



agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

RESPONSES TO THE

PORTFOLIO COMMITTEE

MEETING HELD ON

09 OCTOBER 2013

DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES

CONFIDENTIAL

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Question 1: How far is the Department in developing a One Stop Financing Facility?
Also define the One Stop Financing Model.

Answer

1.1 One Stop Development Finance Model.

The model was proposed to achieve the following:

- 1.1.1 To integrate all existing funding programmes under one development funding model.
 - 1.1.2 To provide financial and non-financial support to subsistence, smallholder and commercial farmers on a large, accessible, cost effective and sustainable basis.
 - 1.1.3 To ensure proper and holistic post settlement support to beneficiaries of land redistribution
 - 1.1.4 To ensure proper farm planning with clear exit strategies and graduation model
- 1.2 The proposed one stop funding model was rejected by national treasury and did not get the support of all provinces.

Question 2: What is the total package paid to the two Director's General (DGs) that left the Department of Agriculture Forestry and Fisheries.

Answer

SEE ATTACHMENT 1

Question 3: How many pieces of legislation were brought before the committee?

Answer

The pieces of legislation that were brought before the Portfolio Committee are:

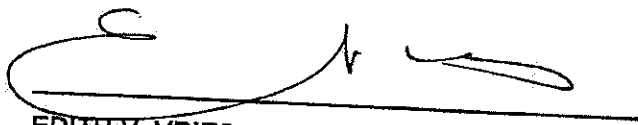
2012: Veterinary and Para-Veterinary Amendment Bill

2013: Fertilizers and Feeds Bill (This Bill was brought before the Portfolio Committee but was not passed but sent back to the Department for further consultation).

Question 4: The number of filled vacancies per category in the Department.

Answer

SEE ATTACMENT 2



EDITH V. VRIES

DIRECTOR GENERAL

DATE: 22 October 2013

CONFIDENTIAL

Page 2

Attachment 1



MINISTER
AGRICULTURE, FORESTRY AND FISHERIES
REPUBLIC OF SOUTH AFRICA

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Private Bag X9087, Cape Town, 8000, Tel: 021 467 4502, Fax: 021 465 6550

WITHOUT PREJUDICE

Mr L Zita
Director-General: Agriculture, Forestry and Fisheries

Dear Mr L Zita

CONFIDENTIAL

**REDETERMINATION OF TERM OF OFFICE AS DIRECTOR-GENERAL:
AGRICULTURE, FORESTRY AND FISHERIES**

1. On my recommendation and subject to your agreement, the Minister for the Public Service and Administration re-determined your term of office to terminate on 16 August 2012.
2. The special service benefit payable to you constitutes a lump sum in terms of the determination made in terms of section 3(5), read with section 12(4), of the Public Service Act, 1994, in respect of the remaining period of your term of office before its re-determination. Your original term would have expired on 15 September 2015. The lump sum is calculated as follows:
 - (a) First three months or part thereof: 100% of the gross monthly remuneration times the number of months or part thereof;

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- (b) Next nine months or part thereof: 80% of the gross monthly remuneration times the number of months or part thereof;
- (c) Twelve months thereafter or part thereof: 60% of the gross monthly remuneration times the number of months or part thereof;
- (d) The remaining months thereafter or part thereof: 30% of the gross monthly remuneration times the number of months or part thereof.

Your gross annual remuneration package (which includes the HOD allowance) as at your last day of service according to the re-determined term, i.e. (16 August 2012), is to be used for calculating the lump sum.

The Department of Agriculture, Forestry and Fisheries shall pay this lump sum to you, subject the South African Revenue Service's processes.

