



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**DIRECTIVE ON OTHER CATEGORIES OF
EMPLOYEES DESIGNATED TO DISCLOSE THEIR
FINANCIAL INTERESTS
AND
THE FORM, DATE, AND FINANCIAL INTERESTS TO
BE DISCLOSED**

**ISSUED BY THE MINISTER FOR THE PUBLIC SERVICE AND
ADMINISTRATION**

TABLE OF CONTENTS

DEFINITIONS	2
1. INTRODUCTION	3
2. PURPOSE.....	3
3. AUTHORISATION.....	4
4. SCOPE OF APPLICATION	4
5. CATEGORIES OF DESIGNATED EMPLOYEES OTHER THAN HODS OR MEMBERS OF THE SMS	4
6. PERIOD TO DISCLOSE FINANCIAL INTERESTS.....	5
7. FINANCIAL DISCLOSURE FORM	6
8. THE ROLE AND RESPONSIBILITIES OF THE HOD	6
8.1 Verification of disclosed financial interests:.....	6
8.2 Management of conflict of interest	6
8.3 Non-compliance and reporting	6
9. EFFECTIVE DATE	7
10. DEVIATIONS.....	7

ANNEXURE A: IMPLEMENTATION OF THIS DIRECTIVE

ANNEXURE B: FINANCIAL DISCLOSURE FORM

DEFINITIONS

In this Directive, unless the context indicates otherwise, any word shall have the meaning assigned to it in the Public Service Act, 1994 (Proclamation 103 of 1994) and the Public Service Regulations, 2016.

“Determination and Directive, 2017” means the Determination of other categories of employees designated to disclose their financial interests and the Determination on the form, date, and financial interests to be disclosed approved by the MPSA on 16 March 2017;

“FDF” means the Financial Disclosure Framework as outlined in Part 2 of Chapter 2 of the PSR;

“Form” means a printed or electronic form contemplated in regulation 18 of the PSR;

“HOD” means the head of department who is the incumbent of a post mentioned in Column 2 of Schedule 1, 2 or 3, of the Public Service Act, 1994;

“Members of the Middle Management Service (MMS)” means employees appointed at salary levels 11 and 12;

“MPSA” means Minister for the Public Service and Administration;

“OSD” means Occupation Specific Dispensation;

“SMS” means the Senior Management Service as defined in the PSR;

“the Act” means Public Service Act, 1994 (Proclamation 103 of 1994);

“the PSR” means the Public Service Regulations, 2016; and

“this Directive” means this Directive on other categories of employees designated to disclose their financial interests and the form, date, and financial interests to be disclosed.

1. INTRODUCTION

- 1.1 Section 195 of the Constitution of the Republic of South Africa, 1996, outlines the basic values and principles governing the public administration. One of the principles is the promotion of a high standard of professional ethics and how it should be maintained. Professional ethics are a cornerstone of integrity and good governance in any institution. They are vital to building and maintaining public trust in the public administration, ensuring that employees put a high value on public interest over personal interests when making decisions in government.
- 1.2 One of the priorities of the sixth administration is to build a capable, ethical, and developmental state. To achieve this goal there is a need for transparency and accountability from the highest to the lowest echelons in the public service. The FDF is one of the tools used to promote transparency and accountability in the public service. If used properly it should enable relevant authorities to identify and manage conflict of interest situations and ensure that government decision-making is not compromised by such.
- 1.3 The PSR, empowers the MPSA to designate other categories of employees in the public service to disclose their financial interests. The designation of other categories has been done in a phased-in approach to ensure that ultimately all employees in the public service will be required to disclose their financial interests.

2. PURPOSE

- 2.1 The purpose of this Directive is to give effect to regulation 16(c), 17(2) and 18(3) of the PSR, by:
 - (i) determining categories of employees to disclose their financial interests; and
 - (ii) prescribing the date, form, and financial interests to be disclosed.
- 2.2 This Directive will, with effect from the date of its commencement, repeal and replace the:
 - (i) Determination and Directive, 2017, and its subsequent amendments;
 - (ii) Directive on employees responsible for the Cooperative Incentive Scheme and the Black Business Supplier Development Programme of the Department of Small Business Development and the form, date, and financial interests to be

disclosed (in as far as it applies to employees appointed at or earning an equivalent of salary levels 9 and 10), issued by the MPSA on 26 June 2018; and
(iii) Directive to designate employees of the North West Department of Finance, on salary levels nine and ten, to disclose their financial interests and the form, date, and financial interests to be disclosed, issued by the MPSA on 24 January 2019.

