

To: The President of the Republic of South Africa

I have the honour, in terms of section 10(1) of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 (Act No. 92 of 1997), to present the Annual Report which covers the activities of the Commission for the period 01 January 2013 to 31 December 2013.

Section 10(2) requires the President to cause a copy of the Annual Report submitted by the Commission to be tabled in Parliament as soon as may be practicable.

Yours sincerely



Judge Legoabe Willie Seriti

Chairperson

The administrative offices of the Independent Commission for the Remuneration of Public Office-bearers are situated in the Union Building, Pretoria.

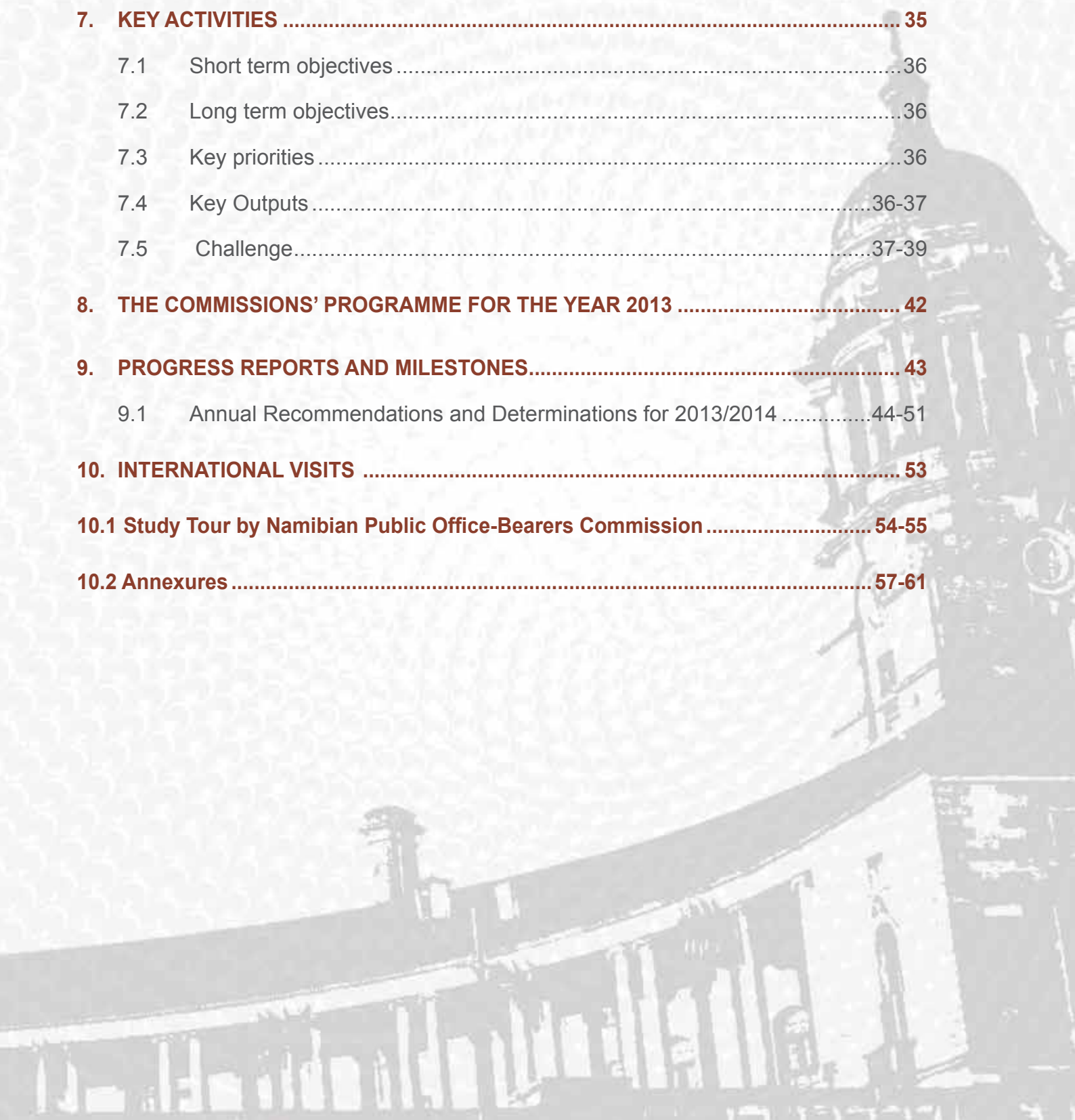
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1. ACKNOWLEDGEMENTS