3. The re-determination of your term of office also entails the payment/granting of the following benefits/amounts:
- (a) Relevant pension benefits in terms of the rules of the Government Employees Pension Fund with respect to a head of department who retires as provided for in section 16(3) of the Public Service Act, 1994, and referred to in paragraph 2.3(6) of the Senior Management Service Handbook (SMS) Handbook;
 - (b) medical assistance in accordance with paragraph 23.6(7) of Chapter 8 of the SMS Handbook;
 - (c) the payment of leave benefits in respect of any unused annual leave credits of the previous and/or current leave cycle and annual leave accrued prior to 1 July 2000 (capped leave) on the basis provided in paragraphs 5.1(4) and (5) of Chapter 3 of the SMS Handbook; and



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- (d) resettlement benefits in accordance with the resettlement policy of the Department as contemplated in paragraph 5.6 of Chapter 3 of the SMS Handbook.
4. This re-determination, including the payment of the amounts and granting of benefits, are subject to the following conditions:
- 4.1 The lump sum and benefits/amounts mentioned in paragraphs 2 and 3-
- (a) will, subject to paragraphs 4.2, 4.3 and 4.4, be paid/given to you in full and final settlement of any claims arising out of your employment relationship as Director-General: Agriculture, Forestry and Fisheries; and
- (b) are subject to the applicable income tax and directive by the South African Revenue Service.
- 4.2 The Department shall, within 30 days after submitting the required documentation, pay to you any outstanding subsistence and travel claims and any other allowances due to you by the Department.
- 4.3 Any outstanding annual performance assessment/s for the financial year/s will be completed in accordance with the applicable prescripts for national heads of departments and, if approved, performance bonus/bonuses shall, within 30 days of the date of approval, be paid to you. If you receive a satisfactory assessment, the Department shall pay to you the difference with respect to the special service benefit mentioned in paragraph 2 and your salary within 30 days after the assessment in question is approved. The Department will, within 10 working days after the approval of the assessment/s, also ensure that the Government Employees Pension Fund is informed of any salary adjustment in order to adjust the calculation of your pension benefits.
- 4.4 Either party may in writing notify the other of any error in the calculation of an amount contemplated in paragraphs 2 and 3, including the reason why it is considered an error. The Department shall verify

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whether an error occurred within five working days after the date of notification and, if verified as an error, pay the re-calculated amount within 15 working days after the date of notification of the error.

4.5 If you are-

- (a) employed by any national or provincial department or any other organ of state that is fully or partially funded from the National or Provincial Revenue Fund and/or by way of a tax, levy or other money imposed; or
- (b) engaged in any consultancy work for any such department or organ of state (herein referred to as public sector consultancy work),

for the whole or any part of the period from the date immediately following the last day of service as Director-General to the last day of the original term of office (i.e. 15 September 2015), herein called "the remaining original period", the following will apply: You must repay an amount equal to the compensation received by you for the public sector employment or public sector consultancy work during the remaining original period, but not exceeding the lump sum, to the Department (or its successor) not later than 30 days after the last day of the original term of office (i.e. 15 September 2015). For purposes of this paragraph, the lump sum means the amount referred to in paragraph 2, and exclude any payments referred to in paragraphs 3 and 4.2 and 4.3 (but include the difference with respect to the special service benefit envisaged in paragraph 4.3, if any).

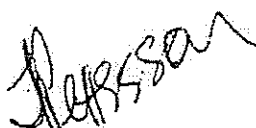
- 4.6 Any information obtained during the course of your employment in the Public Service must be treated as confidential and may not be disclosed without first obtaining appropriate approval to this effect.
- 4.7 The terms of the re-determination are confidential and may not be disclosed in any way, except-
- (a) if required by law;

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(b) if permitted by law to enforce the terms of the re-determination; or

(c) with the written consent of the Minister of Agriculture, Forestry and Fisheries.

5. Your written acceptance of the above-mentioned re-determination upon the conditions set out in this letter by appending your signature below and initialising the other pages of this letter, is being awaited.



Ms Tina Joemat-Pettersson, MP

Minister of Agriculture, Forestry and Fisheries

Date: 23/08/2012

I hereby accept the re-determination of my term of office as the Director-General: Agriculture, Forestry and Fisheries upon the conditions set out in this letter.


