 1.3. Use of Official Vehicles
- 1.3.1. Official Members may utilise official vehicles allocated to them at the expense of the respective Departments for any purpose.
- 1.3.2. Within reason, official vehicles, which do not form the basis of a taxable benefit, may also be used for transporting school going children to and from school subject to the conditions outlined in paragraph 3 below.
- 1.3.3. Family members of Members may travel with them in official vehicles.
- 1.3.4. Spouses, including life partners may drive the official vehicles allocated to Members at any time, including times when the Members are not in the vehicle.
- 1.3.5. Other family members of Members may only drive the vehicles when a Member or his/her spouse is in the vehicle.
- 1.4. Replacement of a vehicle
- 1.4.1. GMT will be responsible for the replacement of a vehicle (subject to clause 1.1.4 above) when the currently provided vehicle has reached 175 000 km or 4 years, whichever comes first.
- 1.4.2. GMT to be allowed to withdraw the vehicle at any earlier stage if it can be justified for reasons such as economic and/or other electrical or mechanical failures and/or poor body condition. These reasons to be documented and placed on record for audit purposes.
- 2. Temporary Motor Transport**
- 2.1. For the purposes of keeping official engagements, a Member may, if a temporary vehicle is not available from GMT, make use of any road transport, at the expense of the relevant Department, in cases where the permanent vehicle allocated for official purposes is not available.
- 2.2. The use of Government Motor Transport for private purposes is not permissible.
- 3. Government Motor Transport of School-Going Children**
- 3.1. In cases where public and/or the Member's permanent official transport is not available, temporary vehicles from GMT (preferably co-ordinated) may be arranged at the expense of the relevant Departments of the Members concerned for purposes of transporting Members' children to and from school. This is permissible only if the schools are in the suburbs in which the Members reside. The services of the SAPS VIP Driver / Protector or the Aide / Driver could be used for these purposes.
- 3.2. Transport of children to schools in other areas (where at all possible in the same city or town) may be arranged, provided that the journeys do not exceed 15 kilometres in one direction and a Government Transport facility is available in the area in which the Member concerned resides.
- 3.3. These concessions are subject to the Province and its officials being indemnified against any possible claims that could arise from the transportation of the children. The prescribed forms must be completed and placed on record.
- 4. Use of Incidental Vehicles for Official Purposes**
- 4.1. Members may make use of incidental or rented vehicles when on official duty away from their respective seats of office. Only Group D (1600 cc and

automatic) vehicles may be rented at airports unless it is impractical for the required purpose as determined by the Member.

- 4.2. The cost of incidental/rented vehicles for official use is borne by the relevant Department.
- 4.3. Members may not send an official vehicle with the SAPS VIP Driver/Protector to any destination, where the relevant Department did not procure an official vehicle, to meet the Member while he/she makes use of scheduled air transport. SAPS VIP should be requested to provide a driver/protector at the destination point.
- 4.4. Members are personally liable for the cost of rented vehicles used for private purposes.

## **5. AIR TRANSPORT**

### **5.1 General**

- 5.1.1 For safety and security reasons, Members may under no circumstances travel in single-engine aircraft.

### **5.2 Domestic Official Journeys**

- 5.2.1 As far as possible, Members and their spouses (or alternatively an adult family member accompanying the Member in official capacity in stead of spouse) should utilise economy class when travelling for official purposes, at the expense of the relevant Department.
- 5.2.2 Dependent children of Members may accompany or join their parents on official domestic journeys if they cannot remain at home, at the expense of the relevant Department. The costs related to excess luggage of children will be for the account of the Member except when arrangements are made for the excess luggage to be forwarded by rail, in which case the cost can be debited to the relevant Department.
- 5.2.3 For security purposes, where circumstances warrant it, Members may use VIP rooms at the relevant airports on domestic travel.

### **5.3 International Official Journeys**

- 5.3.1 When deciding on the necessity for international trips, Members must satisfy the requirements of the guidelines contained in Annexure A to this Handbook. As far as possible, Members and their spouses (or alternatively an adult family member accompanying the Member in official capacity instead of spouse) should utilise economy class when travelling less than 8 hours for official purposes, at the expense of the relevant Department. For flights (departing Cape Town) longer than 8 hours, Members may utilise business class.
- 5.3.2 The costs for official journeys abroad by Members, and their spouses or adult family members accompanying them in official capacity, are for the account of the relevant Departments.
- 5.3.3 For security purpose, where circumstances warrant it, Members may use VIP lounges at international airports. Where appropriate and if preferred business class lounges could be utilised. To avoid the cost of unnecessary reservation of VIP lounges, the Department of Foreign Affairs should be informed of the travelling Member's preference well in advance.
- 5.3.4 Dependent children who accompany their parents on official visits abroad do so at the cost of their parents.

## **5.4 Air Transport other than Commercial**

### **5.4.1 The South African Air Force**

5.4.1.1 Members may use South African Air Force aircraft for official purposes at the cost of the relevant Department, when available and under the following circumstances:

- (a) If there are time constraints in reaching the destination by vehicle or scheduled commercial flight due to other official duties;
- (b) If the safety of passengers so demands;
- (c) If the facilities of commercial airlines are not cost-effective and / or readily available in the specific instance; or
- (d) For health reasons.

5.4.1.2 Air transport provided by the South African Air Force, or any other Government Department, may not be used by Members for party political engagements, unless such transport enables the Member concerned to fulfil important official engagements before or after the party political engagements.

5.4.1.3 It is the responsibility of Members and their support staff to determine whether the intended journey meets the requirements contained in these guidelines.

5.4.1.4 In so far as it lies within its capabilities, the South African Air Force is responsible within the Republic for:

- (a) flights by the Minister and Deputy Minister of Defence; and
- (b) all official flights by helicopter.

5.4.1.5 The South African Air Force may further assist Members with flights abroad, which cannot be provided for by commercial airlines, if such flights are within the capacity of the Air Force.

5.4.1.6 All applications for the provision of air transport by the South African Air Force must be made to the Secretary of Defence, in advance, to establish the availability of aircraft, flights and landing strips.

5.4.1.7 All applications have to be confirmed in writing and the following details have to be furnished:

- (a) Date(s) of flight(s);
- (b) Name(s) of passenger(s);
- (c) Flight plans (places and times);
- (d) Refreshments required (light refreshments or meals); and
- (e) Any other particulars that may influence the choice of aircraft, for example, time of arrival and the mass and volume of luggage, to enable the South African Air Force to provide the most economical aircraft. The application should indicate whether the crew of the aircraft should arrange their own overnight accommodation.

5.4.1.8 Flights by aircraft of the South African Air Force are undertaken at the expense of the relevant Department. Only the direct costs of flights will be claimed from the relevant Department.

### **5.4.2 Chartered Aircraft Services**

- 5.4.2.1 Members may make use of chartered aircraft services for official purposes at the cost of the relevant Department, under the following circumstances:
- (a) If there are time constraints in reaching the destination by vehicle, scheduled commercial or unavailability of a South African Defence Force flight;
  - (b) Where the facilities of commercial airlines and the South African Defence Force are not cost-effective and/or readily available in the specific instance; or
  - (c) For health reasons.
- 5.4.3 The Department of Transport and Public Works must establish and issue a policy and procedures for approval and facilitation of travel arrangements for Members in cases where the use of chartered aircraft services for official purposes might be considered.

## **6. Accommodation and subsistence expenditure**

### **6.1 Domestic**

- 6.1.1 The relevant Department meets the reasonable costs of travel and subsistence for official purposes as per prevailing terms and conditions. Private vehicles may only be used for official purposes in exceptional circumstances, and a claim on distance travelled for use of a private motor vehicle, together with reasons for using the private vehicle, shall be submitted to the Accounting Officer of the relevant Department for approval. If approved, a travel claim will be re-imbursed in accordance with GMT fuel tariffs applicable to Provincial Government officials.
- 6.1.2 Members, their spouses and dependent children who out of necessity cannot remain at home are entitled to accommodation and subsistence at expense of the relevant Department (in hotels or hostelry) when fulfilling official duty away from their ordinary places of residence, as well as in cases where spouses fulfil official duties on their own. Accommodation and subsistence expenses should be kept as low as possible by making use of hotels that have reasonable tariffs. As a rule, five star hotels must be avoided.
- 6.1.3 All reasonable out-of-pocket expenses (including gratuities and reading material, excluding alcoholic beverages not consumed with a meal) connected with the subsistence of Members, their spouses and family, who must of necessity accompany them, shall be debited to the relevant Department.
- 6.1.4 Every claim for reimbursement of expenses submitted by Members in terms of these provisions must furnish details of the expenses and include a certificate signed by them or by their Private Secretaries on their behalf to the effect that the expenses were actually incurred and that they may lawfully be debited to the Province in terms of these prescriptions. At all times, receipts must substantiate claims.
- 6.1.5 Subsistence and travel allowance is not an additional remunerative allowance and therefore, for domestic travel, no daily subsistence allowance may be claimed.