The Independent Commission for the Remuneration of Public Office-bearers (Commission) wishes to acknowledge the following individuals and institutions, and thank them for their contributions towards the functioning of the Commission during 2013, and in generating this Annual Report:

1. The Presidency, for administrative support to the Commission;
2. UVO Communication (Pty)Ltd. for the design and publication of this Report;
3. All public office-bearers and other stakeholders who actively participated in productive consultation and communication with the Commission in the execution of its mandate;
4. All Commissioners during the reporting period, for their diligence, dedication and commitment to the Commission's activities; and
5. The Commission's Secretariat for its diligence, efficiency and excellence in supporting the work of the Commission.

2. PREVIEW OF THE REPORT

The Commission complies with section 10(1) of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 (Act No. 92 of 1997) to report on the Commission's activities of the previous year. The reporting period is for 01 January 2013 to 31 December 2013.

The Commission is statutory obliged to comply with Section 8(6) when recommending the salaries, allowances and benefits of Public Office-Bearers.

In addition to statutory compliance, the Commission further considered the statement of the Monetary Policy Committee issued by Governor of Reserve Bank, Ms Gill Marcus, on 18 July 2013 indicated that one of the upside risks to inflation remains wage and salary increases.

In the first quarter of 2013, a stronger upward trend was observed with growth in nominal remuneration per worker increasing from 6,6 per cent in the fourth quarter of 2012 to 7,5 per cent. With slowing productivity growth, this implied an increase in the unit labour cost from 5,2 per cent to 6,7 per cent. These increases are consistent with the overall average wage settlement rate in collective bargaining agreements published by Andrew Levy Employment Publications, which increases ranging from 7,6 per cent in 2012 to 7,9 per cent in the first quarter of 2013.

The Commission made its recommendations independently taking into consideration factors such as the role, status, duties, functions and responsibilities of office-bearers concerned; affordability; current principles and levels of remuneration; inflationary increases; available resources of the State; and any other factor which the Commission consider to be relevant.

The Commission achieved publication of its Annual Recommendations on Cost-of-Living-Adjustment for public office-bearers for the fiscal year 2013/2014 on 18 December 2013.

The Commission was faced with many challenges, amongst others, the case lodged by a voluntary association of the lower judiciary; the difficulty of the requisite stakeholder engagement and the inability to execute certain projects as reflected in the Commission's Strategic Plan for 2012/2013 due to an insufficient budget.



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The Annual Report creates an understanding of the Commission, its mandate, roles, functions, major projects undertaken, challenges, its annual programme and the context within which the Commission operates.

Chapter 3 and **Chapter 4** of the Annual Report are theoretical but indispensable to fully understand the ethos and nature of the Commission.

Chapter 3 deals with, amongst other things, the vision, mission, underlying principles, mandate, history, composition, Commissioners, appointments, roles and functions, and the Secretariat of the Commission. It furthermore provides an understanding of the Commission's legislative mandate and how this mandate is carried out.

Chapter 4 deals with the legislative framework within which the Commission operates. The Commission is a creature of statute and as such must comply with the provisions of the Constitution and National Legislations. The definition of "public office-bearer" is key to the mandate of the Commission.

Chapter 5 highlights the legislative factors that the Commission must consider when making recommendations.

Chapter 6 provides for governance and more specifically describe when the Commission meets, the budget and the administration of the Commission.

Chapter 7 sets out the key activities of the Commission which includes the Commission's short and long term objectives; key priorities; key outputs and challenges. The highlights in this chapter are the recommendations made during the year of reporting.

Chapter 8 provides for the programme of the Commission during 2013 which includes all meetings attended by the Commission, the Subcommittees and the Secretariat.

Chapter 9 provides for progress reports, milestones and the activities of the Commission during 2013.

Chapter 10 provides a summary of the international engagement the Commission undertook, annexures reflecting the Commission's programme and meeting attendance registry.

The Commission endeavours to support public office-bearer institutions in attracting, and retaining skilled and competent office-bearers across the spectrum of public office-bearer groups through its research and recommendations and affirms its commitment to continuous improvement.