Mr L Zita

Director-General

Date: 7/09/2012

WITHOUT PREJUDICE

CALCULATION OF SPECIAL SERVICE BENEFIT (LUMP SUM): MR L. ZITA

- Term of office:	16/09/2010 – 15/09/2015 = 5 years
- Re-determination of term of office (termination date):	16 August 2012
- Unexpired term	17/08/2012 – 15/09/2015 = 36 months, 30 days
- Salary Package	R1,406,796.00 (+ 10% HoD allowance = R140,679.60) = R1,547,475.60
∴ monthly remuneration	R1,547,475.60 ÷ 12 = R128,956.30

Lump sum payment on the current gross of R 1,547,475.60

Formula:

3 months (2012/08/17 – 2012/11/16)	x R128,956.30	x 100% (R128,956.30)	R386,868.90
9 months (2012/11/17 – 2013/08/16)	x R128,956.30	x 80% (R103,165.04)	R928,485.36
12 months (2013/08/17 – 2014/08/16)	x R128,956.30	x 60% (R 77,373.78)	R928,485.36
12 months (2014/08/17 – 2015/08/16)	x R128,956.30	x 30% (R 38,686.89)	R464,242.68
30 days (2015/08/17 – 2015/09/15)	x R128,956.30	x 30% (R 38,686.89)	R 38,686.89
TOTAL (36 months & 30 days)			R2,746,769.19

Plus

Leave (days) (All leave (capped and current))

Minus TAX

The payment of this compensation is subject to Treasury approval.



MINISTRY
PUBLIC SERVICE AND ADMINISTRATION
REPUBLIC OF SOUTH AFRICA

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Ms T Joemat-Pettersson
Minister of Agriculture, Forestry and Fisheries
Private Bag X250
PRETORIA
0001

Fax: 021 467 4502/012 321 8558

CONFIDENTIAL

Dear Colleague

REDETERMINATION OF TERM OF OFFICE OF DIRECTOR-GENERAL

I refer to your letter dated 3 August 2009 regarding the Director-General: Agriculture, Ms N Nduli (the DG), and discussion I had with you and her indicating that the utilisation of her services elsewhere in the Department is not an option.

The re-determination letter you and the DG signed on 28 July 2009, which was attached to your letter of 3 August 2009, is now out of date. In addition the President's delegations regarding national heads of departments stipulate that the Minister for the Public Service and Administration, and not the executive authority of the relevant department, is to re-determine a Director-General's term on the recommendation of that executive authority.

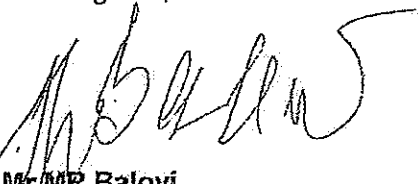
Following my discussions with the DG, I hereby, on your recommendation and subject to the DG's agreement, re-determine her term of office to terminate on 15 October 2009.

The special service benefit granted to a head of department upon the re-determination of the head's term of office is to be calculated according to the determination made by the Minister for the Public Service and Administration in terms of section 3(5), read with section 12(4), of the Public Service Act, 1994, as set out in the attached draft letter. The benefit in the form of a lump

sum is calculated based on the remaining period according to the head's original term of office.

The draft letter to the DG attached hereto sets out the special service benefit and other benefits that become automatically payable when the term of a head of department expires as well as the conditions attached to the re-determination. Before the payment is processed, your Department should ensure that the correct monthly remuneration (including the HOD allowance) as on her last day of service, i.e. 15 October 2009, is used to calculate the payment.