### **6.2 International**

- 6.2.1 A daily accommodation and subsistence allowance may be paid to Members, and Spouses accompanying them in official capacity, on official visits abroad. They may:

- a. be compensated for their reasonable actual accommodation expenditure (i.e. for lodging, laundering and dry cleaning); and
  - b. receive a daily allowance (i.e. for three meals and other incidental expenditure such as tips, room service, reading material and normal liquid refreshments) equal to 110% of the daily allowance payable to Directors-General during visits abroad. Should the daily allowance be insufficient, their reasonable actual expenditure on meals may be reimbursed and an additional daily allowance for incidental expenditure equal to the amount applicable to Directors-General as determined from time to time by the Department of Public Service and Administration, is payable to them (Member and spouse).
- 6.2.2 The approved daily allowance in respect of Members as set out in paragraph 6.2.1 above also applies to spouses of Members who are travelling alone on official visits abroad.
- 6.2.3 Real expenditure on gratuities, drivers, newspapers, news magazines and out of pocket expenses for which receipts are normally not issued, arising out of official subsistence and travelling, may be claimed from the relevant Department on condition that the necessary declaratory certificates are submitted to the Department by the Member.
- 6.2.4 When accommodation expenditure and related expenses are wholly or partially sponsored by a donor or sponsor, or where part of the meals (e.g. breakfast included in hotel accommodation expenses) is paid by the Department a reduced daily allowance will be payable. The following breakdown of the special daily allowance to determine the reduced special daily allowance is applicable:
- Incidental expenses – 15 %
  - Breakfast – 20 %
  - Lunch – 20 %
  - Dinner – 45 %
- 6.2.5 Accommodation and subsistence expenses should be kept as low as possible by making use of hotels that have reasonable tariffs. As a rule, five star hotels must be avoided. Suites should be hired only if talks or interviews are to be conducted in them or if people are to be received or entertained there.

## CHAPTER 7

### OFFICE OF THE MEMBER

#### 1. Office Staff Complement

- 1.1. The following core staff may be utilised by Members as a guideline for establishing Offices in support of Members.

<b>PREMIER</b>	<b>PROVINCIAL MINISTER</b>
Chief of Staff	Head of Office
Personal Assistant to Chief of Staff*	Personal Assistant to Head of Office*
Administrative Secretary	
Media Liaison Officer	Media Liaison Officer
Private Secretary/Appointments Secretary	Appointments Secretary
Assistant Appointments and Administrative Secretary	
Parliamentary Officer	
Secretary/Receptionist (x2)	Secretary/Receptionist
Registry Clerk	Registry Clerk
Aide or Driver/Messenger	Aide or Driver/Messenger
<b>TOTAL POSTS 11</b>	<b>TOTAL POSTS 7</b>

\*Operational requirements will dictate whether such a post should be created.

**An additional post may be provided for Members whose portfolios relate to the activities of more than one executive institution/department (i.e. Portfolio).**

- 1.2. Members may utilise the above-mentioned guideline for the Offices of Members provided that staff be appointed either:
- 1.2.1. on a contract linked to the political term of office of the Member concerned, including contracts envisaged in section 12A of the Public Service Act, and subject to conditions laid down by the Provincial Cabinet; or
- 1.2.2. as full-time public servants, provided that they utilise the job evaluation system and ensure that there are sufficient funds available on the approved budget of the relevant Department for the creation of post(s).
- 1.3. The Member may second personnel from components within the Department. The advantage of secondment is that staff members could return to their original components on the approved establishment without any burden to the Department. No staff members may be moved from the Office for placement within the relevant Department or any other department within the Administration. Such staff must apply for Departmental posts as advertised from time to time.
- 1.4. The core staff will be determined by the relevant Member, who may decide on the creation, salary level and/or grading of posts as identified in his/her structure, based on proven needs and provided that sufficient funds are available in terms of the medium-term expenditure framework (MTEF) of the relevant Department. Regulations B.2 and F.1 of Part III, Chapter 1 of the Public Service Regulations, 2001, are applicable.

#### 2. General

- 2.1. The Chief of Staff of the Premier's office is in charge of the overall management of a Premier's office.
- 2.2. The Head of Office is in charge of the overall management of a Provincial Minister's office.
- 2.3. Members may decide to collapse the posts of Appointments Secretary and Private Secretary into one post as identified in their structure based on proven needs. It is advisable that the incumbent of the post Private Secretary should not be the Chief of Staff of the Premier's Office or Head of Office of a Ministry.
- 2.4. The Head of Department in consultation with the Chief of Staff/Head of Office should formulate job descriptions for each member of staff in the Premier's Office/Ministry within the framework of the functions of the respective officers approved by the Provincial Cabinet.
- 2.5. Clear procedures should be compiled for recording Members' meetings, handling of correspondence, answering parliamentary questions and ministerial speeches and briefings.
- 2.6. The Chief of Staff/Head of Office, in consultation with the relevant Department should develop an effective automated system for the management of correspondence and documentation of the Member.

### **3. Travel Arrangements and Allowances for Members of Staff Offices**

- 3.1. A Private Secretary and/or a member of the Office may accompany the Member on official and private visits at the expense of the relevant Department to render assistance in official matters relating to the work of the Member.
- 3.2. In cases where Members perform official functions by virtue of their office, and where this is in their opinion warranted, a member (or members, as the nature of the official duties prescribe) of the Office staff may accompany them and stay in the same hotel or hostelry and travel in the same class, at the expense of the relevant Department. Subsistence and travel allowances as applicable in the relevant Department may be paid.
- 3.3. All reasonable expenses incurred by members of staff in the Offices of Members, in the course of official duty, are borne by the relevant Department.

### **4. Offices and other arrangements**

- 4.1. Rentals for cellular telephones (as well as the costs of official calls), the installation and maintenance of fax facilities for official use at the place of residence, and computer equipment where applicable, for selected members of the ministerial staff are payable by the relevant department, subject to proven needs.
- 4.2. Within the applicable norms and standards the Department of Transport and Public Works can provide assistance with the location, furnishing, and maintenance of the physical offices for Members and their staff.

## CHAPTER 8

### RELINQUISHING OF OFFICE

#### 1. Provincially-Owned Residences

- 1.1. Members and their families who occupy Provincially-owned or Provincially leased residences are entitled, upon relinquishing (termination, retirement, resignation or death) office, to stay in the Provincially-owned or Provincially leased residence until the end of the month following the month in which their term of office ends (one calendar month).
- 1.2. Where exceptional circumstances prevail, the period referred to above may, at the discretion of the Provincial Minister of Transport and Public Works, after consultation with the Premier, be extended but may not exceed three (3) calendar months.
- 1.3. During this period Provincially-owned residences will continue to be maintained in the normal course by the Department of Transport and Public Works.

#### 2. Transport

- 2.1. Relocation
  - 2.1.1. Transport to the place of residence when vacating a Provincially-owned, or Provincially leased residence or where applicable, designated privately owned residence upon relinquishment of office may be debited to the relevant Department. This includes transport for families, domestic workers and personal effects.
  - 2.1.2. If furniture and other personal effects are not transported directly to the house where the former Member intends to settle, they themselves will be responsible for the storage and insurance costs and other incidental expenses in connection with their personal effects.
- 2.2. Relinquishing/ Termination of office (retirement, death, resignation, after election)
  - 2.2.1. Upon relinquishing office, former Members will be allocated one official vehicle (with SAPS VIP Driver) under the same conditions and provisions as at the time in office, until the end of the month following the month in which their service terminates (one calendar month). Where exceptional circumstances prevail, i.e. termination as a result of death or ill-health, the period referred to above may, at the discretion of the Provincial Minister of Transport and Public Works, after consultation with the Premier, be extended to a period not exceeding three (3) calendar months.

#### 3. Security Protection

- 3.1. In exceptional cases security protection may be afforded to former Members who have left their official residences for as long as the Minister of Community Safety, after consultation with the Premier, may deem necessary.

#### 4. Clerical Assistance

- 4.1. If necessary, clerical assistance (two people at the most) may be placed at the disposal of former Members from the ranks of the public service until the end of the month following the month in which their terms of office have ended (one calendar month). The expenses connected with such staff will be borne by the Members' former Departments.

**5. Telephone Service**

- 5.1. Members may use the official telephone, fax and e-mail services in their official residences to a reasonable extent until the end of the month following the month in which their term of office ended (one calendar month). Expenses regarding private matters are for the account of the Members.

**6. Confidentiality**

- 6.1. Members shall not, unless authorised by the relevant authority or instructed by a court of law, after relinquishing office, disclose to any person, any classified official information, whether written or unwritten, acquired in their official capacities during their term of office.

## CHAPTER 9

### ENTERTAINMENT / RECEPTIONS

#### 1. General

- 1.1. Receptions hosted and reasonable entertainment expenses for official purposes and in the course of official duties are considered official and for the account of the relevant Department on production of the necessary documentation.
- 1.2. All other receptions and entertainment expenses are considered private and for the account of the Member.