A full copy of the Annual Report 2013 is available on the Commission's website at:

<http://www.remcommission.gov.za>



ABOUT US

ABOUT US

VISION

The Commission envisages independent, transparent and sustainable determinations of equitable and accountable total remuneration for all public office-bearer positions in the Republic of South Africa

MISSION

The Commission strives, inter alia, to undertake researched recommendations as required in respect of the remuneration of all Public Office-Bearers

3.3 UNDERLYING PRINCIPLES

The Commission formulated a set of underlying principles that it has utilized in exercising the discretion and responsibility conferred on it by the Constitution and the relevant legislations. The principles are drawn from the objectives and values of the constitutional democracy, and are meant to be practical guides in formulating a just remuneration dispensation.

These principles are as follows:

- Good governance
- Lawful, open, fair and justifiable
- Consideration of separation of powers
- Consideration of public interest
- Affordability
- Transparent and accessible
- Performance and market driven

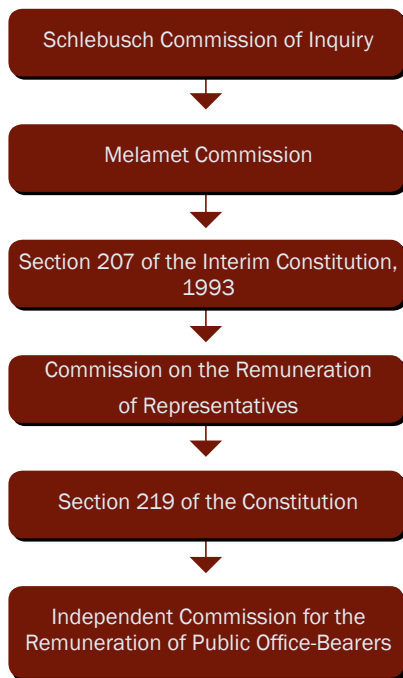
3.4 MANDATE

The Commission is a statutory entity established in terms of section 2 of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 (hereinafter referred to as “the Commission Act”). The Commission obtains its mandate mainly from the following piece of legislations:

- The Constitution of the Republic of South Africa;
- The Independent Commission for the Remuneration of Public Office-Bearers , No. 92 of 1997
- The Remuneration of Public Office-Bearers Act, Act No. 20 of 1998

3.5 HISTORY

The existence of the Commission can best be understood by tracing the following historical background of the Commission:



Schlebusch Commission of Enquiry

The Commission was established in 1985 to inquire into the structure of the remuneration and conditions of service of the then State President, Ministers, Deputy Ministers, Members of Parliament and members of the President's Council.

Melamet Commission

The Commission was established in 15 March 1994 by the Transitional Executive Council to consider the remuneration of persons elected to legislative bodies at the various levels of government during the April 1994 elections, and to establish a consistent and coherent remuneration structure for members of national and provincial legislatures.

Section 207 of the Interim Constitution, 1993

The Interim Constitution promulgated a Commission to make recommendations to Parliament, the provincial legislatures and local governments regarding the nature, extent and conditions of the remuneration and allowances of the members of all elected legislative bodies of the national, provincial and local governments.

Commission on the Remuneration of Representatives

The Commission was instituted in terms of the Commission on the Remuneration of Representatives Act, 1994. The Commission functioned from 21 April 1995 to 05 April 1998. The first Chairperson of this Commission was Justice HW Levy, who was succeeded by Justice JH Steyn.

Section 219 of the Constitution

Prescribed that National legislation must establish an independent commission to make recommendations concerning the salaries, allowances and benefits referred to in subsection 219 (1).

Independent Commission for the Remuneration of Public Office-bearers

As a consequence of section 219 of the Constitution, the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997, established the current Commission to make recommendations concerning the salaries, allowances and benefits of defined public office-bearers.