Kind regards,



Mr/MR Baloyi
Minister for the Public Service and Administration

Date:

2009/10/07

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Handwritten signature/initials

MINISTRY: AGRICULTURE, FORESTRY AND FISHERIES
REPUBLIC OF SOUTH AFRICA

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Private bag X9087, Cape Town, 8000. Tel: (021) 467 4502, Fax: (021)
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ANNEXURE

WITHOUT PREJUDICE

Ms N Nduli
Director-General: Agriculture

Dear Ms Nduli

CONFIDENTIAL

REDETERMINATION OF TERM OF OFFICE AS DIRECTOR-GENERAL.

1. On my recommendation and subject to your agreement, the Minister for the Public Service and Administration re-determined your term of office to terminate on 15 October 2009.
2. The special service benefit payable to you constitutes a lump sum in terms of the determination made in terms of section 3(5), read with section 12(4), of the Public Service Act, 1994, in respect of the remaining period of your term of office before its re-determination. Your original term would have expired on 15 July 2011. The lump sum is calculated, as follows:
 - First three months or part thereof: 100% of your gross monthly remuneration times the number of months or part thereof

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- Next nine months or part thereof: 80% of your gross monthly remuneration times the number of months or part thereof
- Twelve months thereafter or part thereof: 60% of the gross monthly remuneration times the number of months or part thereof;
- The remaining months thereafter or part thereof: 30% of the gross monthly remuneration times the number of months or part thereof.

Your gross annual remuneration package (which includes the HOD allowance) as at your last day of service according to the re-determined term, i.e. 15 October 2009, is to be used for calculating the lump sum.

The Department of Agriculture (the Department) shall pay this lump sum to you not later than 15 November 2009, subject the South African Revenue Service's processes.

3. The re-determination of your term of office also entails the payment/granting of the following benefits/amounts:
 - (a) Relevant pension benefits in terms of the rules of the Government Employees Pension Fund with respect to a head of department who retires as provided for in section 16(3) of the Public Service Act, 1994, and referred to in paragraph 2.3(6) of the Senior Management Service Handbook (SMS) Handbook;
 - (b) medical assistance in accordance with paragraph 23.6(7) of Chapter 8 of the SMS Handbook;
 - (c) the payment of leave benefits in respect of any unused annual leave credits of the previous and/or current leave cycle and annual leave accrued prior to 1 July 2000 (capped leave) on the basis provided in paragraphs 5.1(4) and (5) of Chapter 3 of the SMS Handbook; and
 - (d) resettlement benefits in accordance with the resettlement policy of the Department as contemplated in paragraph 5.6 of Chapter 3 of the SMS Handbook.
4. This re-determination, including the payment of the amounts and granting of benefits, are subject to the following conditions:
 - 4.1 The lump sum and benefits/amounts mentioned in paragraphs 2 and 3-
 - (a) will, subject to paragraphs 4.2, 4.3 and 4.4, be paid/given to you in full and final settlement of any claims arising out of your employment relationship as Director-General of the Department; and
 - (b) are subject to the applicable income tax and directive by the South African Revenue Service.
 - 4.2 The Department shall, within 30 days after submitting the required documentation, pay to you any outstanding subsistence and travel claims and any other allowances due to you by the Department.
 - 4.3 Any outstanding annual performance assessment/s for the financial year/s will be completed in accordance with the applicable prescripts for national heads of departments and, if approved, performance bonus/bonuses shall, within 30 days of the date of approval, be paid to you. If you receive a satisfactory assessment, the Department shall pay to you the difference with respect to the special service benefit mentioned in paragraph 2 and your salary within 30 days after the

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assessment in question is approved. The Department will, within 10 working days after the approval of the assessment/s, also ensure that the Government Employees Pension Fund is informed of any salary adjustment in order to adjust the calculation of your pension benefits.

4.4. Either party may in writing notify the other of any error in the calculation of an amount contemplated in paragraphs 2 and 3, including the reason why it is considered an error. The Department shall verify whether an error occurred within five working days after the date of notification and, if verified as an error, pay the re-calculated amount within 15 working days after the date of notification of the error.