#### 2. Official Receptions

- 2.1. Members are entitled to defray all reasonable expenses (excluding alcoholic beverages not consumed with a meal) relating to official receptions and functions hosted by them out of Departmental entertainment allowances.
- 2.2. A function or reception is considered official when the occasion relates to the official position, functions and duties of a Member and/or is in the interest of the State and/or the Province. The following serve as examples of official functions and receptions:
  - a. Hosting of functions relating to the activities of the Department/s the Member administers;
  - b. Entertaining members of a body who are visiting in connection with their work;
  - c. Entertaining foreign visitors, including the presentation of appropriate gifts to such visitors;
  - d. Entertaining people on official visits abroad, including the presentation of appropriate gifts to such people;
  - e. Hosting a provincial / official function in honour of someone and / or an event/occasion;
  - f. Entertaining colleagues, government officials and others at farewell functions for Members; and
  - g. Entertaining the Office staff and senior members of the relevant Department once a year.
- 2.3. These guidelines also apply to the spouses of Members when they entertain by virtue of the Member's official position, functions and duties.
- 2.4. All expenses relating to functions or receptions must be borne by the Member and the Department concerned. Members may cover the expenses utilising his or her personal credit card and claim from his or her Department.

## CHAPTER 10

### MISCELLANEOUS

#### 1. Official Stationery

- 1.1. Members are entitled to the use of official stationery (printed with the Provincial Coat of Arms according to prevailing conditions for its use) to communicate with members of the public, including their constituencies.
- 1.2. Letters and cards of a party-political nature may not be posted at the expense of the relevant Department.

#### 2. Thank You Cards

- 2.1. Members may receive large numbers of messages upon their appointment, birthday or when indisposed. Thank you cards / letters may be printed and posted at the expense of the relevant Department in such cases.

#### 3. Seasonal Greeting Cards

- 3.1. Members may, once a year, print and send seasonal greeting cards at the expense of the relevant Department.
- 3.2. The Member should use discretion in terms of the design and number of cards printed within the context of financial prudence.

#### 4. Invitations

- 4.1. Members may print and send invitations to official functions at the expense of the relevant Department.
- 4.2. Spouses of Members may, when hosting official functions, print and send invitations to official functions at the expense of the relevant Department.

#### 5. Visiting / Business Cards

- 5.1. Visiting/business cards for Members may be printed at the expense of relevant Departments, with due regard to the conditions that apply to the use of the Provincial Coat of Arms.

#### 6. Newspapers and Magazines

- 6.1. Only one copy of each of the newspapers and magazines ordered by Members may be supplied at the expense of the relevant Department. This rule is not applicable when the Member is away from office in which case he/she may purchase a copy of any newspaper and magazine as required.
- 6.2. These may be delivered either at the official residences or offices of the Members at the expense of the relevant Department.

#### 7. Telephone / Fax / Computer Facilities

- 7.1. All official, reasonable expenses incurred in connection with the installation of official telephone fax and computer (including access to the internet and email) facilities at official residences, as well as the official monthly rental and cost of official calls, costs for access to the internet, including cost regarding cellular phones used for official purposes, may be debited to the relevant Department in line with Departmental policies.

- 7.2. In circumstances where, from time to time, a Member stays in his/her private residence, in addition to the designated official residence, the installation cost of telephone, fax and computer facilities is for the account of the Member. The respective Departments may only be debited for the costs related to official use of these facilities.

**8. Departmental Sponsored Credit Cards**

- 8.1. No departmental sponsored credit cards may be obtained in the name of a Member.

**9. Lifestyle Audits**

- 9.1 The Premier may direct that lifestyle audits be carried out.

**10. Amendments to this Handbook**

- 10.1 This Handbook may be amended by the Provincial Cabinet from time to time, via the cabinet decision-making process. The Director-General will open and maintain a register of all amendments that are effected in terms of this paragraph.

**11. Conflict**

- 11.1 In the event of any conflict between the provisions of this Handbook and the provisions of any other provincial policy, the provisions of this Handbook will prevail over the provisions of such other policy.

## **ANNEXURE A**

### **GUIDELINES FOR OFFICIAL TRAVEL ABROAD: PREMIER AND PROVINCIAL MINISTERS**

#### **1. General**

- 1.1. The Premier should notify the President of a planned official visit abroad. Provincial Ministers should approach the Premier in writing, at least two weeks in advance of a planned official visit abroad, to request approval for the intended visit and the appointment of an Acting Minister.
- 1.2. Members may travel on official visits abroad if these are essential (in other words, there is a demonstrated need or benefit for the Province), in the public interest and with due regard to the availability of Departmental funds.
- 1.3. International visits should offer real value and benefit to the Western Cape (WC), in that:
  - 1.3.1. the status and importance of the people with whom appointments are made are on a par with the visiting Member and have special merit for the WC;
  - 1.3.2. the institutions visited or the matters investigated have not received adequate attention in the recent past during previous visits by Members or officials;
  - 1.3.3. the countries visited are of real importance to the WC;
  - 1.3.4. the value offered by good media coverage has been taken into account; and
  - 1.3.5. the merits of invitations to address organisations, groups, etc. have been fully ascertained.
- 1.4. In view of the official duties of Members in the Province, the extent and duration of visits abroad should be limited to the absolutely essential.
- 1.5. Arrangements should be made, as far as possible, in such a way that Members are not absent from office for a period of more than two consecutive Provincial Cabinet meetings.
- 1.6. The absolute minimum number of officials should accompany Members. Taking the necessity of financial discipline into account, Members should exercise their discretion and apply their minds cautiously in determining the number of officials, and the feasibility of their spouses accompanying them abroad. SA Missions abroad are available, within the constraints of their capabilities, to render support services to travelling Members, provided prior notice of visits are given.
- 1.7. International telephone calls from hotel rooms are subject to substantial service charges, such calls should be limited to the minimum and only to genuinely urgent cases. The facilities at SA Missions should, where practical, be used for official calls.

#### **2. Security**

- 2.1. On the advice of the National Intelligence Agency, specially trained persons will be made available to accompany Members as security staff.
- 2.2. Security staff may travel in the same class as those whom they are accompanying for protection on board trains and other types of public transport.
- 2.3. Missions abroad should be advised timeously when security staff accompanies Members in order to facilitate their entry into host countries.

**3. Foreign Affairs**

- 3.1. Members should inform the Directorate International Relations who should inform the Minister and Department of Foreign Affairs timeously of intended international visits in order for the Department of Foreign Affairs to:
- 3.1.1. advise on any related matter that may be taken into consideration; and
  - 3.1.2. enable Heads of Mission abroad to render the best possible assistance where required.
- 3.2. Members and their spouses are entitled to diplomatic passports for visits abroad. The Protocol Division of the Department of Foreign Affairs is responsible for obtaining visas for Members and their spouses, provided applications are made timeously.

## **ANNEXURE B**

### **STATE, OFFICIAL AND PROVINCIAL OFFICIAL FUNERAL POLICY MANUAL**

#### **Foreword**

During the first decade of democracy the re-engineering of Government systems, structures and processes have been undertaken and have in large measure been successfully completed.

A particularly daunting challenge has been the definition and management of structures, processes and systems that related to death and dying.

While some pre-1994 processes existed, they needed reviewing to make them appropriate to the post-1994 context and environment of a free and inclusive democratic society. Some adjustments were made over the first decade of our democracy, but this Manual is in fact the first systematic codification of a new State-funded funerals order. Therein lays its significance.

The Manual addresses the need for systematic definition, in line with a Cabinet decision of 23 June 2004, providing for the production of a manual for funerals.

Drawing on the unique experiences and practices over the period 1994 – 2005, which combined formal State procedures in form reminiscent of the pre-1994 period but with heavy emphasis on democracy and freedom and high levels of community participation, the Manual describes different categories of funerals commensurate with the status of the deceased figures, and identifies key role-players, structures and processes.

It identifies and sets out the whole process in detail from the moment a death is announced to the burial/cremation. A key feature of the Manual is the differentiation of categories of funerals – with each accorded a particular status by the President in consultation with his Cabinet colleagues. The categories are clearly designated: State Funerals, Official Funerals and Provincial Official Funerals.

The Manual describes the responsibilities and support roles of national and provincial government in each category.

The designated role of the Director-General in the Presidency obliges him to preside over official funeral matters; and there is a description in the Manual of what other role-players are expected to do, including the Heads of the South African National Defence Force, the South African Police Service, the departments of Public Works, Foreign Affairs, Transport, Government Communication and Information System (GCIS) and National Intelligence Agency (NIA).

It is to be hoped that this Manual will serve the nation long and well, as a compendium of information and instruction which resonates right to the roots of our justifiable national pride - and, indeed, captures our people's immense gratitude for the way such exceptional leadership led us down the path of democracy and away from the disasters of *apartheid*.

Frank Chikane  
(Director-General in the Presidency and Secretary of the Cabinet)

## **CHAPTER 1: GENERAL PROVISIONS**

### **1.1 State Funeral Policy**

The State Funeral will be divided into two categories, which are *State Funeral Category 1* (Full Military Ceremonial Honours) and *State Funeral Category 2* (With Prescribed Military Ceremonial Honours).

