Department of Public Works, Roads and Transport

Mpumalanga Provincial Government

DISCLOSURE OF FINANCIAL INTEREST POLICY

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MPUMALANGA
THE PLACE OF THE RISING SUN

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ABBREVIATIONS

AO	-	Accounting Officer
CIPC	-	Companies and Intellectual Property Commission
COI	-	Conflict of Interest
DPSA	-	Department of Public Service Administration
EA	-	Executive Authority
EO	-	Ethic Officers
MEC	-	Member of Executive Council
MPSA	-	Minister of the Public Service and Administration
OSD	-	Occupation Specific Dispensation
PSC	-	Public Service Dispensation
PSR	-	Public Service Regulation. 2016
SMS	-	Senior Management Service

DEFINITIONS

Accounting Officer	Means	A person mentioned in Section 36 of the Public Finance Management Act, 1999 (Act No.1 of 1999) and includes any person acting as the Accounting Officer;
Department	Means	Mpumalanga Department of Public Works, Roads and Transport.
e-Disclosure	Means	The electronic system to disclose financial interest;
Employee/Official	Means	A person appointed permanently or on contract by the Department in terms of the Public Service Act, 1994 (Act No.103 of 1994);
Ethics Officers	Means	Employees designated by the Accounting Officer to manage financial interests;
Executive Authority (EA)	Means	Minister of National Department, Premier of a Province or Member of Executive Council (MEC); and
SMS	Means	A member of Senior Management.

1 INTRODUCTION

a. The Financial Disclosure Framework as introduced in 2001, with the objective of assisting EAs to identify and manage conflict of interest situations for members of the SMS;

b. The MPSA may however determine other categories of designated employees to disclose financial interests (Regulation 16(c) read together with Regulation 18(3) of the PSR, 2016 as the risks to good governance arising from conflict of interest situations do not face employees in senior management positions only;

c. In recognition of these factors, Public Service Regulations, 2016 empowers the MPSA to determine other employees or categories of employees to disclose financial interests;

d. The requirement for high level of ethical conduct applies to all employees in the public service; and

e. The determination of other categories is the first step in the roll-out of the financial disclosure to all public service employees.

2 OBJECTIVES

The objectives of the policy are to:

2.1 Ensure that the employees comply with the requirements of the Public Service Regulations, 2016 in so far as the disclosure and reporting of any direct and indirect or private business interest that the employee may have in any matter;

2.2 Provide direction regarding implementation of the Determination and Directive on other categories of employees to disclose their financial interests;

2.3 Clarify the role of Ethics Officers and AO's in the implementation of the Determination and Directive; and

2.4 Purpose of disclosure is to:

2.4.1 Ensure transparency;

2.4.2 Ensure accountability;

2.4.3 Manage conflict of interests between your official duties and your private financial interests; and

2.4.4 Promote ethics and integrity and to combat corruption in the Public Service.

3 REGULATORY FRAMEWORK

3.1 Financial Disclosure Framework, 2001;

3.2 Prevention and Combating of Corrupt Activities Act, 2004 (Act No.12 of 2004);

3.3 Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

3.4 Promotion of Administrative Justice Act, 2000 (Act No. 26 of 2000);

3.5 Protected Disclosure Act, 2000 (Act No. 26 of 2000);

3.6 Public Administration Management Act, 2014 (Act No. 11 of 2014);

3.7 Public Finance Management Act, 1999 (Act No 1 of 1999);

3.8 Public Service Act, 1994 (Act No.103 of 1994) Code of Conduct; and

3.9 Public Service Regulation, 2016.

3.10 Constitution of the Republic of South Africa of 1996.

4 SCOPE OF APPLICATION

The policy is applicable to all employees and officials of the Department of Public Works, Roads and Transport.

5 POLICY STATEMENT

This Policy is developed in terms of the Public Service Regulations, 2016 whereby designated employees are required to disclose their financial interests (Chapter 2, Part 2). In June 2021, the Minister for the Public Service and Administration issued a Directive on other categories of employees designated to disclose their financial interests and the form, date, and financial interests to be disclosed, as outlined in this Policy.

The Department are committed to achieving the highest possible standards of service, openness, accountability and the highest possible ethical standards in all its practices. In line with that commitment, it encourages all designated employees to comply with the disclosure of financial interest as outlined in this policy.

