



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

**Vol. 452   Pretoria   28   February   2003   No. 24988**



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

## GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 331

28 February 2003

#### DETERMINATION OF SALARIES OF DEPUTY DIRECTORS OF PUBLIC PROSECUTIONS, CHIEF PROSECUTORS, AND CHIEF SPECIAL INVESTIGATORS UNDER SECTIONS 18(1) AND 19C(1) OF THE NATIONAL PROSECUTING AUTHORITY ACT, 1998, RESPECTIVELY

I, Penuell Mpapa Maduna, Minister for Justice and Constitutional Development, acting under sections 18(1) and 19C(1) of the National Prosecuting Authority Act, 1998(Act No. 32 of 1998), hereby determine the remuneration packages of Deputy Directors of Public Prosecutions, Chief Prosecutors and Chief Special Investigators, with effect from 1 January 2003 and subject to the remuneration dispensation set out in Annexure A, as follows:

Rank	Remuneration package on 31 December 2002	Remuneration package with effect from 1 January 2003
• Deputy Director of Public Prosecutions; • Chief Prosecutor; and • Chief Special Investigator	R410 112	R442 920
	R423 285	R457 149
	R437 052	R472 017
Deputy Director of Public Prosecutions	R458 193	R494 847
	R477 162	R515 334
	R496 803	R536 547

**P M MADUNA**  
Minister for Justice  
and Constitutional Development

**ANNEXURE A****INCLUSIVE FLEXIBLE REMUNERATION DISPENSATION FOR THE SENIOR MANAGEMENT SERVICE (SMS) IN THE NATIONAL PROSECUTING AUTHORITY(NPA)****1. INTRODUCTION**

- 1.1 Subject to the provisions of the Constitution and the National Prosecuting Authority Act, 1998(Act No. 32 of 1998), this dispensation applies to the following categories of employees in the NPA:
- (a) The National Director of Public Prosecutions;
  - (b) Deputy National Directors of Public Prosecutions;
  - (c) Directors of Public Prosecutions;
  - (d) Deputy Directors of Public Prosecutions;
  - (e) Chief Prosecutors; and
  - (f) Special Investigators appointed to the SMS.
- 1.2 Only remuneration packages as determined in the President's Minute or Government Notice, as the case may be, may be utilised. No deviation from the remuneration packages so determined is allowed.
- 1.3 A remuneration package for any new appointee must be determined subject to the job weight. It is therefore imperative that any new position (post), or any existing position (post) that is filled by means of a new appointee or promotion/transfer of existing personnel, must be evaluated before such position (post) is filled. Such a person should be appointed/promoted, and where possible on transfer, with the awarding of the minimum remuneration package. A higher remuneration package may only be utilised in accordance with the prescribed measures.

**2. COMPOSITION OF THE INCLUSIVE FLEXIBLE REMUNERATION PACKAGE**

- 2.1 **Members who are appointed permanently or on contract and who are admitted to the Government Employees Pension Fund (GEPF):**
- (a) The inclusive remuneration package consists of the **basic salary**, the **State's contribution to the GEPF** and a **flexible portion**.
  - (b) The **basic salary** consists **63%** of the inclusive flexible remuneration package.
  - (c) The **State's contribution to the GEPF** is calculated on the basic salary.
  - (d) The remaining part of the remuneration package is the **flexible portion** and may be structured by the member in terms of the rules for the structuring of the flexible portion, as set out below.
- 2.2 **Members who are appointed on contract and who are not admitted to the GEPF:**
- (a) The inclusive flexible remuneration package does not consist of components.
  - (b) The member may structure the total inclusive flexible remuneration package in terms of the provisions and rules set out below.

### 3. FLEXIBLE PORTION

3.1 Members may structure the flexible portion into the following items:

(a) **Motor car allowance**

To a maximum amount of 25% of the total package per annum.

(b) **13<sup>th</sup> Cheque**

(i) **Members who are appointed permanently or on contract and who are admitted to the Government Employees Pension Fund (GEPF):**

A 13<sup>th</sup> Cheque equal to one-twelfth of the basic salary, to be structured as a once-off non-pensionable bonus and payable in the anniversary month of birth.

(ii) **Members who are appointed on contract and who are not admitted to the GEPF:**

A member may not structure for a 13<sup>th</sup> Cheque.

(c) **Medical Assistance**

Contribution to a medical aid scheme.

(d) **Housing Allowance**

An amount as decided by the member.

(e) **Non-pensionable cash allowance**

Any remaining amount of the flexible portion.

3.2 Members are not obliged to utilise all the items when structuring the flexible portion of their packages.

### 4. RULES GOVERNING THE FLEXIBLE PORTION

#### 4.1 Motor car allowance

4.1.1 A member is obliged to maintain a reliable vehicle to be utilised for official journeys (when necessary).

4.1.2 A member may purchase or lease a new or reliable pre-owned vehicle.

4.1.3 No time frames exist when a vehicle should be replaced.

4.1.4 The member must at all times have his or her vehicle (or a substitute) available for official journeys.

4.1.5 Heads of Units (or his or her delegate) must decide whether a member 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.

