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**IMPACT ON PROSECUTORS: DETERMINATION  
OF SALARIES, ALLOWANCES AND BENEFITS  
OF MAGISTRATES**

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**October 2005**

# BACKGROUND

- Salary increases for prosecutors for the period 1994 to 2004 (cost of living adjustments)
- A new remuneration system for Prosecutors & Advocates was approved by the Minister in 2001. The system was aimed at moving prosecutors from the DPSA salary levels to the Paterson bands to provide a proper career path for prosecutors
- The latest increase of 4,6% was approved with effect from 1 July 2005

# Salaries for Magistrates

- New salaries, allowances and benefits for Magistrates were determined on 24 August 2005 by the President with effect from 1 April 2005.
- This entails a 5.75% increase for Magistrates at entry level, (R273 444 p.a) plus a motor vehicle allowance of R68 361 p.a. totalling R341 805

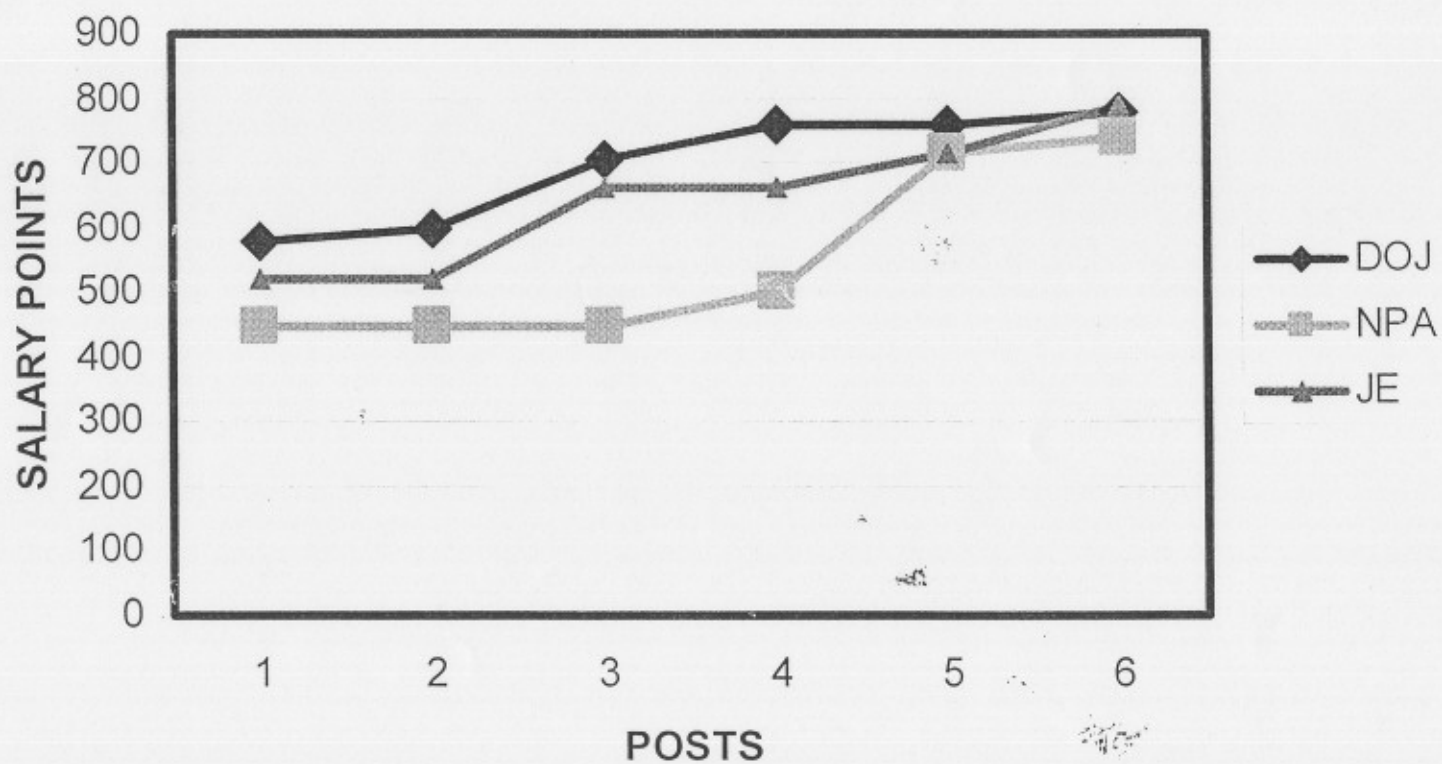
# Salaries for Prosecutors

- From 1 July 2005 the entry level salary for a Prosecutor is R105 228 and a State Advocate is R143 656. Both instances excludes normal service benefits.
- There are 16 notches on salary band C4 (entry level) and range from R105 228 to R139 383.
- For levels at C5 TO D2, the salary ranges from R143 565 to R270 378. (C5 to D2)