4.5 If you are-

- (a) employed by any national or provincial department or any other organ of state that is fully or partially funded from the National or Provincial Revenue Fund and/or by way of a tax, levy or other money imposed; or
- (b) engaged in any consultancy work for any such department or organ of state (herein referred to as public sector consultancy work),

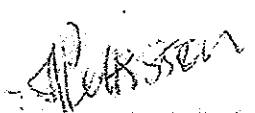
for the whole or any part of the period from the date immediately following the last day of service as Director-General to the last day of the original term of office (i.e. 15 July 2011), herein called "the remaining original period", the following will apply: You must repay an amount equal to the compensation received by you for the public sector employment or public sector consultancy work during the remaining original period, but not exceeding the lump sum, to the Department (or its successor) not later than 30 days after the last day of the original term of office (i.e. 15 July 2011). For purposes of this paragraph, the lump sum means the amount referred to in paragraph 2, and exclude any payments referred to in paragraphs 3 and 4.2 and 4.3 (but include the difference with respect to the special service benefit envisaged in paragraph 4.3, if any).

4.6 Any information obtained during the course of your employment in the Public Service must be treated as confidential and may not be disclosed without first obtaining appropriate approval to this effect.

4.7 The terms of the re-determination are confidential and may not be disclosed in any way, except-

- (a) if required by law;
- (b) if permitted by law to enforce the terms of the re-determination; or
- (c) with the written consent of the Minister of Agriculture, Forestry and Fisheries.

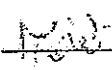
5. Your written acceptance of the above-mentioned re-determination upon the conditions set out in this letter by appending your signature below and initialising the other pages of this letter, is being awaited.


Ms T Joemat-Pettersson
Minister of Agriculture, Forestry and Fisheries

Date: 8/10/2009

18/10/09

I hereby accept the re-determination of my terms of office as Director-General:
Agriculture upon the conditions set out in this letter.


Ms N Nduli
Director-General

Date: 12/10/09.

REDETERMINATION OF TERM OF OFFICE AS DIRECTOR-GENERAL: Ms N Nduli

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WITHOUT PREJUDICE

CALCULATION OF BENEFITS PAYABLE

- Term of office:	16/07/2008 – 15/07/2011	3 years
- Unexpired term	15/10/2009 – 15/07/2011	(21 months, 0 days)
- Salary Package	R1,203,522.00 (+ 10% HoD allowance)	R 1,323,874.20
- monthly remuneration	(R100,293.50 +10% HoD allowance)	R 110,322,85

Lump sum payment on the current gross of R 1 323 874.20

Option:

3 months	x R 110,322,85	x 100% (R 110,322,85)	R 330,968.55
9 months	x R 110,322,85	x 80% (R 88,258.28)	R 794,324.52
9 months	x R 110,322,85	x 60% (R 66,193.71)	R 595,743.39
0 days	-	-	-
TOTAL (21 months & 13 days)			R 1,721,036.46

Plus
Leave (days) (All leave (capped and current))

Minus TAX

The payment of this compensation is subject to Treasury approval.

Me N Nduli – Director-General: Agriculture
 Appointment Date: 16/07/2008
 End of Term Date: 15/07/2011
 Re-determination Date: 15/10/2009

INFORMATION ON THE PREVIOUS DIRECTOR-GENERALS OF THE DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES (DAFF)

