

LP 10 dispute: DDPPs and Chief Prosecutors

Members will recall that the PSA declared a dispute on behalf of members who are appointed as Deputy Directors of Public Prosecutions (DDPP) and Chief Prosecutors who were not translated to LP 10 as per the employer's undertaking.

The matter was heard by the Pretoria High Court on 5 February 2019. Upon arrival at Court, the PSA was confronted with a situation wherein counsel, acting on behalf of the State Attorney, indicated that he was contacted by the newly-appointed National Director of Public Prosecutions (NDPP) and that she instructed him to withdraw the opposition of the first respondent. The matter stood down, to receive such a confirmatory letter and when the Court reconvened, the counsel for the employer applied for postponement. It was argued that the Minister of Justice and the DG require an opportunity to debate the decision to withdraw the opposition with the NDPP and persuade her to reconsider her position. It was argued that the NDPP was only recently appointed and that the second and sixth respondents intend on persisting with their opposition of the application but intend to do so in a uniform manner and therefore they need to consult with the NDPP first.

The PSA argued that the deponent to the answering affidavit did so on behalf of the first, second and sixth respondents and that the second and sixth respondents filed confirmatory affidavits. They were consequently properly before Court and seeing that this was a special allocation, all respondents were fully aware of the dates well in advance and the application for a postponement should consequently be dismissed and the matter proceeded with. As an alternative, the PSA requested for the respondents to report to Court on 6 February 2019 with what they have decided and further alternatively for the Judge to give direction as to the future conduct of the matter.

The Judge found that she cannot proceed to hear the application under these circumstances and the matter was postponed by the acting Deputy Judge President to the first available dates, being **11 and 12 June 2019** with the respondents to pay the costs for the postponement jointly and severally.

Members will be informed of developments.

Ivan Fredericks
GENERAL MANAGER