Former Chairpersons of the Commission since 1995

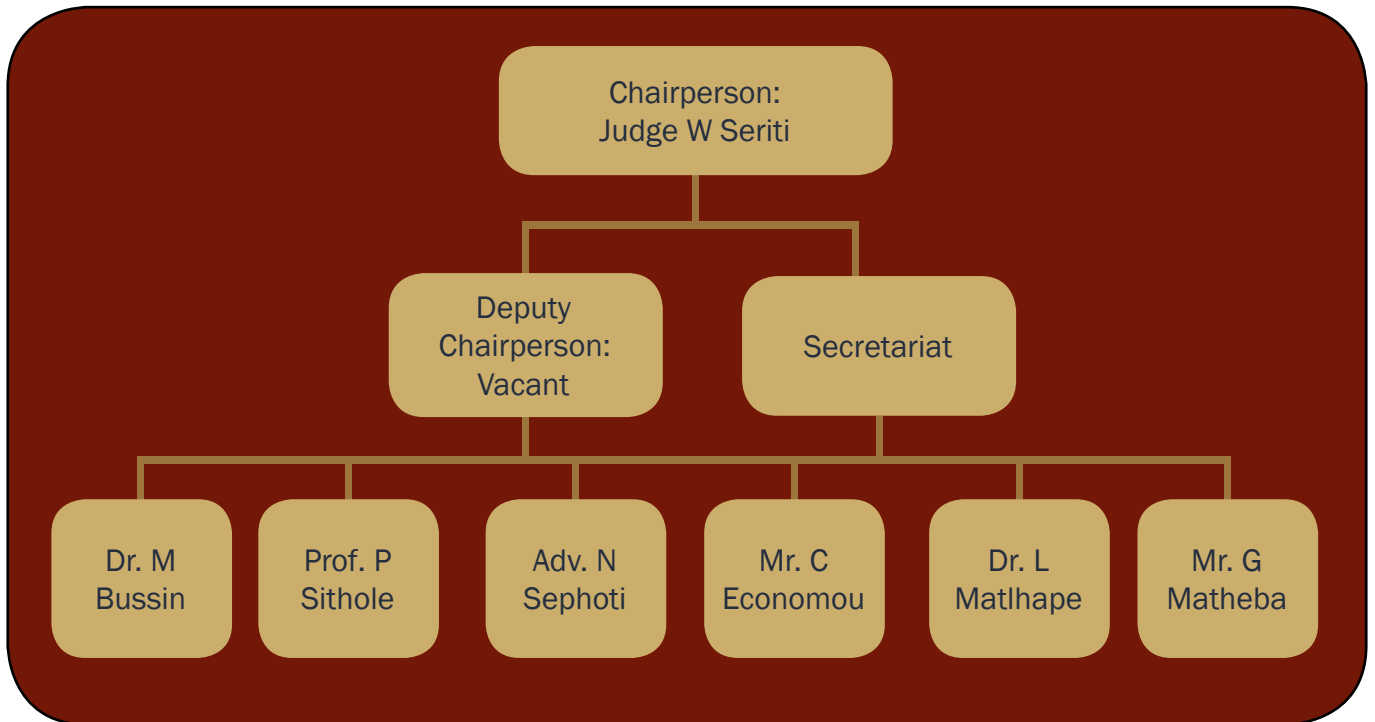
No	Date of appointment	Name
1	21 April 1995 – 05 April 1998	Justice HW Levy
2	21 August 1998 - 30 April 2000	Justice JH Steyn
3	10 May 2000 -31 March 2004	Justice RJ Goldstone
4	01 April 2004 - 31 March 2009	Deputy Chief Justice Dikgang Moseneke
5	01 September 2009 – to date	Judge LW Seriti

3.6 COMPOSITION

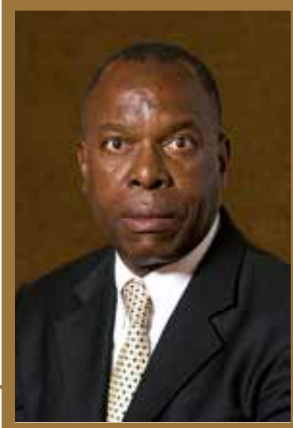
Section 3 of the Act provides for the Commission to consist of eight members appointed by the President. All members of the Commission serve on a part-time capacity for a non-renewable term of office of five years.

The members are appointed in terms of their knowledge of, or experience in matters relating to the functions of the Commission. The Act also provides criteria for disqualification of appointment and vacation of office of members of the Commission.

The Commission comprises the following members:



3.7 Profiles of the Commissioners



JUDGE LW SERITI

Chairperson

Judge Legoabe Willie Seriti was born in Pretoria and has been involved in various human rights cases, political trials and community projects. He was admitted as an attorney in 1977. Judge Seriti was a former senior partner of Seriti, Mavundla & Partners before appointment to the bench. He was a Director in the law firm Maluleke, Seriti, Makume & Matlala Inc.