3. AUTHORISATION

- 3.1 This Directive is issued by the MPSA in terms of section 41(3) of the Act, read with regulation 16(c), 17(2) and 18(3) of the PSR.
- 3.2 Regulation 16(c) of the PSR defines “designated employee” to include “any other employee or category of employees determined by the Minister”.
- 3.2 Regulation 18(3) of the PSR provides that “any other designated employee not contemplated in sub-regulations (1) and (2) shall submit to the relevant HOD, on a date and form directed by the Minister, particulars of all his or her interests for the period as may be directed by the Minister.”

4. SCOPE OF APPLICATION

- 4.1 This Directive does not apply to HODs or members of the SMS.
- 4.2 This Directive applies to:
- (i) all national and provincial departments and government components and employees employed in terms of the Act; and
 - (ii) members of the services, educators, and members of the Intelligence Services only in so far as the provisions of this Directive are not contrary to the laws governing their employment.

5. CATEGORIES OF DESIGNATED EMPLOYEES OTHER THAN HODS OR MEMBERS OF THE SMS

The following categories of employees, other than HODs or members of the SMS, as contemplated in regulation 16(c) of the PSR, are designated to disclose their financial interests:

- 5.1 Employees appointed at salary level 9 and above and those employees earning an equivalent of salary level 9 and higher in terms of an OSD;
- 5.2 Employees who are responsible for supply chain management and financial accounting, including employees who participate in Supply Chain Management processes and persons appointed as responsibility managers in terms of the Public Finance Management Act, 1999;
- 5.3 Employees who are designated as ethics officers in terms of regulation 23 of the PSR; and
- 5.4 Employees designated for purposes of record keeping and the effective implementation of Part 2 of Chapter 2 of the PSR as contemplated in regulation 20(1)(h) of the PSR.

6. PERIOD TO DISCLOSE FINANCIAL INTERESTS

- 6.1 Categories of designated employees determined in paragraph 5 shall disclose their financial interests for the past 12 months, biennially, in alternate years, during June and July of the relevant year as follows:
 - (a) employees appointed at salary level 11 and higher, employees earning an equivalent of salary level 11 and higher in terms of an OSD and employees contemplated in paragraph 5.2 to 5.4 above, should disclose their financial interests in the **first year** after this Directive becomes effective (see **Annexure A: Implementation** of this Directive); and
 - (b) employees appointed at salary levels 9 and 10 and those earning an equivalent of salary levels 9 and 10 in terms of an OSD, will be required to disclose their financial interests in the **second year** of this Directive becoming effective (see **Annexure A: Implementation** of this Directive).
- 6.2 An employee shall update her/his financial disclosure form within 30 days of any change occurring to her/his disclosed financial interests.
- 6.3 A newly appointed designated employee who assumes duty after the disclosure period, shall disclose her/his financial interests within 30 days of assuming duty.

7. FINANCIAL DISCLOSURE FORM

- 7.1 Designated employees shall disclose their financial interests electronically by using the eDisclosure system unless written approval has been granted by the MPSA upon a written request from the relevant Executive Authority. Such written request must be submitted to the MPSA at least 30 days before the end of the disclosure period indicating the reason/s for the request and the number of employees involved.
- 7.2 Where the eDisclosure system is not utilised as contemplated in paragraph 7.1, the printed form which is utilised must mirror the electronic financial disclosure form attached as **Annexure B** of this Directive.

8. THE ROLE AND RESPONSIBILITIES OF THE HOD

8.1 Verification of disclosed financial interests:

The HOD shall, not later than 30 November after the disclosure is made, verify the financial interests so disclosed by other categories of designated employees who are not HODs or SMS members in line with regulation 21(2) of the PSR.

8.2 Management of conflict of interest

- 8.2.1 Where a disclosed financial interest conflicts or is likely to conflict with the execution of any official duty of an employee, the HOD must, within 30 days of being made aware of this conflict, consult the employee concerned and, where possible, take appropriate steps to remove the conflict of interest.
- 8.2.2 If, after consultation, the employee fails to take appropriate steps to remove the conflict of interest, the HOD shall take disciplinary action against the employee.

8.3 Non-compliance and reporting

- 8.3.1 Any non-compliance of this Directive must be dealt with in terms of section 16A of the Act.
- 8.3.2 Non-compliance with this Directive constitutes misconduct and therefore grounds for disciplinary action.

8.3.3 Acts of misconduct may include:

- (i) Failure to disclose on time;
- (ii) Failure to disclose even after being alerted to the fact; and
- (iii) Provision of false, inaccurate, or incomplete information.

8.3.4 The HOD shall, no later than **31 August of the following year**, report to the MPSA, through the **Director-General: Public Service and Administration**:

- (i) the number of employees who failed to disclose their financial interests as stipulated in paragraph 7 of this Directive, including the description of steps taken against those employees. If no steps were taken, reasons thereof; and
- (ii) the number of employees who were found to have a conflict or potential conflict of interest, the description of the steps taken to remove the conflict, and if no steps were taken, the reasons thereof.

