

(5) The head of department or executive authority, as the case may be, shall ensure that the disclosure of interests by designated employees is submitted electronically to the Commission or the relevant authority as may be directed by the minister in terms of sub regulation (3), unless otherwise determined by the minister.

Q6. Who are designated employees and when is their due date for disclosure?

Answer: Below is a list of designated employees as per the DPSA eDisclosure Resource Centre.

Category	Due date of disclosure
SMS members	30 April
OSD / personal notches (level 13 & above)	30 June
Level 12 (including OSD/personal notches)	30 June
Ethics Officers / PSC officials	30 June
Level 11 (including OSD / personal notches)	31 July
Employees below level 11 in Supply Chain & Finance Units	31 July
New employees in all categories	30 days after assumption

ACCEPTANCE OF GIFTS

Q7. Am I allowed to accept Gifts?

Answer: Section 13h of the Public Service Regulations, 2016, stipulates that an employee shall not receive or accept any gift from any person in the course and scope of his or her employment, other than from a family member, to the cumulative value of R350 per year, unless prior approval is obtained from the relevant executive authority;

DALRRD Code of Conduct also stipulates that: "An employee does not use his/her official position to obtain private gifts/benefits during the performance of duties nor may he/she accept any gifts/benefits when offered, as these may be construed as bribe. However,

- If the refusal of a gift may offend or prejudice the business interest of the department, the employee may accept this unsolicited gift/s. Accepting such gifts or benefits is essentially a matter of judgement for the individual concerned. In such instance, employees must be satisfied that their position will not in any way be compromised by acceptance. The gift policy applies in this regard.
- The employee is required to disclose details with regards to gifts and hospitalities with a value in excess of R350 and must request prior permission from the Accounting Officer to accept the gift. If the permission is granted, the employee may retain the gift and the employee must disclose particulars thereof for recording in the gifts register."

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Outside Remunerative Work, Disclosure of Financial Interest and Acceptance of Gifts



agriculture, land reform & rural development
Department: Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA



OUTSIDE REMUNERATIVE WORK

Q1. Am I allowed to perform outside remunerative work?

Answer: Yes, officials are allowed to perform outside remunerative work however, it is important to take note of Section 30 of the Public Service Act (PSA), 2007 (Act No. 30 of 2007).

30 Other remunerative work by employees

- (1) No employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department.
- (2) For the purpose of subsection (1) the executive authority shall at least take into account whether or not the outside work could reasonably be expected to interfere with or impede the effective or efficient performance of the employee's functions in the department or constitute a contravention of the code of conduct contemplated in section 41 (1) (b) (v).
- (3) (a) The executive authority shall decide whether or not to grant permission, contemplated in subsection (1), within 30 days after the receipt of the request from the employee in question.
- (b) If the executive authority fails to make a decision within the 30 day period, it would be deemed that such permission was given.

Section 31 of the PSA further outlines the consequences for officials who engage in unauthorised outside remunerative work without prior written approval. Officials should refer to Circular no 75 of 2020: Requests to Perform Other Remunerative Work Outside the Public Service.

Q2. What is the process of applying to perform outside remunerative work?

Answer: The process to apply for outside remunerative work is set out below:

- a. The official completes the application form (sections A, B, C and D) and submits the duly completed form to his/her immediate supervisor (Annexure B).

- b. The supervisor will complete section E of the prescribed form. In making recommendations to support or not support the application, the supervisor will consider if the outside remunerative work could reasonably be expected to interfere with or impede the effective or efficient performance of the official's functions or constitute a contravention of the Code of Conduct for Public Servants.
- c. The completed form must be submitted to the Ethics Officers in the Directorate: Fraud Prevention and Ethics Management:
- | | |
|------------------|--------------|
| Phuti Teffo | 012 312 9660 |
| Priscilla Msiza | 012 312 9654 |
| Anastasia Davies | 012 319 6762 |
| Zinhle Xaba | 012 319 6810 |
- d. The application, including the comments of the supervisor, will be assessed to identify any possible, perceived or potential conflict of interest that may arise as a result of the official undertaking outside remunerative work.
- e. The Fraud Prevention and Ethics Management office is empowered to request any relevant information from the officials' component relating to the performance of the official to assist them in determining the likelihood of the outside remunerative work interfering with, or impeding the effective or efficient performance of the official or possibly constituting a contravention of the Code of Conduct for Public Servants.
- f. Upon completion of the assessment, make a recommendation to the delegated authority (see table below) for a decision, taking into consideration all contributing and influencing factors.

Power vests in	Delegated to	Sub delegated to	Remarks
EA: SL 15-16	DG: SL 13-14	DDG: SL11-12	In concurrence with D: HRM
SL 13 in Service Delivery Coordination	CLCC: SL 13 (Restitution)	CD: SL 1-10	

- g. The decision of the delegated authority will be communicated to the applicant in writing. If the request is approved, such will be valid for twelve months only. Officials are required to re-apply before the expiry of the twelve months if it is the intention of the official to continue conducting other remunerative work.

Q3. When will I receive a response about my application to conduct outside remunerative work?

Answer: Section 20(30) (a) and (b) of the Public Service Act states that: The executive authority shall decide whether or not to grant permission, contemplated in subsection (1), within 30 days after the receipt of the request from the employee in question; (b) if the executive authority fails to make a decision within the 30-day period, it would be deemed that such permission was given.

Q4. Am I allowed to conduct business with any organ of the state?

Answer: Regulation 13 (c) – Ethical conduct: An employee shall— not conduct business with any organ of state or be a director of a public or private company conducting business with an organ of state, unless such employee is in an official capacity a director of a company listed in schedule 2 and 3 of the Public Finance Management Act.

DISCLOSURE OF FINANCIAL INTERESTS

Q5. Who should disclose their financial interest?

Answer: Public Service Regulations – Part 2 18:

- (1) SMS members, except for a head of department shall, not later than 30 April of each year, disclose to the relevant head of department, in a form prescribed for this purpose by the minister, particulars of all his or her interests in respect of the period 1 April of the previous year to 31 March of the year in question.
- (2) A head of department shall, not later than 30 April of each year, disclose to the relevant executive authority, in the form prescribed for this purpose by the minister, particulars of all his or her interests in respect of the period 1 April of the previous year to 31 March of the year in question.
- (3) Any other designated employee not contemplated in sub regulations (1) and (2) shall submit to the relevant head of department, 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) Any person who assumes duty as a designated employee on or after 1 April in a year shall make such disclosure within 30 days after assumption of duty in respect of the period from 1 April to date of disclosure.