#### **1.1.1 State Funeral Category 1**

- (a) President of the Republic of South Africa
- (b) President-elect of the Republic of South Africa
- (c) Former Presidents of the Republic of South Africa

#### **1.1.2 State Funeral Category 2**

- (a) Deputy President of the Republic of South Africa
- (b) Acting President of the Republic of South Africa
- (c) Former Vice/Deputy Presidents of the Republic of South Africa
- (d) Persons of extra-ordinary credentials specifically designated by the President of the Republic of South Africa

### **1.2 Official Funeral Policy**

The Official Funeral will be divided into two categories, which are: Official Funeral Category 1 (With Elements of Military Ceremonial Honours) and Official Funeral Category 2 (With Police Ceremonial Honours).

#### **1.2.1 Official Funeral Category 1**

- (a) Serving Ministers
- (b) Speaker of the National Assembly
- (c) Chief Justice of the Republic of South Africa
- (d) Chairperson of the National Council of Provinces (NCOP)
- (e) Premiers of Provinces
- (f) Distinguished persons specifically designated by the President of the Republic of South Africa

#### **1.2.2 Official Funeral Category 2**

- (a) Spouse of a serving President
- (b) Spouse of a serving Deputy President
- (c) Deputy Ministers
- (d) Deputy Speaker of the National Assembly
- (e) Permanent Deputy Chairperson of the National Council of Provinces

- (f) Deputy Chief Justice of the Republic of South Africa
- (g) The President of the Supreme Court of Appeal

### **1.3 Provincial Official Funeral**

The provincial Official Funeral will also be divided into Provincial Official Funeral Categories 1 (With Prescribed Police Ceremonial Honours) and 2 (With elements of Police Ceremonial Honours).

#### **1.3.1 Provincial Official Funeral Category 1**

- (a) Speaker of the Legislature
- (b) Member of the Executive Council

#### **1.3.2 Provincial Official Funeral Category 2**

Deputy Speaker of the Legislature

## **CHAPTER 2: SPECIFICATIONS FOR INSIGNIA, SYMBOLS AND FUNERAL MEMORIAL SERVICES**

### **2.1 Flying the National Flag at Half-Mast**

#### **2.1.1 State Funerals (Categories 1 & 2)**

- (a) In the case of Category 1 of State Funerals, the National Flag shall be flown at half-mast at all flag stations throughout the country and at missions abroad from the date of the announcement of the demise until the evening of the burial or cremation. This includes flying the flag at half-mast at the burial site or cremation facility.
- (b) In the case of Category 2 of State Funerals, the National Flag shall be flown at half-mast at all flag stations throughout the country from the date of the announcement of the demise until the evening of the burial or cremation. This includes flying the flag at half-mast at the burial site or cremation facility.

#### **2.1.2 Official Funeral**

- (a) In the case of an Official Funeral Category 1, the National Flag will be flown at half-mast at every flag station in the country from the day of the announcement of the demise until the evening of the burial or cremation. This shall also apply to the burial site or the cremation facility.
- (b) In Official Funeral Category 2 the National Flag will be flown at half-mast on the day of the burial or cremation at every flag station in the Capital City and at Parliament, as well as in the city where the deceased had last resided. The National Flag will also be flown half-mast at the burial or at the crematorium site.

#### **2.1.3 Provincial Official Funeral**

- (a) In relation to Category 1, the National Flag will fly at half-mast at every flag station in the province a day before the burial or cremation until the evening of the day of the funeral/cremation; this will include the burial site and cremation facility.
- (b) In the case of category 2, the National Flag will fly at half-mast at every flag station in the province on the day of the burial or cremation until that evening; this will include the burial site and cremation facility.

### **2.2 Declaration of Days of Mourning**

#### **2.2.1 State Funeral**

- (a) In Category 1 of the above, the National Days of Mourning shall commence from the date of the announcement of the demise until the evening of the burial or cremation.
- (b) In the case of Category 2, the National Days of Mourning may be declared at the discretion of the President of the Republic of South Africa and the duration will be determined by the President.

### **2.2.2 Official Funeral**

- (a) In the case of Category 1 of the above, the National Days of Mourning will commence on the day of the announcement of the demise until the evening of the burial or cremation.
- (b) In Category 2 the National Day of Mourning will be on the day of the burial or cremation.

### **2.2.3 Provincial Official Funeral**

- (a) In relation to Category 1 of the above, the Provincial Days of Mourning will commence the day before the burial or cremation until the evening of the day of the funeral/cremation.
- (b) In the case of Category 2, the Provincial Day of Mourning will be on the day of the burial or cremation until that evening.

## **2.3 Lying-In-State**

### **2.3.1 State Funeral**

- (a) In the case of Category 1 of the above, the remains will Lie in State at the City Hall of the Capital and Seat of Government. This will not preclude the President of the Republic of South Africa from declaring other appropriate centres for the same purpose if necessary.
- (b) The length of the period for the Lying-in-State will be determined by the President.
- (c) The South African National Defence Force (SANDF) will deploy a guard of honour for the arrival and removal of the remains from the venue of the Lying-in-State.
- (d) SANDF Sentries will be posted to guard the remains continuously until movement from the venue.
- (e) This procedure will be applicable for all venues where the Lying-in-State takes place.
- (f) In the case of Category 2, the remains will not Lie-in-State.

### **2.3.2 Official Funerals and Provincial Official Funerals**

The remains will not Lie-in-State.

## **2.4 Official Memorial Services**

In the case of all categories of funerals i.e. *State Funerals, Official Funerals and Provincial Official Funerals*, one or more Official Memorial Service/s may take place. Suitable venues, dates and times of the Services may be agreed upon by the Funeral Planning Committee. In the case of an Official Provincial Funeral, a Provincial Funeral Planning Committee will do those arrangements.

## **2.5 Night Vigil**

In all categories of the *State Funerals, Official Funerals and Provincial Official Funerals*, a night vigil is the prerogative of the family, and the State may assist.

## **2.6 Funeral Service and Burial/Cremation**

### **2.6.1 State Funeral**

- (a) In Category 1 of the above, the Funeral Service will be conducted at the Union Buildings Amphitheatre. Exceptions based on logistics or any other considerations may be granted by the President of the Republic of South Africa, for the holding of the Funeral Service elsewhere.
- (b) For Category 2, the Funeral Planning Committee in consultation with the family of the deceased will decide on the venue of the Funeral Service.
- (c) The burial or cremation for both Category 1 and 2 may take place in the Capital City, which is the Seat of Government unless the family of the deceased decides on a different place.

### **2.6.2 Official Funeral**

In both Categories 1 and 2, the Funeral Planning Committee in consultation with the family of the deceased will decide where and when the funeral service and the burial/cremation will take place.

### **2.6.3 Provincial Official Funeral**

As in the case of Official Funerals, the Provincial Funeral Planning Committee in consultation with the family of the deceased will choose the place and time where the funeral service and the burial/cremation will take place.

## **2.7 Interaction With Family Members**

### **2.7.1 State Funeral**

- (a) In the event of Category 1 and 2 of State Funerals, the Director-General in The Presidency will appoint a Special Aide to the Next-of-Kin to co-ordinate and liaise with the family on the funeral arrangements.
- (b) The Special Aide to the Next-of-Kin will co-ordinate all the activities of the various departments concerned at the residence, in accordance with the wishes of the family.

### **2.7.2 Official Funeral**

- (a) For category 1 and 2 of the above, the Special Aide to the Next-of-Kin in this case will be appointed in consultation with the government department affected.
- (b) The Special Aide to the Next-of-Kin as referred to in the previous paragraphs will be stationed at the family residence from the day of the announcement of the demise to the day after the burial/cremation.

- (c) The Aide may be assisted by other members of staff if so requested by him/her.

### **2.7.3 Provincial Official Funeral**

- (a) In the event of a Provincial Official Funeral, the Director-General in The Office of the Premier in the affected province will appoint a Provincial Special Aide to the Next-of-Kin to co-ordinate and liaise with the family over funeral arrangements. This will include co-ordinating all the activities of the various provincial departments at the residence in accordance with the wishes of the family.
- (b) The Special Aide will be stationed at the family residence from the day of the announcement of the demise to the day of the burial or cremation. The Special Aide may be assisted by other members of staff as required.

## **2.8 Bearing of Costs for State-Assisted Funerals**

### **State Funeral, Official Funeral and Provincial Official Funerals**

- (a) In respect of State and National Official Funerals the Departments involved or affected shall be responsible for reasonable costs related to the services they are expected to offer.
- (b) In respect of Provincial Official Funerals, the relevant Provincial Department and entities shall be responsible for reasonable costs related to the services they are expected to offer.
- (c) In the event of the cost of a funeral exceeding the budget of the said Department, this expenditure must be provided for during the Adjustment Appropriation.