NAME AND HISTORY OF APPOINTMENT	NAME AND HISTORY OF APPOINTMENT
<p>MS NJABULO NDULI (PN: 16425383)</p> <p>Appointed: 16 July 2008 End of term: 15 July 2011</p> <p>Contract re-determined: 15 October 2009 Amount (Lump sum)paid –out : R 1,721,036.46 <i>(21 months)</i></p> <p>Re-determination formula:</p> <ul style="list-style-type: none"> (a) First three months or part thereof: 100% of the gross monthly remuneration times the number of months or part thereof. (b) Next nine months or part thereof: 80% of the gross monthly remuneration times the number of months or part thereof. (c) Twelve months thereafter or part thereof: 60% of the gross monthly remuneration times the number of months or part thereof. (d) The remaining months thereafter or part thereof: 30% of the gross monthly remuneration times the number of months or part thereof. <p>The gross annual remuneration package (which includes the HOD allowance) as at the last day of service according to the re-determined term, i.e. (15 October 2009), is to be used for calculating the lump sum.</p>	<p>MIR LANGA ZITA (PN:53475291)</p> <p>Appointed: 16 September 2010 (<i>Suspended from 25 June 2012</i>) End of term: 15 September 2015</p> <p>Contract re-determined: 16 August 2012 Amount (Lump sum)paid –out : R 2,746,769.19 <i>(36 months and 30 days)</i></p> <p>Re-determination formula:</p> <ul style="list-style-type: none"> (e) First three months or part thereof: 100% of the gross monthly remuneration times the number of months or part thereof. (f) Next nine months or part thereof: 80% of the gross monthly remuneration times the number of months or part thereof. (g) Twelve months thereafter or part thereof: 60% of the gross monthly remuneration times the number of months or part thereof. (h) The remaining months thereafter or part thereof: 30% of the gross monthly remuneration times the number of months or part thereof. <p>The gross annual remuneration package (which includes the HOD allowance) as at the last day of service according to the re-determined term, i.e. (16 August 2012), is to be used for calculating the lump sum.</p>

WITHOUT PREJUDICE

CALCULATION OF BENEFITS PAYABLE

- Term of office:	16/07/2008 – 15/07/2011	3 years
- Unexpired term	15/08/2009 – 15/07/2011	(23 months, 0 days)
- Salary Package	R1,203,522.00 (+ 10% HoD allowance)	R 1,323,874.20
∴ monthly remuneration	(R100,293.50 +10% HoD allowance)	R 110,322,85

Lump sum payment on the current gross of R 1 323 874.20

Formula:

3 months	x R 110,322,85	x 100% (R 110,322,85)	R 330,968,55
9 months	x R 110,322,85	x 80% (R 88,258,28)	R 794,324,52
9 months	x R 110,322,85	x 60% (R 66,193,71)	R 595,743,39
0 days	-	-	-
TOTAL (21 months & 0 days)			R 1,721,036.46

Plus

Leave (days) (All leave (capped and current))

Minus TAX

The payment of this compensation is subject to Treasury approval.

Me N Nduli – Director-General: Agriculture
Appointment Date: 16/07/2008
End of Term Date: 15/07/2011
Re-determination Date: 15/08/2009