# Comparison with DOJCD

## COMPARISON DOJ & NPA



# Appointment Requirements

- In terms of regulation 3(f)(i) a Magistrate must complete a course at Justice College and thereafter for 6 months, to the satisfaction of the Magistrate's Commission, occupy the office of as a judicial officer.
- As a criteria for appointment as magistrate, 5 years experience in Legal field is required

# **Appointment Requirements for Prosecutors & Magistrates**

- **A three year legal qualification is a requirement for both occupational classes**
- **Prosecutors under a six months Aspirant prosecutor training before being considered for appointment as prosecutor**

## TRAVELLING REQUIREMENTS FOR MAGISTRATES AND PROSECUTORS

- Both magistrates and prosecutors are expected to travel, especially when conducting periodical courts
- Prosecutors have an added burden of carrying dockets to court
- The level of risk for both can be considered to be high for use of public transport



# Cost on Training

- The cost in training one Aspirant Prosecutor for six months is approximately R40 320 (excluding administrative & salary for Tutors)
- Justice College spent R4,5m on prosecutorial training for the financial year 2004/2005 (1134)

# Prosecutors recruited to become Magistrates

- 86 Prosecutors left the NPA for the Acting Magistrates Course during the past three intakes, i.e.
- 3 May 2004 to 25 June 2004-19
- 1 November 2004 to 26 November 2004-40
- 3 October 2005 to 28 October 2005-27
- The majority of the Prosecutors recruited for the October 2005 intake is on salaries ranging from R109 287 to R220 767 (C4 to D1).