He holds BLuris and LLB degrees, two Masters Degrees and a Doctorate in Law which he obtained from the University of Pretoria. Judge Seriti was an Executive Member of the Black Lawyers Association. He held the position of High Court Judge in Pretoria from 2003 and Judge of the Supreme Court of Appeal with effect from 04 December 2010. Judge Seriti was appointed by the President on 01 September 2009 as the Chairperson of the Independent Commission for the Remuneration of Public Office-bearers.



DR. MHR BUSSIN

Commissioner

Dr. Mark Bussin has a Doctorate in Commerce and is the Chairperson of 21st Century Pay Solutions Group. Dr. Bussin has over 20 years of remuneration experience across all industry sectors. He has experience in running large projects for more than half the companies listed on the Johannesburg Stock Exchange.

He serves on numerous boards and remuneration committees and has worked for clients in 22 countries over the last 5 years. He supervises Master's and Doctoral thesis, and is a guest lecturer at several academic institutions around the country. The President appointed him as a Commissioner to the Independent Commission for the Remuneration of Public Office-bearers on 27 July 2009.



PROF. P SITHOLE

Commissioner

Prof. Pearl Sithole graduated with a BA (Hons) from the University of Durban-Westville in 1993. She also worked and obtained her MPhil and PhD in Anthropology from the University of Cambridge. She worked as a Senior Research Specialist at the Human Research Council and has a long research experience on rural development, land use and governance structures in rural KwaZulu-Natal.

Her research experience ranges from dealing with issues of identity and social change, kingship, policy and public interest, anthropological theory and indigenous knowledge systems. She also analyzes higher education and writes on scholarship and politics of knowledge production. Her career involved research and teaching in a wide range of issues and consulting at a local government level, she is currently a Professor at University of KwaZulu-Natal. The President appointed her as the Commissioner on 27 July 2009.



MR. GA MATHEBA

Commissioner

Mr. Gampi Matheba has obtained two MA Degrees from South Africa and USA in Political Science and International Politics respectively. He started his academic career at North-West University (Mafikeng) in the early 1990s, proceeding to University of Johannesburg until 2008 before joining University of Limpopo (Turfloop Campus) later that year. He has published articles in both refereed and non-refereed journals in both SA and the African continent on a variety of topics.

As member of local, continental and international Political Science organizations, he interacted and was exposed to leading figures in that field. His main research interests are international political economy, international security issues and local government in South Africa. Finally he has served as Head of Political Science Department, Deputy Dean of Social Sciences Faculty and founder member and Deputy President of the SA Association of Political Studies (SAAPS).

Mr. Matheba was appointed by the President on 04 April 2013 as the Commissioner of the Independent Commission for the Remuneration of Public Office-bearers.

MR. C ECONOMOU

Commissioner



Mr. Costa Economou was appointed as a Commissioner to the Independent Commission for the Remuneration of Public Office-bearers in 02 February 2011. Mr. Economou is an Actuary by qualification and is the Chief Executive Officer of Colourfield Liability Solutions (Pty) Ltd, a boutique investment management business, having assumed this position in January 2010. Colourfield is a leading provider of liability driven investment solutions in South Africa.

Formerly, he served as an Executive Head and Director at one of South Africa's largest employee benefit financial services companies, where he worked for 18 years. In his role there, he was responsible for Innovation and Business Development and headed up their Special Projects area. This area provided specialised investment consulting advice to institutional investors. He was also the Statutory Actuary to some of South Africa's largest corporate and municipal sponsored pension funds.

In addition to being an Actuary, Mr. Economou holds an MBA in Finance and Economics (with Honours) from the University Of Chicago Booth School Of Business. The University of Chicago is regarded as one of the world's leading universities in the fields of economics and finance and its MBA Program continues to receive international recognition. The university also holds a very proud record of Nobel Prize laureates in the fields of economics and finance. He is a member of Beta Gamma Sigma – an association of high academic achievers amongst leading colleges and universities across the world. Mr Economou is also a CFA Charterholder, having qualified in 2013.

Mr. Economou was formerly a Council Member of the Actuarial Society of South Africa and still serves on the Actuarial Society's Retirement Matters Committee. He has also served on the Actuarial Society's Accounting Disclosures, Surplus Legislation and Member Services Committees.