5.1 DETERMINATION AND DIRECTIVE ON OTHER CATEGORIES OF EMPLOYEES TO DISCLOSE THEIR FINANCIAL INTERESTS

The following are categories of designated employees and due dates for submission of their financial disclosure forms:

Other categories	Period to disclose	Period to be covered	Period for verification	Method of disclosure
Employees at level 13 and above.	01 – 30 April of the year in question	01 April of the previous financial year to 31 March of the current financial year	By 31 May of the year in question	eDisclosure system
Employees earning an equivalent of salary level 13 and above through the OSD or personal notches.	01 – 30 April of the year in question	01 April of the previous financial year to 31 March of the current financial year	By 31 May of the year in question	eDisclosure system

Other categories	Period to disclose	Period to be covered	Period for verification	Method of disclosure
Employees appointed at salary level 12 including those employees earning the equivalent of salary level 12 through the OSD.	01 June – 31 July 2027 and thereafter bi-annually	01 April of the previous financial year to 31 March of the current financial year	By 30 November 2027 and thereafter bi-annually	eDisclosure system
Employees who are designated for the purpose of effective implementation of Part 2 of Chapter 2 of PSR, 2016.	01 June – 31 July 2027 and thereafter bi-annually	01 April of the previous financial year to 31 March of the current financial year	By 30 November 2027 and thereafter bi-annually	eDisclosure system
Employees appointed at salary level 11 including those employees earning the equivalent of salary level 11 through the OSD.	01 June – 31 July 2027 and thereafter bi-annually	01 April of the previous financial year to 31 March of the current financial year	By 30 November 2027 and thereafter bi-annually	eDisclosure system
Employees in Supply Chain and Financial Accounting Units, irrespective of their salary level.	01 June – 31 July 2027 and thereafter bi-annually	01 April of the previous financial year to 31 March of the current financial year	By 30 November 2027 and thereafter bi-annually	eDisclosure system

Other categories	Period to disclose	Period to be covered	Period for verification	Method of disclosure
Employees appointed at salary level 10 including those employees earning the equivalent of salary level 10 through the OSD.	01 June – 31 July 2026 and thereafter bi-annually	01 April of the previous financial year to 31 March of the current financial year	By 30 November 2026 and thereafter bi-annually	eDisclosure system
Employees appointed at salary level 9 including those employees earning the equivalent of salary level 9 through the OSD.	01 June – 31 July 2026 and thereafter bi-annually	01 April of the previous financial year to 31 March of the current financial year	By 30 November 2026 and thereafter bi-annually	eDisclosure system
All employees that are designated to disclose their Financial Interest where any change in the current Financial Disclosure submitted	Up to 30 days change in previous disclosure	01 April of the previous financial year to 31 March of the current financial year	Up to 30 days after disclosure of financial interest is made	eDisclosure system
New employees appointed in the above categories.	Up to 30 days after assumption of duty	01 April of the previous financial year to 31 March of the current financial year	Up to 30 days after disclosure of financial interest is made	eDisclosure system

5.2 DISCLOSURE FORM AND OTHER MATTERS

5.2.1 Disclosure Form: The e-disclosure system available on http://www.eDisclosure.gov.za;

5.2.2 Period to be covered: 01 April – 31 March (previous financial year); and

5.2.3 Interests to be disclosed – All the details on the e-Disclosure system as per DPSA Disclosure explanatory manual.

5.3 REGISTRATION OF EMPLOYEES ON THE e-DISCLOSURE SYSTEM

5.3.1 Level 9 and above – Self registration (PERSAL data has been uploaded on the system); and

5.3.2 Ethics Officers, PSC officials and Departmental Ethics Administration Officer are already registered.

5.4 FUNCTIONS OF ETHICS OFFICER

5.4.1 Provide information to designated employees with regard to financial disclosures;

5.4.2 Ensure Compliance by officials to submit their financial disclosures;

5.4.3 Verify disclosed interests submitted by officials;

5.4.4 Report to the Accounting Officer and make recommendations in terms of action to be taken in cases of non-compliance or conflict of interests situations; and

5.4.5 Liaise with DPSA – Employees should not be sent to DPSA to make individual enquiries.

5.5 FUNCTIONS OF DEPARTMENTAL ETHICS ADMINISTRATION OFFICER

5.5.1 All manual registrations that need to be done on the system whereby the Departmental Ethics Administration Officer will issue a username and password for the employee.

5.5.2 Reset password of all officials in the Department including SMS members; and

5.5.3 Reset locked accounts of all employees registered on e-Disclosure.

5.6 VERIFICATION OF DISCLOSURES

5.6.1 Verification of companies and assets (properties and vehicles), using the e-Disclosure system;

5.6.2 Other remunerative work (internal system);

5.6.3 Gifts and hospitality (internal Gift policy);

5.6.4 Assessment of conflict of interests; and

5.6.5 Management of conflict of interests.

5.7 VERIFICATION OF COMPANIES

Data from Companies and Intellectual Property Commission, Deeds register, and eNatis will be loaded on the e-Disclosure system to enable verification of directorship / partnership in companies, immovable property, and vehicles. The verification process involves profiling of employees.

