

**DISPENSATION FOR THE APPOINTMENT AND
REMUNERATION OF PERSONS (SPECIAL ADVISERS)
APPOINTED TO EXECUTIVE AUTHORITIES ON GROUND OF
POLICY CONSIDERATIONS IN TERMS OF SECTION 12A OF
THE PUBLIC SERVICE ACT, 1994**



With effect from 1 January 2016

Issued by the Department of Public Service and Administrations

INTRODUCTION

1. In order to ensure an acceptable degree of uniformity, Cabinet has determined the compensation for Special Advisors. 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 Advisors 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 Advisors as they may see fit. Cabinet may also reduce the number of Special Advisors that Ministers and Premiers may employ.
3. **Members of Executive Councils (MEC's)** and the Chairperson of the Public Service Commission are in terms of a decision of Cabinet excluded from the provision to appoint Special Advisors in terms of section 12A of the Public Service Act, 1994.
4. Special Advisors appointed to Ministers and Premiers may be utilised by Deputy Ministers and MEC's for specific tasks by arrangement with the Minister or Premier concerned.
5. Only South African citizens should be appointed as Special Advisors. All candidates for appointment as Special Advisors should be subjected to a security clearance before appointment. If an Executive 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 Advisors may be appointed-
 - to advise the Executive Authority on the exercise or performance of the Executive Authority's powers and duties;
 - to advise the Executive 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 Executive Authority's powers and duties.
7. Since a Special Adviser would act in an advisory capacity to advise an Executive Authority on, or perform other tasks in respect of, the exercise or performance of the Executive Authority's powers and duties, or to advise the Executive 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 Executive 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 Executive 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 Executive 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 Executive Authority.
9. Executive 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 Executive 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 attached as Annexure X, as approved by Cabinet is entered into between the Special Adviser and the Executive Authority concerned. The duration of the contract shall be agreed upon and be limited to the term of the political principal.
11. Executive 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
 - (d) for 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. Executive Authorities must ensure that the Special Adviser obtains the necessary security clearance before he/she is appointed. Request received without necessary security clearance will not be entertained.

INCLUSIVE FLEXIBLE REMUNERATION PACKAGE SYSTEM

15. The following compensation levels (Table 1) with ranges of inclusive flexible remuneration packages apply with effect from 1 January 2016 to **full-time Special Advisers** (therefore Special Advisers who work a 40-hour week).

TABLE 1: Compensation levels for full-time Special Advisers

Compensation Level	Flexible Remuneration Package	
	31 December 2015 (Rand per annum)	1 January 2016 (Rand per annum)
I	864 177	898 743
	877 152	912 237
	890 301	925 914
	903 663	939 810
	917 220	953 910
	930 975	968 214
	944 940	982 737
	959 112	997 476
	973 506	1 012 446
	988 101	1 027 626
	1 002 933	1 043 049
	1 017 972	1 058 691

Compensation Level	Flexible Remuneration Package	
	31 December 2015 (Rand per annum)	1 January 2016 (Rand per annum)
II	1 042 500	1 068 564
	1 058 145	1 084 599
	1 074 024	1 100 874
	1 090 131	1 117 383
	1 106 484	1 134 147
	1 123 083	1 151 160
	1 139 934	1 168 431
	1 157 031	1 185 957
	1 174 392	1 203 753
	1 192 008	1 221 807
	1 209 885	1 240 131
	1 228 029	1 258 731
	1 246 449	1 277 610

Compensation Level	Flexible Remuneration Package	
	31 December 2015 (Rand per annum)	1 January 2016 (Rand per annum)
III	1 267 806	1 299 501
	1 286 823	1 318 995
	1 306 131	1 338 783
	1 325 724	1 358 868
	1 345 617	1 379 256
	1 365 795	1 399 941
	1 386 288	1 420 944
	1 407 090	1 442 268
	1 428 186	1 463 892
IV	1 656 618	1 689 750
	1 681 464	1 715 094
	1 706 694	1 740 828
	1 732 299	1 766 946
	1 758 285	1 793 451
	1 784 661	1 820 355
	1 811 427	1 847 655
	1 838 601	1 875 372
	1 866 183	1 903 506

16. 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

17. The total inclusive flexible remuneration packages may be structured by the Special Adviser in terms of the provisions and rules as set out below.
18. 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.
19. 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 Executive 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) A 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 Executive 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 they are 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 Executive Authority will compensate the Special Adviser for **all** official kilometres, as per Department of Transport's determinations on tariffs for the use of private motor transport, provided they comply with all the prescribed qualifying criteria (i.e **approved** official journey). (Amended with effect from 1 September 2008)

(b) **Medical assistance** (amended with effect from 1 March 2012)

- A Special Advisers who are members of registered medical aid schemes **are not obliged** to structure for an employer contribution towards the scheme.
- The Executing Authority shall pay the total medical aid scheme subscription fee directly (per the pay system) on a monthly basis to a registered medical scheme.
- In respect of those Special Advisers who are members of registered medical aid schemes and **who elect not to structure** for an employer contribution, the total medical aid scheme subscription fee will be a normal (monthly) salary deduction.
- In respect of those Special Advisers who are members of registered medical aid schemes and **who elect to structure** for an employer contribution, the subscription fee shall be composed as follows:-

- **Employer contribution**
 - Any amount, to a maximum of the annual medical aid subscription fee, in the form of an employer contribution.
- **Member contribution**
 - The difference between the total registered medical aid scheme fee and the amount structured as employer contribution.
 - The member's own contribution is a normal (monthly) salary deduction.

AMENDMENTS TO THE COMPOSITION OF THE FLEXIBLE PORTION OF THE PACKAGE

20. 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

- 21 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.
22. Executive 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

23. Determination on leave of absence in the Public Service with effect from 1 July 2009, made by the Minister for Public Service and Administration.

CRITERIA FOR THE AWARDING OF A COMPENSATION LEVEL

24. For the purposes of determining which compensation level should apply, Executive 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.
25. 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 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.
26. 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.