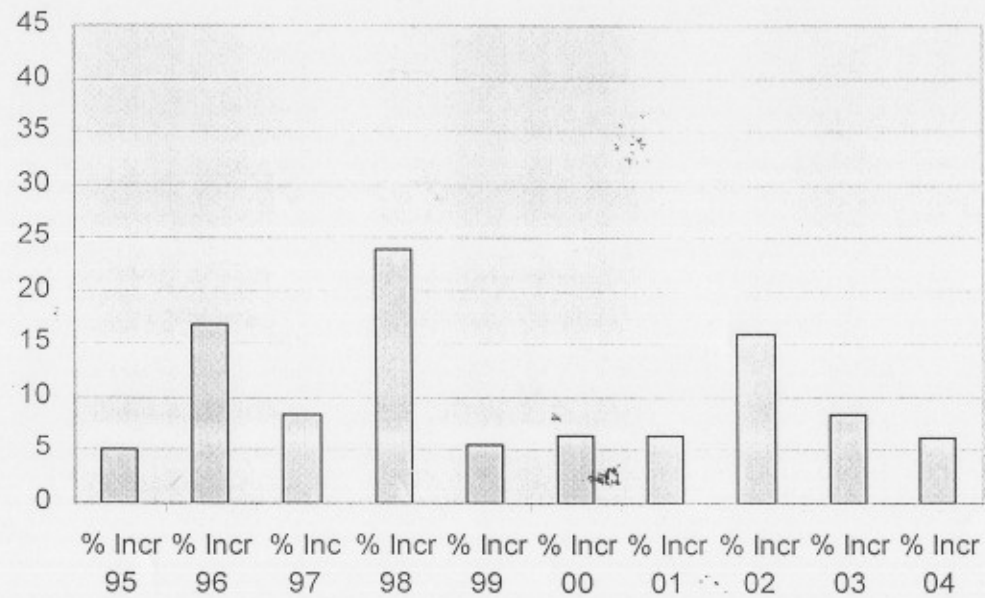
# PROSECUTOR SALARIES 1994 TO 2004

## 2. % Salary increase per salary level: 1994 to 2004

RANK/ SALARY LEVEL	% Incr 95	% Incr 96	% Incr 97	% Incr 98	% Incr 99	% Incr 00	% Incr 01	% Incr 02	% Incr 03	% Incr 04
Prosecutor 6	5	16.39	9	16.78	6.3	6.5	6.5	39.3	8.5	6.2
Prosecutor 7			9	16.78	6.3	6.5	6.5	11.9	8.5	6.2
Prosecutor/Advocate 8	5	16.76	8.42	23.84	5.5	6.5	6.5	16	8.5	6.2
Prosecutor/Advocate 9			8	22.63	5	6	6.5	9.5	8.5	6.2
Prosecutor/Advocate 10	5	44.3	8	21.48	5	6	6.5	9.5	8.5	6.2
Prosecutor/Advocate 11			8	21.47	5	6	6.5	9.5	8.5	6.2
Snr Pros/Snr Advoc 12	5	39.15	8	21.47	4	6	6.5	12.9	8.5	6.2
Chief Pros/DD:PP 13	4	24	5	21.47	4	6	67.76 (P)	6.5	8	6.5
DD:PP 14					4	6	62.71 (P)	6.5	8	6.5
D:PP 15	0	25	5	22	6	6	74.66 (P)	6.5	6.9	4.3
DND: PP 16					6	6	75 (P)	6.6	6.9	4.4
ND: PP 17					6	6	10	69.1 (P)	6.9	4.3

# PROSECUTOR SALARIES 1994 TO 2004

2.3 % Salary increase: Pros/Adv Level 8



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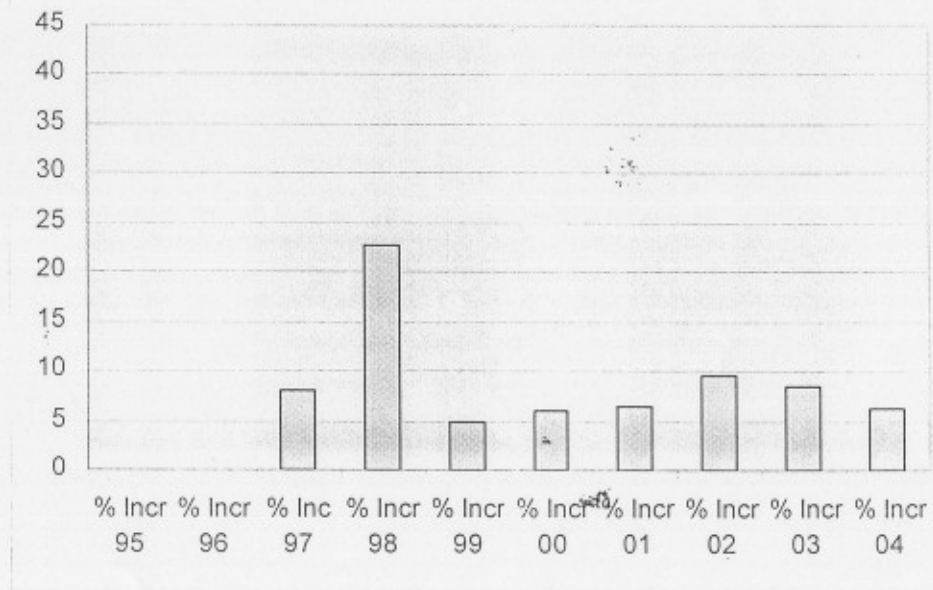
Impact on Prosecutors

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# PROSECUTOR SALARIES 1994 TO 2004