4.1.6 A member must secure his or her own financing of loans. The State's contract with Stannic to grant loans to members is available. Should a member not be able to successfully secure a loan, the NPA may apply for a guarantee from the National Treasury in order to secure a loan.

4.1.7 A member 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.

- 4.1.8 A member may not participate in the Subsidised Motor Transport Scheme.
- 4.1.9 If a member utilises his or her vehicle to travel for official purposes away from his or her usual place of work, the Chief Executive Officer must reimburse toll fees as well as parking fees in excess of R10 per month. The member is responsible for parking fees (if it is levied) at the place of work.
- 4.1.10 Any journey between a member's home and usual place of work constitutes a private journey.
- 4.1.11 As far as possible, a member is obliged to provide free transport of official passengers to the same destination on an official journey.
- 4.1.12 If a member utilises his or her private vehicle to carry out official duties, the Chief Executive Officer must compensate the member for kilometres travelled in excess of 500 kilometres per month, according to the tariffs payable for privately owned vehicles as prescribed by the Department of Transport.
- 4.2 13<sup>th</sup> Cheque**
- 4.2.1 The 13<sup>th</sup> Cheque is an annual payment in the month of birth.
- 4.2.2 The 13<sup>th</sup> Cheque will be paid on the day the member is normally paid his or her salary and allowances.
- 4.2.3 New appointees will receive a pro rata 13<sup>th</sup> Cheque for the period from the date of appointment until the month of birth.
- 4.2.4 If a member **restructures his/her package from a position where a 13<sup>th</sup> Cheque HAS BEEN structured to a position where a 13<sup>th</sup> Cheque IS NOT BEING structured**, the following will apply:
- (a) A pro rata 13<sup>th</sup> Cheque will be paid, calculated from the date that the member's last 13<sup>th</sup> Cheque has been paid until the month prior to the effective date of the revised restructuring. This pro rata 13<sup>th</sup> Cheque will be payable in the next month of birth based on the basic salary in the month prior to the effective date of the revised restructuring.
  - (b) In the event of a member's services being terminated before he or she reaches his/her next month of birth referred to above, a pro rata 13<sup>th</sup> Cheque is payable on the last day of service. This pro rata 13<sup>th</sup> Cheque is calculated over the period from the last date on which the member received his/her last 13<sup>th</sup> Cheque until the month prior to the effective date of the revised restructuring.
- 4.2.5 If a member **restructures his/her package from a position where a 13<sup>th</sup> Cheque HAS NOT BEEN structured to a position where the member STRUCTURES a 13<sup>th</sup> Cheque**, the following will apply:
- (a) A pro rata 13<sup>th</sup> Cheque will be payable in the member's next month of birth of that year.
  - (b) In the event of a member's services being terminated before the member's next month of birth, a pro rata 13<sup>th</sup> Cheque is payable on the last day of service. The pro rata 13<sup>th</sup> Cheque should be calculated from the effective date of the revised restructuring to the last day of service.
  - (c) In the event of a member's services being terminated after the member's next month of birth, a pro rata 13<sup>th</sup> Cheque is payable on the last day of service. The pro rata 13<sup>th</sup> Cheque should be calculated from the date on which the member received his/her last 13<sup>th</sup> Cheque to the last day of service.
- 4.2.6 If a member dies while in service, the Chief Executive Officer must pay the 13<sup>th</sup> Cheque (calculated proportionally) directly—

- (a) to a person or persons whom the member designated in writing for this purpose; or
- (b) if the member did not designate such a person, to a surviving spouse/life partner; or
- (c) if the member has no spouse/life partner, to her or his dependant children; or
- (d) if no dependant child exists, into the member's estate.

#### **4.3 Medical assistance**

4.3.1 The Chief Executive Officer must pay the total subscription only directly to a registered medical scheme.

4.3.2 The total subscription shall be composed as follows:

- (a) Two-thirds of the amount from the flexible portion as the employer's contribution.
- (b) One-third of the amount deducted from the employee's remuneration.

#### **5. AMENDMENTS TO THE COMPOSITION OF THE FLEXIBLE PORTION OF THE PACKAGE**

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) On promotion to a higher grade (position).
- (c) Adjustment of the remuneration scale.
- (d) On transfer to another post.
- (e) Substantial changes to tax legislation.
- (f) Any changes to the total contribution to a registered medical aid scheme.
- (g) In the case of a member referred to in—
  - (i) paragraph 1.1(a), (b) and (c) *supra*, on decision by the President; and
  - (ii) paragraph 1.1(d), (e) and (f) *supra*, on decision by the Minister for the Public Service and Administration.

#### **6. CONTRACT WORKERS**

The remuneration of a member on a contract with a fixed term will be equal to the remuneration package of an equivalent permanent worker, which derives from—

- (a) evaluation of the job in line with the prescribed measures, or
- (b) the remuneration package of a similar existing position.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Publications: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504  
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737  
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001  
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504  
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737  
Kaapstad-tak: Tel: (021) 465-7531