## CHAPTER 3: CO-ORDINATION AND MANAGEMENT

### 3.1 The Presidency

- (a) The Office of the Director-General in The Presidency is charged with the organizing, planning and executing of all funeral arrangements where the State is involved. It shall also assist and guide the Premier's Office in respect of Provincial Official Funerals.
- (b) The Director-General in The Presidency, on the confirmation of a demise covered by this Manual, shall issue a notice to all spheres of Government, State organs and the public at large, announcing the demise and instructing those concerned to commence the immediate implementation of the procedures in this manual.
- (c) In addition, the Director-General in The Presidency will issue notices to distinguished persons, family and friends announcing the Official Funeral Service and other phases of the funeral ceremony and burial/cremation.
- (d) The Director-General in The Presidency will liaise and communicate with the designated representative/s of the next-of-kin in order to inform them generally about developments and the arrangements, and also to ascertain their needs.
- (e) The Director-General in The Presidency will activate the Funeral Planning Committee, comprising the Director-General in The Presidency as chairperson, other senior staff members in The Presidency, liaison officers from SANDF, Department of Foreign Affairs, the Departments of Public Works, GCIS, Transport, SAPS, including representatives of the next-of-kin, leader/s of the religious community of the family of the deceased, and any other State Organ or persons deemed fit for such functions.
- (f) The Director-General in The Presidency (as provided for and referred to in 2.7.1 and 3.3.1) will appoint the Aide to the Next-of-Kin to attend to all the wishes of the family and to communicate them to the Funeral Planning Committee through the Director-General in The Presidency.
- (g) The Director-General in The Presidency will establish a Funeral Operations Centre at a town or city nearest to where the funeral and/or the burial/cremation will be taking place. The work of this Centre will be to co-ordinate in detail the implementation process and to ensure that every instruction and resolution is followed up and implemented.
- (h) The Director-General in The Presidency will formulate a list of honorary pall-bearers from the civilian side, in accordance with the desires of the next-of-kin and will notify the persons selected.
- (i) The Director-General in The Presidency, in respect of progress with the organisation of the funeral, will report directly to the President of the Republic of South Africa and shall implement all decisions taken.
- (j) The Presidential Protocol section will prepare a Memo for the President for signature in respect of the Half-masting of the National Flag at all flag stations in the country as well as at South African Missions abroad, where required.
- (k) The Procurement section in The Presidency will do the necessary reservations for the accommodation of family members from outside Gauteng Province (Foreign Affairs and SANDF will do the same for all foreign guests and mourners).

- (l) The Presidency together with the Department of Foreign Affairs will co-ordinate the receiving of mourners and honoured guests at International Airports and other arrival points of South Africa.
- (m) The Presidency will offer words of appreciation and thanks after the funeral and these will be conveyed via the media to all who attended the funeral. Special letters of thanks and appreciation will be sent to all relevant parties and individuals, where deemed necessary.
- (n) An assessment and feedback meeting will be held after the State Funeral, which will include all role-players. The resolutions of the meeting will be circulated to all after the meeting.

### **3.2 Funeral Planning Committee (FPC)**

- (a) At the confirmation of the demise, the Director-General in The Presidency will activate the Funeral Planning Committee. The Funeral Planning Committee will, among other things, be responsible for the following:
  - (b) Drawing up an implementation framework for the entire funeral processes covering all foreseeable contingencies.
  - (c) Planning, facilitation and implementation of the procedures in this Manual.
  - (d) Collating a comprehensive checklist against which to measure progress and implementation efficiency and speed.
  - (e) Planning and executing the State Memorial Services, Funeral Services and Burials/Cremations.
  - (f) Ensuring that the Aide to the Next-of-Kin has been designated to the family who will also direct, orchestrate and generally co-ordinate all the activities of the various departments, at the residence.
  - (g) Ensuring that protocol officers from The Presidency and the Department of Foreign Affairs have been dispatched to the family residence.
  - (h) Ensuring that the Department of Public Works has designated an officer/s to the family residence.
  - (i) Collating the lists of all pall-bearers and obtaining confirmation from people so nominated.
  - (j) Collating lists of distinguished persons to be invited to participate in various stages of the funeral processes and to ensure that invitations have been sent out, and replied to.
  - (k) Co-ordinating, assisting with and aligning any provincial activity relating to the funeral.
  - (l) Recommending to the President of the Republic of South Africa any departures from the State, Official and Provincial Official Funeral Policy Manual where this is deemed necessary.

### **3.3 Special Aide to the Next-Of-Kin**

- (a) Upon confirmation of demise, the Director-General in The Presidency will appoint a suitable person, called a Special Aide to the Next-of-Kin to co-ordinate and liaise on behalf of the Director-General in The Presidency, concerning all activities of the relevant role-players and government departments at the family residence in accordance with the family's desires.

**Note:** In the case of State and Official Funerals the Special Aide will be appointed as indicated above in consultation with relevant government departments where appropriate. In the case of a Provincial Official Funeral the Director-General in the Office of the Premier of the Province concerned will appoint the Special Aide in consultation with provincial departments where appropriate.

- (b) The Special Aide shall contact the next-of-kin wherever they are and arrange for a personal interview and to place his/her services at their disposal.
- (c) The Special Aide will act as liaison or nodal point between the Director-General concerned and the family.
- (d) He/she shall elicit from the Director-General concerned any information pertaining to the deceased and the deceased's family – including the wishes of the next-of-kin.
- (e) The Special Aide shall gather from the next-of-kin the following information and shall pass this on to the Funeral Planning Committee for operational purposes:
  - (i) Correct full name, date and place of birth of the deceased
  - (ii) Names and number of siblings, if any
  - (iii) Date and time of arrival of the remains at a designated venue
  - (iv) Composition of the immediate family group
  - (v) Composition of the extended family (if necessary)
  - (vi) Eulogy, tribute or address-givers
  - (vii) Any special music
  - (viii) Family ushers (helpful in identifying relatives)
  - (ix) Number and names of family members for whom seats are to be reserved
  - (x) Any organisation that the family needs contacted
  - (xi) Required accommodation arrangements for the immediate family
  - (xii) Transportation arrangements of the immediate family
  - (xiii) Location and selection of grave site, if burial is to be outside the Capital City of Pretoria
  - (xiv) Specific wishes on type of service, civilian and religious leaders, friends, and honorary pall-bearers to be notified. Seating

arrangements at any of the venues where the official business of the funeral process will be conducted.

### **3.4 The Family**

- (a) On the confirmation of the demise, the Director-General in The Presidency shall present the following options to the next-of-kin:
  - (i) An Official Memorial Service, State Funeral Service and a Burial/Cremation.
  - (ii) An Official Memorial Service, State Funeral Service followed by a Private Burial/Cremation (not on the same day).
  - (iii) A Private Burial/Cremation followed by a State Memorial Service.
  - (iv) A private burial or cremation only.
  - (v) A State Memorial Service only.
- (b) The family shall provide the Director-General in The Presidency with the name/s of individual/s who will act as liaison between The Presidency and the family.
- (c) The family will also provide the Director-General in The Presidency with the names of family members/friends who will act as pall-bearers and the family will notify these members, who will confirm to the Director-General in The Presidency their availability.

### **3.5 Overall Coordinator of Operations**

- (a) The Director-General in The Presidency will appoint the Overall Co-ordinator of Operations who on the instructions of, and subject to the supervision of the Chief Operations Officer, will establish and operate the Funeral Operations Centre.
- (b) The Director-General in the Office of the Premier (in the case of provinces) appoints the Overall Co-ordinator of Operations.
- (c) The Overall Coordinator of Operations shall be part of the Funeral Planning Committee, which shall also include The Presidency and all other relevant government departments and State organs. Where appropriate, provincial staff and/or local government may also be included. The location of the Funeral Planning Committee will depend on where most of the activities concerning the arrangements will take place and principally where the burial/cremation will take place.
- (d) The Overall Co-ordinate of Operations (referred to as the OCO) will co-ordinate the Aide to the Next-of-Kin's requirements according to a list, which will be prepared.
- (e) The OCO will direct, orchestrate, co-ordinate and control the implementation of the chapters in this Manual that deal with the funeral Implementation.

- (f) The OCO will ensure that the relevant departments have properly co-ordinated air, rail or road transport, where appropriate.
- (g) In co-operation with the affected provincial or local government authority, the OCO will co-ordinate meetings which will contribute to making proper arrangements for State Memorial Services, Funeral Services, and Burials/Cremations etc.
- (h) The OCO will liaise with and co-ordinate the wishes of community and political organizations to which the deceased belonged, and these wishes shall be communicated through the OCO to the Director-General in the Presidency for decision-making.
- (i) The OCO will, together with The Presidency, SAPS, SANDF and relevant security authorities, identify the suitable routes, escorts and space for parking.
- (j) The OCO will co-ordinate the production of programmes for the State Memorial and Funeral Services. This will include the collating of obituaries and obtaining photographs of the deceased.
- (k) The OCO will also ensure that Government Communications (GCIS) has produced an appropriate video or photographic record that will celebrate the life and times of the deceased, to be used at memorial services and distributed to media houses.
- (l) The OCO will supervise the work of the Senior Manager of Events and in turn shall report to the Director-General in the Presidency.

