



Gift and Financial Disclosure Policy


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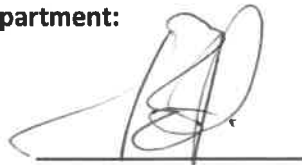
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Prof. Parker Date

Approved by the Head of Department:



Mr. R. Pieterse

12.05.2023.

Date

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1. POLICY AIM

The purpose of this policy is to strengthen measures for managing unethical conduct and promoting integrity in the Department. It is furthermore aimed at establishing clearly defined, easy to understand guidelines for the acquisition, granting and acceptance of gifts, donations and sponsorships.

2. POLICY SCOPE

This policy applies to all employees of the Department of Transport Safety and Liaison. All gifts donations or sponsorships by the Department shall be subjected to full written motivation submitted via the Chief Financial Officer to the Accounting Officer.

3. LEGISLATIVE FRAMEWORK

- Public Financial Management Act 1 of 1999
- The Protected Disclosure Act 26 of 2000
- Treasury Regulations Section 76(1)
- Chapter 2(13)(a) & (h) of the Public Service Regulations 2016, Chapter 2
- Prevention and Combating of Corrupt Activities Act, 2004 (PRECCA)
- Service Charter – Public Service Coordinating Bargaining Council Resolution 1 of 2013

4. POLICY STATEMENT

It is the policy of the Northern Cape Department Transport, Safety and Liaison:

- 4.1. **Gifts, Donations and Sponsorships** are defined as a token/benefit/income in cash or kind which was bestowed and or received voluntarily from and internal or external donor to the value of Three Hundred Rand (R300.00) and above as regulated by the Public Service Commission and/or competent oversight institutions without any expectation of tangible compensation and for which no direct or indirect contractual obligations are imposed.

- 4.2. **Gratification** includes any benefit of favor that directly or indirectly benefits the employee; these includes the following amongst others money, whether in cash or otherwise, any donation, gift loan, fee, reward, valuable security property or interest in property of any description whether movable or immovable or any other similar advantage: the avoidance of a loss liability, penalty, forfeiture punishment or other disadvantage, any office, status, honor, employment contract of employment or services, any agreement to give employment or render services in any capacity and residential or holiday accommodation, any payment release discharge or liquidation of any loan, obligation or other liability.
- 4.3. **Hospitality** is defined as food, drink entrance to events, accommodation provided free of charge or a discounted price for which no direct or indirect contractual obligation are imposed.
- 4.4. **Conflict of Interest** is the existence of conflict between the public duties and private interests of an employee where the employee's private interests could improperly influence him/her.
- 4.5. **Gift Register** is the manual or electronic record of gifts, donations and sponsorships received.
- 4.6. The objective of the Financial Disclosure Framework as introduced in 2001, was to assist Executive Authorities to identify and manage conflict or interest among employees in Senior Management positions, Middle Management and Supply Chain Officials.

However, the risk to good governance arising from conflict of interest does not face employees in SMS only but those on a higher salary level as well. While it is not feasible to identify all possible forms of conflict of interest in advance, there is a growing public expectation for strengthening the integrity of government officials and prevent corruption in government institutions.

5. ROLES AND RESPONSIBILITIES

5.1. Consultants/Service Providers

5.1.1. Employees are prohibited from directly or indirectly soliciting, coercing or accepting gifts sponsorships or hospitality or private benefits of any value from any person (natural or juristic) that is contracted to the department or an organ of state.

5.1.2. Any person or entity when rendering a service to the department shall be prohibited from offering gifts, sponsorships hospitality or private benefits of any value to an employee or a member of their immediate family and relatives of the department or any other department or organ of state.

5.2. Disclosure of Gifts, Hospitality and other benefits

5.2.1. Employees must request permission from the Accounting Officer prior to the acceptance of any gift. Such a request must be done in writing and should include a clear description of the gift, the name of company and the monetary value of the item.

5.3. Gift Register

5.3.1. A Gift Register is to be kept by all officials including the nature reserve. A delegated official as determined by management per office will be responsible for updating and reporting to the ethics officer on a quarterly basis.

5.3.2. All gifts, donations and sponsorships are to be captured in the gift register with a clear description of the item and the monetary value thereof, the recipient and the donator.

5.4. Financial Disclosure

5.4.1. Categories of designated employees

- Employees earning salary level 13 and the equivalent of through the OSD.
- Employees appointed at the salary levels 11 and 12 including employees earning the Equivalent of salary 11 and 12 through OSD

- Employees employed in SCM irrespective of their salary level
- Employees employed in finance irrespective of their salary level and any other employee who is authorized by the Minister of Public Service and Administration, Executive Authority, Head of Department or the Commissioner of the Public Service Commission irrespective of their salary level.

Should a situation arise where there is no clarity on a matter not covered in this Policy or where difference of opinion should arise out of the application of this policy such as a difference of opinion and or dispute will be dealt with through the normal communications channels i.e., Manager, Senior Manager, Ethics Officer and Accounting Officer. Should no finality be reached the matter will be subject to the normal Arbitration Rules.

6. REVIEW AND DISTRIBUTION

The Director for Corporate Services is responsible for this policy and for ensuring that it is reviewed and updated.

- a. This Policy will be reviewed no sooner than 18 months and no later than 3 years of the last publication date. If necessary, an updated version will be issued, if not a formal cover letter will be issued to supplement the cover of this Policy (identifying a revised publication date).
- b. The Senior Manager for Strategic Management, Organisational Development and Institutional Performance will distribute updated versions to:
 - Member of the Executive Council
 - Head of Department
 - All Senior Managers who will in turn distribute to their staff as appropriate.