2.4 % Salary increase: Pros/Adv Level 9



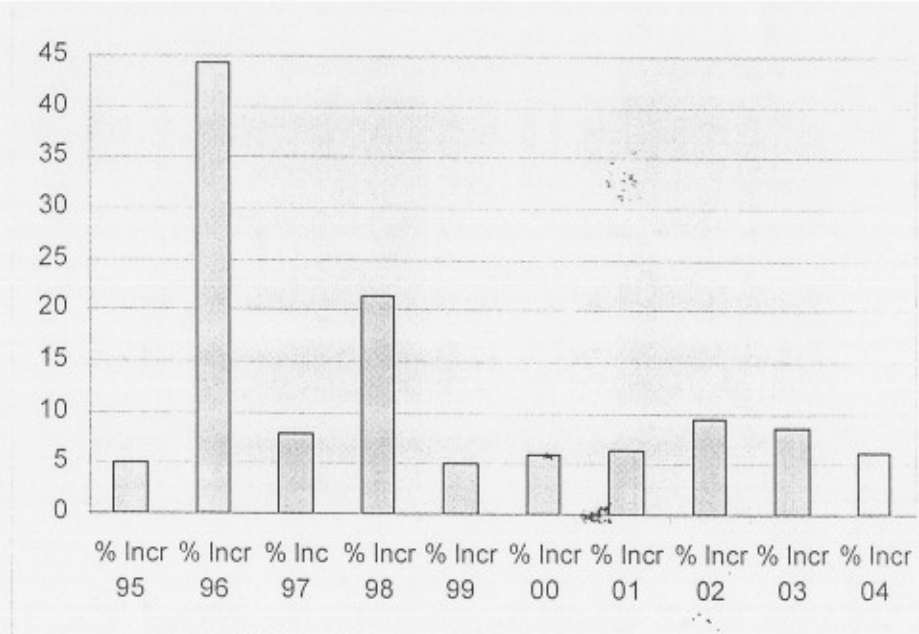
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# PROSECUTOR SALARIES 1994 TO 2004

2.5 % Salary increase: Pros/Adv Level 10



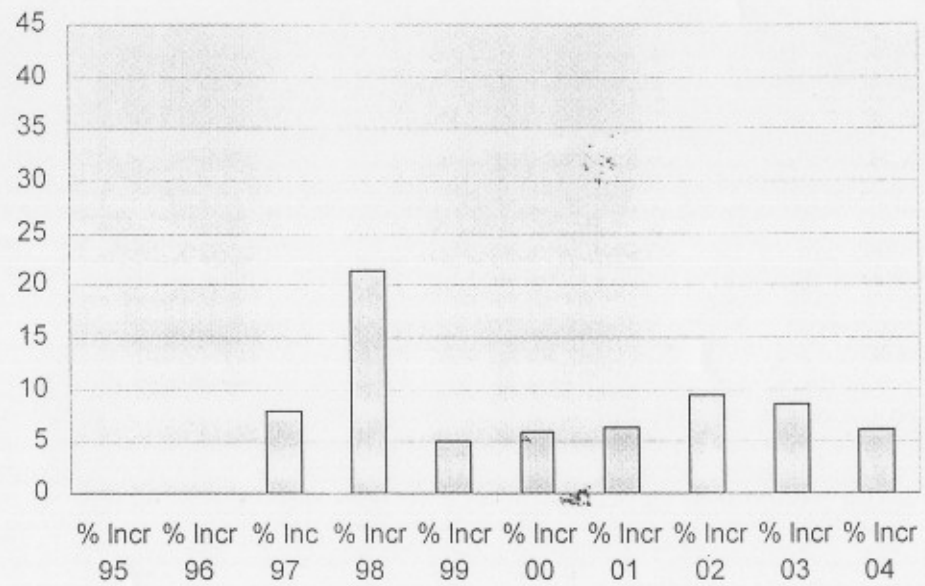
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# PROSECUTOR SALARIES 1994 TO 2004

2.6 % Salary increase: Pros/Adv Level 11



# RECOMMENDATION

- It is recommended that the remuneration structure of Magistrates be reviewed, in line with job evaluation principles, and that if motor vehicle allowances are granted, they also be granted to Prosecutors as well.
- The JE results be implemented
- The car allowance be extended to prosecutors