### **3.6 Senior Manager of Events**

The Senior Manager of Events will be appointed and deployed as speedily as possible to effect implementation of all the administrative procedures for the smooth running of the events. The Senior Manager of Events will therefore be, among other things, responsible for the following:

- (a) That all materials and necessary infrastructure have been properly procured and that the departments responsible for them are on top of the situation.
- (b) To ensure that the necessary infrastructure and refreshments for the family and mourners at the Funeral Service, Cemetery, Family Home, State Memorial Service etc. have been provided.
- (c) Provide public address systems as needed.
- (d) Preparation of the gravesite.
- (e) Drapery on Government buildings.
- (f) Acquiring of platforms or scaffolding for photographers and media crews.
- (g) To ensure that all the props needed are in place i.e. banners, stage elevation, bier, décor.
- (h) To ensure that the necessary reservations for the accommodation of family members from outside Gauteng Province are done.
- (i) After the funeral, to ensure that notes of appreciation to a selected list of mourners have been written and dispatched, and to ensure those messages of thanks via the media have been sent out.

- (j) To ensure that special letters of thanks and appreciation are sent to all the relevant parties and individuals.
- (k) To manage all logistical activities at the place of repose, family home, memorial service, funeral service venue and the cemetery.
- (l) The Senior Manager of Events will report directly to the Overall Co-ordinator of Operations.

### **3.7 The South African National Defence Force**

- (a) The Chief of the South African National Defence Force (referred to in this document as C SANDF), on receipt of the notice concerning the demise, will activate the implementation of SANDF participation by means of a Ceremonial Instruction.
- (b) The C SANDF will appoint a Liaison Officer to co-ordinate SANDF participation in the Funeral Planning Committee.
- (c) In co-operation with other Government departments, the C SANDF will determine the SANDF's VIP attendance list of persons to attend all phases of the State and Official Funeral activities. The C SANDF will convey the names to the Director-General in The Presidency for seating arrangements and any other funeral preparations as may be appropriate.
- (d) The South African National Defence Force Services and Divisions will provide Liaison officers to their respective Headquarters to co-ordinate and give feedback on their participation in the State Funeral processes.
- (e) The SANDF will forward the list consisting of the Chief Mourner, Pallbearers and Bearers to the Director General in The Presidency for inclusion in the preparations and arrangements for the funeral.
- (f) The C SANDF will compile and send a Checklist or Formal Sequence of Events to the Director-General in The Presidency to be part of the funeral arrangements.

### **3.8 The Department of Foreign Affairs**

- (a) The Director-General in the Department of Foreign Affairs, on receipt of the notification of the demise, will compile a list of all the foreign dignitaries including heads of state and/or government, diplomatic representatives, prominent figures, etc, who might attend the events. This list shall be forwarded to the Director-General of The Presidency for information and inclusion in the preparations and arrangements for the funeral.
- (b) The Director-General in the Department of Foreign Affairs will designate appropriate Protocol officials to the next-of-kin's residence to co-ordinate the activities of the Department of Foreign Affairs.
- (c) The Director-General in the Department of Foreign Affairs will compose a check-list which shall be forwarded to the Director-General in The Presidency for inclusion in funeral preparations.
- (d) Other tasks of the department will include the following:
  - (i) Sending *Notes Verbale* to each Head of Mission.

- (ii) The Chief of State Protocol will inform all South African missions abroad regarding the relevant National Flag instructions.
  - (iii) Determine courtesies to be extended to incoming Heads of State/Government, Ministers and others from abroad.
  - (iv) Receive all incoming Heads of State/Government, Ministers and other VVIP dignitaries at international airports in the country and facilitate their customs and immigration formalities.
  - (v) Take responsibility for arrival, departure, accommodation, travel arrangements etc. for incoming Heads of State/Government, Ministers and other VVIP dignitaries.
- (e) The Department of Foreign Affairs and the South African Secret Service will assist each other in co-ordinating the inflow of foreign guests coming to any funeral.

### **3.9 The Department of Public Works**

- (a) The Director-General in the Department of Public Works will ensure that all the infrastructural needs of all the points identified by the Funeral Planning Committee are provided for.
- (b) A suitable officer/s shall be designated to the Funeral Planning Committee in The Presidency and to the next-of-kin's residence to co-ordinate the department's activities and participation.
- (c) The Director-General in the Department of Public Works shall in addition compile a check-list of all the things that the department will do and this check-list will be sent to the Director-General in The Presidency as overall co-ordinator of the implementation (d)
- (d) The Department of Public Works will also be responsible for providing the necessary infrastructure and related facilities for the family and mourners at the Funeral Service, Cemetery, Family Home, State Memorial Service etc., and will arrange, inter alia, for:
  - (i) Public address system as needed.
  - (ii) Preparation of the gravesite.
  - (iii) Drapery on Government buildings.
  - (iv) Platform or scaffolding for photographers and media crews.
  - (v) Temporary structures, buildings and engineering services.

### **3.10 Government Communications (GCIS)**

#### **3.10.1 Joint Media Operations Centre (JMOC)**

- (a) On receipt of the notice of the demise, the CEO of the Government Communication and Information System shall activate the Joint Media Operations Centre (referred to as JMOC). The JMOC will be composed of The Presidency Communications Unit, GCIS and the Communications Directorate of the South African National Defence Force, as well as communications personnel from departments involved.
- (b) The main function of the JMOC will be to co-ordinate and centralise all communications relating to the funeral processes and to assist the next-of-kin in dealing with media interviews and queries. It will work closely with the Director-General in The Presidency
- (c) The JMOC will inform media representatives on how the State Funeral is to be conducted and will make available to the media an abridged version of this Manual.
- (d) The JMOC will provide the media with all the contact details of the relevant officers in charge of operations in the State Funeral implementation.
- (e) The JMOC will recommend to the Director-General in the Presidency the names of people to be deployed to various electronic and print media for interviews and handling media queries.
- (f) The JMOC will be responsible for the convening and management of all media conferences and responses anywhere in the country and abroad.

#### **3.10.2 Other functions**

The Government Communication and Information System will also be responsible for the following functions:

- (a) Production of Funeral and Memorial Service programmes:
  - (i) GCIS will be involved in the layout, design and printing of the above programmes.
  - (ii) The funeral programme will be an A4 folded to an A5 size, printed on appropriate paper, including an obituary, photograph of the deceased, and the details of the programme.
  - (iii) The stature of the deceased will indicate whether programmes are to be produced for memorial services as well.
  - (iv) Final editing and proofreading of the programme and obituary text for factual accuracy will be done by The Presidency, in consultation with GCIS and with the family.

- (b) Photographs, if required, are usually supplied by the family of the deceased. GCIS would, however, be able to provide official photographs of Cabinet Ministers.
- (c) GCIS will do signage and the quantity will depend on the number of people the venue accommodates.
- (d) For the funeral event/s, including stadium events, GCIS will assist, if required, with the production of signage to direct people and traffic to critical areas such as media centres, ablution facilities, etc.

### **3.10.3 Media liaison and management**

In partnership with the Communication Units in The Presidency, host province and municipality, GCIS will assist in:

- (a) Drafting and issuing of advisories inviting journalists to cover the event.
- (b) Drafting and issuing an extensive advisory outlining the funeral arrangements and the programme.
- (c) Media accreditation, with the usual NIA (compulsory accreditation, etc.) checks and processes, before the day of the funeral.
- (d) Management of the media centres to service the media on the day of the funeral.
- (e) Media liaison work, including the facilitation of media interviews with designated Government and family spokespersons.
- (f) Facilitating a process for placement of media articles and photographs about the life and times of the deceased.
- (g) Facilitate live broadcasts by the Public Broadcaster and other national and/or international broadcasters in collaboration with departments responsible for security and protocol.
- (h) Identification of the best location of media and media pools at all venues, as well as ensuring the compatibility of the sound systems and sound distribution boxes, in collaboration with the Department of Public Works.
- (i) Ensuring the transportation of journalists between venues.

### **3.10.4 Local mobilisation**

- (a) GCIS will (through the relevant regional office staff) also assist provincial Government officials and municipality officials with the development of a mobilisation plan for the public to attend memorial service(s) and/or funeral(s), including transport pick-up points for those interested in attending a funeral.
- (b) The relevant GCIS regional office will also be involved in local media management and liaison work, in collaboration with the host municipality.
- (c) Branding of venues (by GCIS)

- (d) Branding of the venues for Memorial and Funeral Services, including the provision of generic banners.
- (e) Standard poster/banner with a photograph of the deceased as well as wording stating the name of the deceased, his/her date of birth and death and the category of the funeral.
- (f) Ensuring all lecterns are correctly branded with the National Coat of Arms.

### **3.11 The South African Police Service**

- (a) Providing mounted escort where needed and security services.
- (b) Control of the public.
- (c) Traffic control as required in co-operation with the traffic authorities concerned and the SANDF.
- (d) Lining of streets as may be requested by the South African National Defence Force

### **3.12 The Department of Transport**

- (a) Co-ordinate air, rail or road transport requirements where appropriate.
- (b) In co-operation with the affected province/s or/and local government authority, co-ordinate traffic control.
- (c) Together with The Presidency, SAPS, SANDF and relevant security authorities identify the suitable routes, escort and space for parking.

### **3.13 The National Intelligence Agency (NIA)**

NIA will establish a national accreditation centre at appropriate venues to co-ordinate and facilitate accreditation of guests and mourners.