5.8 VERIFICATION OF OTHER REMUNERATIVE WORK

5.8.1 Verification of "other remunerative work" is conducted to verify employees' compliance with the regulatory framework including Section 30 of the Public Service Act, 1994 (PSA, 1994),

5.8.2 Public Service Regulations, 2016 (PSR, 2016); and

5.8.3 The Directive on other remunerative work outside employee's employment in the relevant Department, issued by the Minister for Public Service and Administration on 01 November 2016.

5.9 VERIFICATION OF GIFTS AND HOSPITALITY

5.9.1 Gifts and hospitality must be verified for compliance with the set rules in the PSR, 2016 and Departmental policy on gifts if such is available. The following aspects of compliance should be verified:

5.9.2 All gifts (irrespective of the value) must be declared in the Departmental gifts register if the cumulative value of the gift is R500.00 permission to receive and accept the gift must be sought from the Executive Authority (EA) (or delegated authority). In this case proof of permission to receive and accept the gift must be uploaded to the e-Disclosure system; and

5.9.3 If the Department has a policy on gifts the disclosure of employees must also be verified against the policy.

5.10 ASSESSMENT OF CONFLICT OF INTEREST

5.10.1 Private interests of designated employees should be assessed for actual or potential conflict of interest;

5.10.2 Actual conflict of interest means that the conflict already exists between the employee's official duties and his/her financial interest;

5.10.3 Potential conflict of interest will exist where an official has financial interests which could cause a conflict of interest to arise at some time in the future and

5.10.4 Factors to consider when assessing Conflict of Interest (COI): Functions and duties of the employee, Relationship of the giver / sponsor to the Department, etc.

5.11 TRANSGRESSION RELATED TO DISCLOSURES

5.11.1 In terms of section 16A of the Public Service Act, failure to comply with the Act is misconduct. The Accounting Officer shall (a) immediately take appropriate disciplinary steps against an employee of the Department who does not comply with a provision of this Act or a regulation, determination or directive made thereunder; (b) immediately report to the Director-General: Public Service and Administration the particulars of such non-compliance; and (c) as soon as possible report to that Director-General the particulars of the disciplinary steps taken; and

5.11.2 Refer to the Sanctioning Guidelines in the Public Service for sanctions on transgression available on

http://www.dpsa.gov.za/dpsa2g/documents/nlr/2015/21_1_r_4_12_2015%20Annexure%20A.pdf

Transgression	1st offence	2nd offence	3rd offence
Failure to disclose on time	Less serious offence Final written warning – valid for 3 occasions designated must disclose	Serious offence Formal Disciplinary enquiry Sanctions that may be applied include: A fine not exceeding three months' pay	Serious offence Formal Disciplinary enquiry Sanctions that may be applied include: demotion
Failure to disclose even after being alerted to the fact	Serious offence Formal Disciplinary enquiry Sanctions that may be applied include: a fine not exceeding 3 months' pay	Serious offence Formal Disciplinary enquiry Sanctions that may be applied include: Demotion as an alternative to dismissal or dismissal	
Provision of false, inaccurate or incomplete information	Serious offence Formal Disciplinary enquiry Sanctions that may be applied include: No pay for a period of three months; Demotion as an alternative to dismissal; or Dismissal		

6 ROLES AND RESPONSIBILITIES

6.1. **The responsibility of the Accounting Officer is to**:

6.1.1 Ensure compliance with Regulation 21(2) (b) in terms of conflict of interest; and

6.1.2. Ensure effective and efficient implementation of this policy as part of the internal controls within the department.

6.2 **The responsibility of Designated Officer is to**:

6.2.1 keep a register of other designated employees interest (employees below SMS level)

6.2.2. Verify SMS disclosure and submit them to PSC

6.2.3. Ensure compliance and report to DPSA on identified cases of non-compliance and disciplinary action taken against non-compliance.

6.2.4 Verify and manage conflict of interest (within 30 days after submission)

7 MONITORING AND EVALUATION

The Risk Management Section shall monitor and evaluate the implementation of this policy.

8 POLICY TERMINATION AND REVIEW

The policy shall be reviewed every 5 years or as and when there are changes in legal frameworks, organizational developments, political and economic trends.

9 DEVIATIONS

Any deviation from this policy is subject to the approval of the Accounting Officer.

10 IMPLEMENTATION DATE

This policy comes into effect from the date of approval by the Accounting Officer.

11 APPROVAL

MR RIKHOTSO, Pr. Eng
HEAD: PUBLIC WORKS, ROADS AND TRANSPORT
DATE: 21/08/2020