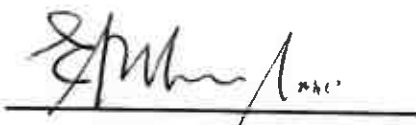
9. EFFECTIVE DATE

This Directive shall come into effect on the date of signature by the MPSA.

10. DEVIATIONS

The MPSA may, under justifiable **circumstances**, authorise a deviation from any provision of this Directive.

APPROVED BY THE MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION



MR SENZO MCHUNU, MP

MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION

DATE: 18/6/2021

ANNEXURE A: IMPLEMENTATION OF THIS DIRECTIVE

YEAR OF IMPLEMENTATION	GROUP
01 June – 31 July 2021	<p>Group 1</p> <ul style="list-style-type: none"> (i) Members of the Middle Management Service (MMS members); (ii) Employees earning the equivalent of salary levels 11 and above in terms of an OSD; (iii) Employees who are responsible for Supply Chain Management (SCM) and Finance, including employees who participate in Supply Chain Management processes and persons appointed as responsibility managers in terms of the Public Finance Management Act, 1999; (iv) Employees who are designated as ethics officers in terms of regulation 23 of the PSR; and (v) Employees earning below salary level 9 who are ethics officers, PSC officials, and officials with delegated authority to access the eDisclosure system in terms of regulation 20(1)(h) of the PSR.
01 June – 31 July 2022	<p>Group 2</p> <ul style="list-style-type: none"> (i) Employees appointed at salary level 9 and 10; and (ii) Employees earning the equivalent of salary levels 9 and 10 through the OSD.

ANNEXURE B: FINANCIAL DISCLOSURE FORM

Financial Year:

Personal details

Surname	
First Names	
ID Number	
Persal Number	
Job Title	
Salary Level	
Postal Address	
Residential Address	
Name of Department (National / Provincial)	
Cell Number	
E-mail address	

Details of financial interests

1. Shares or any other form of equity in a registered private or public company or any other corporate entity recognised by law:

Number of shares/extent of equity	Nature	Nominal value	Name of company/entity

2. Loan accounts (excluding bond, vehicle finance, and retail accounts)

Name of the financial services provider and account number	Original amount of the loan	Outstanding balance	Term of the loan

3. Any other financial interests

Description of the financial interest	Nature of the financial interest	Name of the company or corporate entity	Annual value of the financial interest

4. Income generating assets

Description of the asset	Nature of activity	Nature of Income	Annual amount or value of income

5. Trusts

Name of trust and your role	Reference/registration number and the region where the trust is registered	Purpose of the trust	Annual benefits or remuneration

NB: Documentary proof of approval to perform other remunerative work must be uploaded to the eDisclosure system or attached to this form if you receive remuneration for your participation as Trustee.

6. Directorships and Partnerships

Name of corporate entity	Registration Number	Type of Business	Annual amount of Remuneration

NB: Documentary proof of approval to perform other remunerative work must be uploaded to the eDisclosure system or attached to this form if you receive remuneration for your participation as director/partner in the company.

7. Other remunerative work outside the employee's department

Name of Employer	Type/nature of business activity	Annual remuneration

NB: Documentary proof of approval to perform other remunerative work must be uploaded to the eDisclosure system or attached to this form.

8. Consultancy and retainerships

Nature of consultancy / retainership	Name of the company / your client in case of retainership	Type/nature of business activity of the company/client	Annual value of remuneration/benefits received

NB: Documentary proof of approval to perform other remunerative work must be uploaded to the eDisclosure system or attached to this form.

9. Sponsorships

Source of assistance/ sponsorship	Description of assistance/ sponsorship	Value of assistance/ sponsorship	Relationship between the sponsor and the department

10. Gifts and hospitality from a source other than a family member

Description of a gift and/or hospitality	Value	Source	Relationship between the giver and the department

NB: If the cumulative value of the gift(s) is R350.00 proof of prior approval from the relevant authority must be uploaded to the eDisclosure system or attached to this form.

11. Ownership and other interests in immovable property

Description of immovable property	Extent / size in m ² or ha	Area in which it is situated	Purchase price	Outstanding bond on the property	Estimated market value

12. Vehicles

Description (make and model of the vehicle)	Registration number	Purchase price	Outstanding amount owing on the vehicle

Declaration

I declare that I have personally completed this form and disclosed all relevant details required for the listed financial disclosure categories.

I hereby certify that the disclosure information is true, complete and correct to the best of my knowledge.

I also understand that it is binding on my conscience.

SIGNATURE OF DESIGNATED EMPLOYEE

DATE: _____

PLACE: _____

DATE SUBMITTED TO RELEVANT AUTHORITY: _____

SIGNATURE OF HEAD OF DEPARTMENT / EXECUTIVE AUTHORITY