## **CHAPTER 4: SUMMARY OF FUNERAL IMPLEMENTATION**

### **4.1 State and Official Funerals**

#### **4.1.1 Demise within the Capital City.**

- (a) When the demise has been announced, a designated officer of the South African National Defence Force, on the orders of the Chief of the SANDF in collaboration with the Director-General in The Presidency, will make arrangements for the remains to be moved to a selected place of repose.
- (b) An appropriate escort and ceremony will be arranged in the process. Care should be taken to observe any rites that may be traditional, cultural and religious etc. pertaining to the deceased in the removal of the remains.
- (c) The designated officer will co-ordinate all the arrangements, utilising facilities of all the different arms of the SANDF as required, relating to the transportation of the remains to the place of repose including an appropriate escort and local ceremonies.
- (d) When the remains have arrived at the place of repose, accompanied by a small local ceremony, with the assistance of a mortician, if necessary, the remains shall be prepared for the lying-in-state (i.e. in the case of a Full State Funeral). The length of the Lying-in-state will be determined by the President of the Republic of South Africa.
- (e) The selected place of repose may be a Military Hospital or a local funeral parlour with facilities and infrastructure, which are consonant with the necessary requirements.
- (f) The designated officer shall immediately arrange a guard of honour composed of members of the South African National Defence Force to guard and attend to the remains while they are in repose.
- (g) The remains may lie-in-state at the City Hall of the Capital City and seat of Government. This will not preclude the President of the Republic of South Africa from declaring other appropriate centres to be the host venue for the remains if deemed necessary.

#### **4.1.2 Demise outside the Capital City**

- (a) On the announcement of the demise, a designated officer of the South African National Defence Force, on the orders of the C SANDF in collaboration with the Director-General in The Presidency, will immediately form a guard of honour composed of members of the SANDF to guard and attend to the remains.
- (b) The designated officer will co-ordinate all the arrangements, utilising facilities of all the different arms of the SANDF as required, relating to the transportation of the remains to the place of repose in Pretoria including an appropriate escort and local ceremonies.
- (c) At the place of repose, and after a small local ceremony, with the assistance of a mortician if necessary, the remains shall be prepared for the lying-in-state. The President of the Republic of South Africa will determine the length of the lying-in-state.

- (d) The designated officer of the South African National Defence Force will immediately form a guard of honour composed of its members to guard and attend to the remains while they are in repose.
- (e) The remains may lie-in-state at the Pretoria City Hall. This will not preclude the President of the Republic of South Africa from declaring other centres as the host venue for the remains. The President will determine the length of the lying-in-state.

#### **4.1.3 Demise outside South Africa**

- (a) The Minister of Foreign Affairs, in consultation with her/his counterpart in the country where the demise took place, will secure the co-operation and assistance of that country regarding the removal of the remains and their transportation back to the Republic of South Africa.
- (b) The C SANDF in collaboration with his/her counterpart in the said country shall co-ordinate all arrangements for securing the remains and transportation back to the Republic of South Africa.
- (c) The C SANDF will co-ordinate the formation of a guard of honour to attend to the remains until their departure for the Republic of South Africa.
- (d) The C SANDF will then co-ordinate arrangements for the return of the remains to the Republic of South Africa and will designate an appropriate escort to accompany the remains after local ceremonies
- (e) The remains will be airlifted to the nearest Air Force or Naval Base, where a reception committee will be waiting to receive them. After local ceremonies and with an appropriate escort, the remains will be taken to a place of repose.
- (f) At the place of repose, and after a small local ceremony, the remains shall be prepared by a mortician for the lying-in-state, if this is provided for.
- (g) The area commander shall immediately form a guard of honour composed of representatives of all the different arms of the SANDF to guard and attend to the remains while they are in repose.
- (h) The remains will lie-in-state at the City Hall of the Capital City and seat of Government. This will not preclude the President of the Republic of South Africa from declaring other centres as the host venue for the remains, if this is considered appropriate. The President will determine the length of the lying-in-state.
- (i) The area commander shall immediately form a guard of honour composed of representatives of all the different arms of the South African National Defence Force to be in attendance over the remains while they lie in state.

## **4.2 Provincial Official Funeral.**

### **4.2.1 Demise within Municipal boundaries of the Provincial Capital.**

- (a) When the demise has been announced, a designated officer of the South African Police Service, on the orders of the Provincial Commissioner of Police in collaboration with the Office of the Premier of the province concerned, will make arrangements for the remains to be moved to a selected place of repose. An appropriate escort and ceremony will be

arranged. Care should be taken to observe any rites, which may be traditional, cultural or religious, etc.

- (b) The selected place of repose may be a Government/police or a local funeral parlour chosen by the family of the deceased.
- (c) The designated officer shall immediately form a guard of honour composed of the ceremonial members of the South African Police Service to be in attendance over the remains while they are in repose.
- (d) The designated officer will co-ordinate all the arrangements, utilising facilities of all the different divisions of the South African Police Service, as required, relating to the transportation of the remains to the place of repose in the Provincial Capital including an appropriate escort and local ceremonies.

#### **4.2.2 Demise outside Municipal boundaries of the Provincial Capital.**

- (a) On the announcement of the demise, a designated officer of the South African Police Service, on the orders of the Provincial Commissioner of Police and in collaboration with the Office of the Premier of the province concerned, will make arrangements for the remains to be moved to a selected place of repose. Care should be taken to observe any rites which may be traditional, cultural or religious etc. in the processes.
- (b) The designated officer shall immediately form a guard of honour composed of members of the South African Police Service to be in attendance over the remains.
- (c) The selected place of repose may be a Government/police or a local funeral parlour chosen by the family of the deceased.
- (d) The designated officer will co-ordinate all the arrangements, utilising facilities of all the different divisions of the South African Police Service, as required, relating to the transportation of the remains to the place of repose including an appropriate escort and local ceremonies.

#### **4.2.3 Demise outside the borders of the Province.**

- (a) The Premier of the affected province, in consultation with her/his counterpart in the province where the demise has taken place, will secure the co-operation and assistance of that province concerning the removal of the remains and their transportation back to the affected province.
- (b) The relevant Provincial Commissioner of Police, in collaboration with the Premiers of the two provinces concerned, will immediately assign an appropriate senior officer to co-ordinate the arrangements, utilising the facilities of all the different divisions of the South African Police Service, as required, to facilitate the transportation and reception of the remains.
- (c) The said senior officer will immediately form a guard of honour at the place of repose, utilising the ceremonial members of the police service to attend to the remains until their departure for the affected province. Suitable transport will be arranged.
- (d) At the place of repose the senior officer shall immediately form a guard of honour composed of members of the South African Police Service to guard and attend to the remains while they are in repose.

## ANNEXURE C

### DISPENSATION FOR THE APPOINTMENT AND REMUNERATION OF PERSONS (SPECIAL ADVISERS) APPOINTED TO EXECUTING AUTHORITIES ON GROUND OF POLICY CONSIDERATIONS IN TERMS OF SECTION 12A OF THE PUBLIC SERVICE ACT, 1994: 1 JANUARY 2006

#### INTRODUCTION

1. In order to ensure an acceptable degree of uniformity, Cabinet has determined the compensation for Special Advisers. The compensation provides for four different compensation levels in order to accommodate different levels of expertise.

#### SCOPE OF APPOINTMENT

2. The provision to appoint Special Advisers in terms of section 12A of the Public Service Act, 1994, as amended, is limited to two full-time equivalent positions for each Minister and Premier, unless **Cabinet** or the relevant Provincial **Executive Council** approves a higher number up to two additional full-time equivalents for each Minister and Premier because of work requirements. The President and Deputy President may appoint as many Special Advisers as they may see fit. Cabinet may also reduce the number of Special Advisers that Ministers and Premiers may employ.
3. **Members of Executive Councils (MECs)** and the Chairperson of the Public Service Commission are in terms of a decision of Cabinet excluded from the provision to appoint Special Advisers in terms of section 12A of the Public Service Act, 1994.
4. Special Advisers appointed to Ministers and Premiers may be utilised by Deputy Ministers and MECs for specific tasks by arrangement with the Minister or Premier concerned.
5. Only South African citizens should be appointed as Special Advisers. All candidates for appointment as Special Advisers should be subjected to a security clearance before appointment. If an Executing Authority wishes to deviate from this requirement, the matter must be submitted to the President.

#### ROLE OF SPECIAL ADVISERS

6. The Public Service Act (section 12A (1)) provides that Special Advisers may be appointed-
  - to advise the Executing Authority on the exercise or performance of the Executing Authority's powers and duties;
  - to advise the Executing Authority on the development of policy that will promote the relevant department's objectives; or
  - to perform such other tasks as may be appropriate in respect of the exercise or performance of the Executing Authority's powers and duties.
7. Since a Special Adviser would act in an advisory capacity to advise an Executing Authority on, or perform other tasks in respect of, the exercise or performance of the Executing Authority's powers and duties, or to advise the Executing Authority on the development of policy that will promote the objectives of the relevant department, there shall be no relationship of authority between the Special Adviser and the Head of Department concerned. The Special Adviser shall direct his/her inputs to the Executing Authority and refrain from interfering in the administration and management of the department, which in law is the function and responsibility of the Director-General.
8. The serving of Special Advisers on statutory boards or councils (or similar bodies) for which the Executing Authority is individually or collectively accountable, would be inappropriate since it could give rise to a direct or indirect conflict of interest or advice

which could be biased or perceived to be biased. Therefore, if a person who is to be appointed as a Special Adviser serves on a statutory board or council (or similar body) for which the relevant Executing Authority is individually or collectively accountable, his/her appointment to such boards or councils must be terminated with effect from date of appointment as Special Adviser to the relevant Executing Authority.