Attachment 2

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES REPRESENTIVITY PER SALARY LEVEL AS ON 30 SEPTEMBER 2013

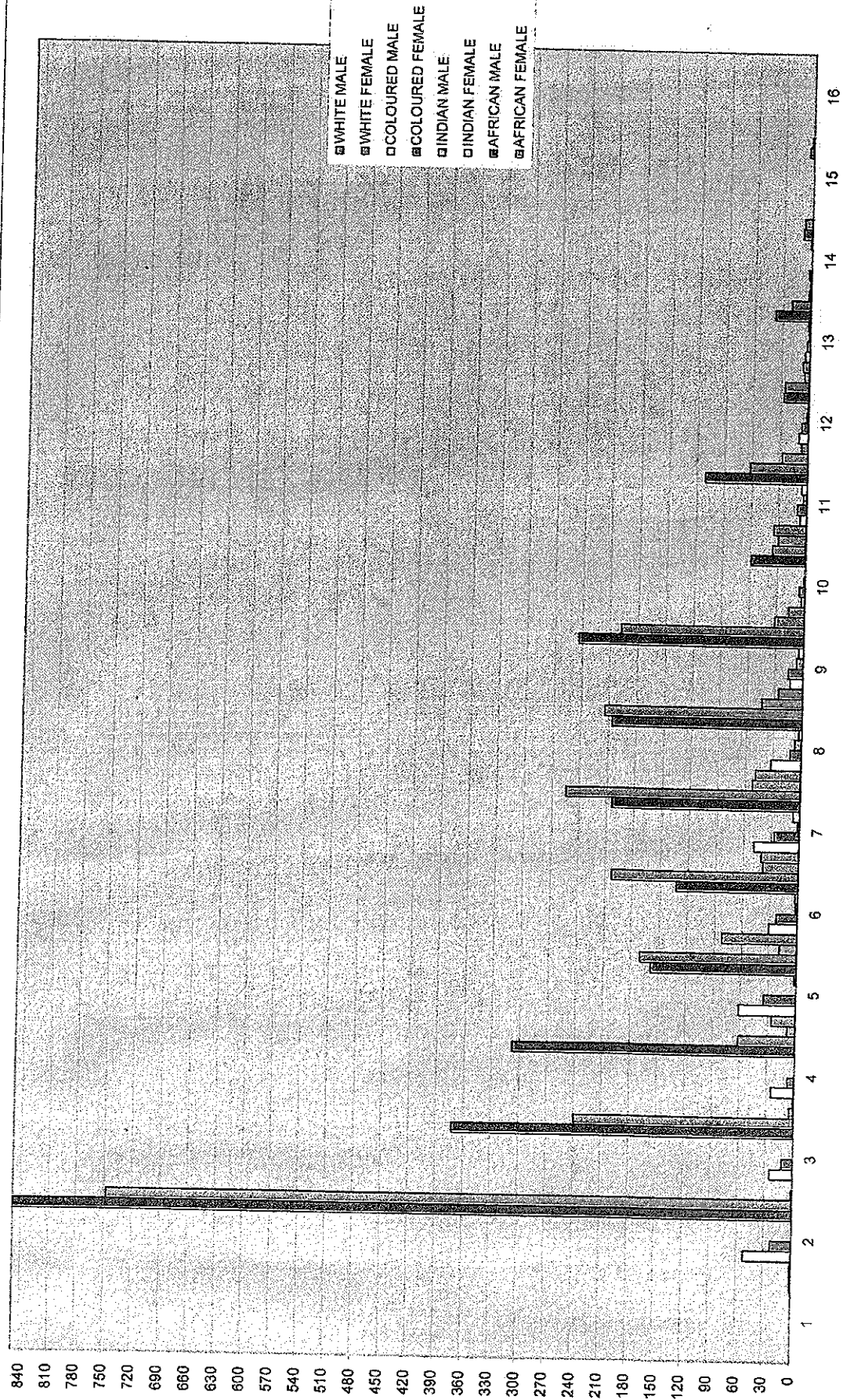
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL
WHITE MALE		1	1	5	9	19	39	52	44	32	30	28	5	2		267
WHITE FEMALE		1		1	26	82	41	49	26	17	35	7	7	1		293
COLOURED MALE		52	25	25	62	31	49	33	14	4	7	10	5	2		319
COLOURED FEMALE		23	12	7	35	23	27	12	16	6	10	7	3			181
INDIAN MALE						2	2	7	7	1	4	2	1			26
INDIAN FEMALE					2	3	7	3	5		6	1	2	1		30
AFRICAN MALE		885	373	308	159	133	204	206	244	59	111	27	38	9	4	2760
AFRICAN FEMALE	1	748	240	62	171	203	255	214	198	36	62	26	20	8	1	2245
TOTAL	1	1740	631	408	464	496	624	373	554	136	255	103	84	23	9	5121

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL
DISABILITY		4	11	1	8	8	11	9	7	1	2	1	2				65
FILLED	1	1706	640	407	456	488	613	567	547	154	263	107	79	23	5		6056
VACANT		198	63	57	106	21	96	93	127	30	82	26	9	5	4	1	918
TOTAL	1	1908	714	465	570	517	720	660	681	185	347	134	90	28	9	1	7039