9. Executing Authorities must submit a request for a deviation, which is fully motivated, from the requirement referred to in paragraph 8 above to the Minister for the Public Service and Administration. In consultation with the relevant Executing Authority, it will be considered whether to approach Cabinet at the national sphere of Government with a recommendation to approve a deviation for a particular instance or kind of statutory body.

## GENERAL

10. The standard contract, as approved by Cabinet is entered into between the Special Adviser and the Executing Authority concerned. The duration of the contract shall be agreed upon and be limited to the term of the political principal.
11. Executing Authorities must submit proposals/recommendations for the appointment of individual Special Advisers to the Minister for the Public Service and Administration for approval of the individual's compensation level before the appointment/upgrade is effected.
12. Each Special Adviser must sign a performance agreement that determines-
  - (a) major outputs for the period of employment or for the coming year, whichever is relevant;
  - (b) well-defined measures for performance in terms of each major output;
  - (c) quarterly review dates that will make it possible to modify outputs as necessary as well as ensuring open discussion of progress; and/or
  - (d) employment over a year, salary increments dependent on the level of appointment
13. Special Advisers are not admitted to the Government Employees Pension Fund (GEPF).
14. Executing Authorities must ensure that the Special Adviser obtains the necessary security clearance before he/she is appointed.

## INCLUSIVE FLEXIBLE REMUNERATION PACKAGE SYSTEM

15. The schedule of compensation levels with ranges of inclusive flexible remuneration packages, as issued annually by the Minister for the Public Service and Administration, applies to **full-time Special Advisers** (therefore Special Advisers who work a 40-hour week).

The inclusive compensation for **Special Advisers who work less than 40 hour per week** (therefore Special Advisers who are not full-time), are calculated as follows and the actual hours should be recorded and claims submitted accordingly:

$$\frac{\text{Annual inclusive flexible remuneration package}}{2080} \times \frac{\text{Actual hours worked}}{1}$$

rounded off to the nearest Rand amount.

### Composition of the inclusive flexible remuneration package for full-time Special Advisers

16. The total inclusive flexible remuneration packages may be structured by the Special Adviser in terms of the provisions and rules as set out below.

17. Provisions for the structuring of the inclusive flexible remuneration package.
- (a) Full-time Special Advisers may structure the inclusive flexible remuneration packages into the following items:
- (1) **Motor car allowance**
- To a maximum amount of 25% of the total package per annum.
- (2) **Medical Assistance**
- State's contribution to a registered medical aid scheme.
- (3) **Housing Allowance**
- An amount as decided by the member.
- (4) **Non-pensionable cash allowance**
- Any remaining amount of the flexible portion.
- (b) Special Advisers are not obliged to utilise all the items when structuring the flexible portion of their packages.
18. Rules governing the structuring of the inclusive flexible remuneration packages
- (a) **Motor car allowance**
- (1) Special Advisers are obliged to maintain a reliable vehicle to be utilised for official journeys (when necessary).
- (2) Special Advisers may purchase/lease a new or reliable pre-owned vehicle.
- (3) No time frames exist when a vehicle should be replaced.
- (4) The Special Adviser must at all times have his or her vehicle (or a substitute) available for official journeys.
- (5) The Executing Authority must decide whether a Special Adviser must utilise his or her own vehicle or make use of the provisions for official journeys when transport is used for official purposes, taking into account practical implications, cost effectiveness, road conditions etc.
- (6) Special Adviser must secure his or her own financing or loans.
- (7) A Special Adviser must obtain and maintain comprehensive insurance on the vehicle, and is fully responsible for all running and maintenance costs and the cost of registration and licensing of the vehicle.
- (8) If a Special Adviser utilises his or her vehicle to travel for official purposes away from his or her usual place of work, the Executing Authority shall reimburse toll fees as well as parking fees in excess of R10 per month. The Special Adviser is responsible for parking fees (if it is levied) at the place of work.
- (9) Any journey between a Special Adviser's home and usual place of work constitutes a private journey.
- (10) If a Special Adviser utilises his or her private vehicle to carry out official duties, the Executing Authority will compensate the Special Adviser for kilometres travelled, according to the tariffs payable for

privately owned vehicles as prescribed by the Department of Transport.

(b) **Medical assistance** (amended with effect from 1 March 2006)

The Executing Authority shall pay the total medical aid scheme subscription fee only directly to a registered medical scheme. The said subscription fee shall be composed as follows:

**State's contribution**

Full-time Special Advisers who are members of a registered medical aid scheme may structure any amount to a maximum of the following, depending on their membership profile, in the form of an employer contribution.

<b>Membership profile</b>	<b>Maximum amount that member may structure as an employer contribution</b>
Member	R6 000 pa (R500 pm)
Member plus 1 dependant	R12 000 pa (R1 000 pm)
Member plus 2 dependants	R15 600 pa (R1 300 pm)
Member plus 3 dependants	R19 200 pa (R1 600 pm)
Member plus 4 dependants	R22 800 pa (R1 900 pm)
Member plus 5 dependants	R26 400 pa (R2 200 pm)
Member plus 6 dependants	R30 000 pa (R2 500 pm)
Member plus 7 dependants	R33 600 pa (R2 800 pm)
Member plus 8 dependants	R37 200 pa (R3 100 pm)
Member plus 9 dependants	R40 800 pa (R3 400 pm)
Member plus 10 dependants	R44 400 pa (R3 700 pm)
Member plus more than 10 dependant	An additional R3 600 pa (R300 pm) per additional dependant

**Special Adviser's contribution**

The difference between the total registered medical aid scheme fee and the amount structured as employer contribution.

The Special Adviser's own contribution is a normal monthly deduction from his/her salary.

(c) Paragraphs (c), (d) and (e) deleted with effect from 1 January 2003.

**AMENDMENTS TO THE COMPOSITION OF THE FLEXIBLE PORTION OF THE PACKAGE**

19. The flexible portion of the package may only be changed in the following circumstances:

- (a) One year after the date of implementation of the inclusive flexible remuneration package system.
- (b) If the Special Adviser is awarded a higher compensation level or a higher package within his/her existing compensation level.
- (c) General adjustment of the packages in the compensation levels.
- (d) Substantial changes to tax legislation.
- (e) Any changes to the total contribution to a registered medical aid scheme and where funds to be obtained from or directed to in terms of the Special Adviser's inclusive flexible remuneration packages.
- (f) On decision by the Minister for the Public Service and Administration.

## **PROGRESSION TO A HIGHER PACKAGE WITHIN A COMPENSATION LEVEL**

20. Special Advisers are normally awarded the minimum inclusive flexible remuneration package of the compensation level approved by the Minister for the Public Service and Administration for the Specific Special Adviser.
21. Executing Authorities may however award high packages within the approved compensation levels to serving Special Advisers or Special Advisers on appointment based on the recruitment and retention of suitable persons. **Such decisions shall be recorded and reported (with reasons for the decision) to the Minister for the Public Service and Administration.**

## **BENEFITS**

22. The leave dispensation implemented with effect from 1 July 2000 for the Public Service, as contained in the Department for Public Service and Administration's letter E1/2/2/P dated 30 November 2000, applies.

## **CRITERIA FOR THE AWARDING OF A COMPENSATION LEVEL**

23. For the purposes of determining which compensation level should apply, Executing Authorities should take cognisance of the particular individual's level of expertise and the stature in the particular field before submitting a request for approval to the Minister for the Public Service and Administration. The following broad guidelines in this regard should be applied:
  - (a) **Compensation level I**
    - (i) Enjoys noticeable national recognition as a competent expert.
    - (ii) Complexity of advice to be rendered comparable to that given by a Director (Senior Management Service Grade A) in the Public Service.
  - (b) **Compensation Level II**
    - (i) Enjoys recognition as a competent expert at national level.
    - (ii) Complexity of advice to be rendered comparable to that given by a Chief Director (Senior Management Service Grade B) in the Public Service.
  - (c) **Compensation level III**
    - (i) Enjoys recognition as a competent expert at national and to some degree international level.
    - (ii) Complexity of advice to be given comparable to that given by a Deputy Director-General (Senior Management Service Grade C) in the Public Service.
  - (d) **Compensation level IV**
    - (i) Enjoys recognition as a competent expert at national and international level
    - (ii) To appoint and retain persons with very high-level skills and/or scarce skills.
    - (iii) Complexity of advice to be rendered is comparable to that given by a Director-General (Senior Management Service Grade D) in the Public Service.

24. Requests addressed to the Minister for the Public Service and Administration must be fully motivated and must include the following:
- (a) Updated CV of the person.
  - (b) The person's remuneration at her/his current employer.
-