* Not include Minister & Deputy Minister

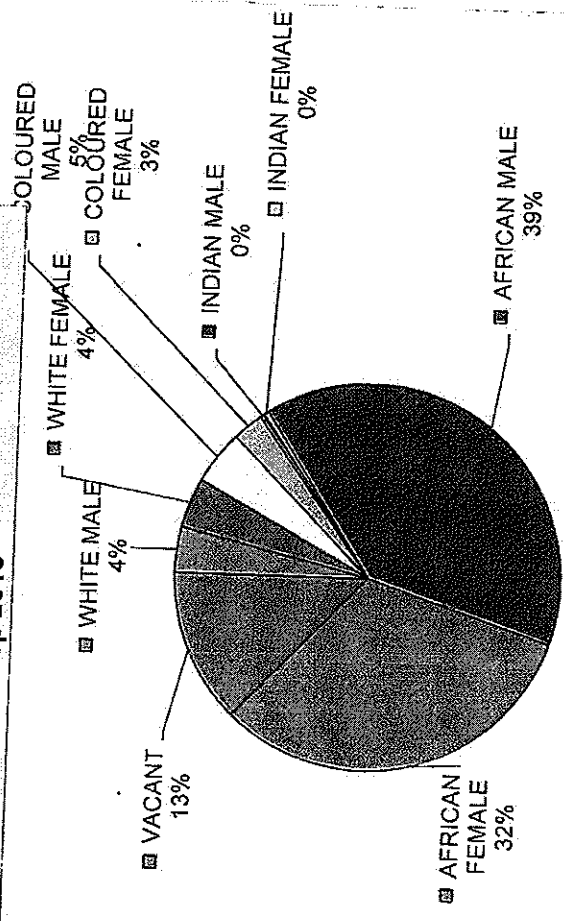
DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES DISABILITY PER SALARY LEVEL

LEVEL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	TOTAL
WHITE MALE			1	1		1	1	1		1	1	1					8
WHITE FEMALE				1	1	5	3	2	2								14
COLOURED MALE	1	1			3			1	1		1		1				9
COLOURED FEMALE	1				1	1											3
INDIAN MALE																	
INDIAN FEMALE									1								1
AFRICAN MALE		2	4	1	2	2	1	2	2				1				17
AFRICAN FEMALE			5		1		5	3	1								15
TOTAL	1	4	11	3	6	9	10	9	7	1	2	1	2				67

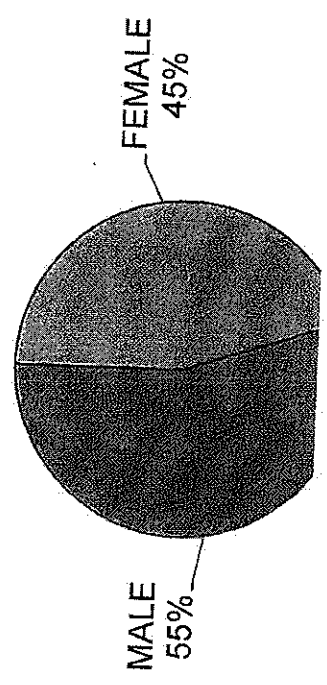


Department of Agriculture, Forestry and Fisheries as on 30 Sep 2013

	TOTAL
WHITE MALE	267
WHITE FEMALE	293
COLOURED MALE	319
COLOURED FEMALE	181
INDIAN MALE	26
INDIAN FEMALE	30
AFRICAN MALE	2760
AFRICAN FEMALE	2245
VACANT	918
TOTAL	7039



DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES - GENDER (30 SEP 2013)



FEMALE	2749
MALE	3372

	TOTAL
WHITE	560
COLOURED	500
INDIAN	56
AFRICAN	5005
VACANT	918
	7019

DAFF REPRESENTIVITY SEP 2013