ADV. HFN SEPHOTI

Commissioner

Adv Neo Sephoti was appointed as a Commissioner by the President on 10 March 2011, she is currently appointed by the South African Breweries as Corporate Affairs Manager (October 2005) at Central Region, Bloemfontein. Her role is to manage the Corporate Affairs Department for the region.

Her previous work experience includes the following:

Director Regulatory Services from 01 May 2002 to 30 September 2005 and Acting Chief Director: Corporate & Regulatory Services from November 2002 to 30 May 2004 at North-West Department of Finance & Economic Development. She was responsible for the Directorate: Regulatory Services which encompassed the sub-directorates Liquor Trade Administration, Consumer Affairs, Gambling and Legal Services.

She was appointed as Legal Advisor at North West Provincial Legislature from February 1998 to April 2002. She acted as Legal Advisor to all Parliamentary Committees (Standing and Portfolio Committees); rendered legal advice to the Secretary and any other Member of the Provincial legislature; and was responsible for ensuring Constitutional compliance in all dealings and business of the Legislature. She was admitted as an Advocate of the High Court in 1999.

From 1 January 1996 to 31 January 1998 she was a Legal Officer (Military Law Officer) at South African National Defence Force responsible for enforcement of the Defence Act of 1957 by ensuring proper discipline in the Force and held the rank of Lieutenant and provided training at the Army College on legal subjects to ranked officials within the SANDF. From November 1993 – December 1995 appointed as Prosecutor but tasked to be Control Prosecutor from January 1994 until her transfer in December 1995 to the SANDF.

In 1993 was candidate Attorney at Kraamwinkel Attorneys.

DR. LWJ MATLHAPE

Commissioner



Dr. Lese Matlhape was appointed in December 2011. He is a former Executive Director of Industrial Development Corporation where he served for 14 years. Previously, he held senior management positions at Telkom, SA Philips, Shell as well as at Mine Safety Appliances and has also worked in the United States of America.

Dr. Matlhape is a well regarded expert in the fields of Human Resources Management and Support Services. He is among the first HR executives in South Africa to study executive management tenure and how it impacts executive leadership performance in organisations. He performed pioneering work in migrating executive tenure and the concomitant executive remuneration from long-term employment contract to short-term executive employment tenure.

In addition to managing all aspects of human resources at various organizations, he has also acquired extensive management experience in Supply Chain Activities, Asset Management, Corporate Properties, Information Technology, Corporate Insurance, Transport and Fleet Management, Corporate Governance as well as in Knowledge Management and management of Training and Development Academy. He is currently a board member of the following companies; Prilla (Pty) Ltd, Joshco and Protea Hotel, Nelspruit and chairs the Remuneration Board Committees of these boards except Protea Nelspruit. He is also a member of the Council of University of Limpopo and chairs the Remuneration, Ethics and Human Resources committee of the council. He also serves as a member of Johannesburg City Remuneration Panel.

Previously, he served as chairman of the board of Clinix Health and Prilla Textile Companies. At a different time periods he served as chairman of Remuneration and Human Resources Committee of the board of the same two companies. Furthermore, he was previously appointed to the board of Johannesburg Development Agency and similarly served as the chairperson of the Remuneration Board Committee. Prior to that he served as a board member of Sames, Siemens and Saldanah Steel.

Dr Matlhape holds a BA degree from University of Fort Hare, a BA Honours from University of the Free State, MA (Indiana University of Pennsylvania, United States of America), Master of Management (MM) from Wits University, Advanced Executive Program (cum laude) from University of South Africa, Advanced Management Program (Insead Institute of Management – France), Management Development Program (University of Singapore), Diploma in Finance (Damelin Institute), Finance for Non-Financial Managers (UNISA) and a doctorate in Leadership, Management and Change from the University of Johannesburg.

3.8 Appointments

In terms of section 3(1) read with section 5(2) of the Independent Commission for the Remuneration of Public Office-Bearers Act of 1997, The President appointed the following Commissioner:

Name	Designation	Appointment Date
Mr Gampi Matheba	Commissioner	04 April 2013

3.9 Roles and functions

The role of the Commission is to make recommendations on salaries, allowances and benefits of public office-bearers. The Commission's role is critical as it promotes a democratic society where public office-bearers do not set remuneration for themselves.

The functions of the Commission are set out fully in the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 and are summarised to include:

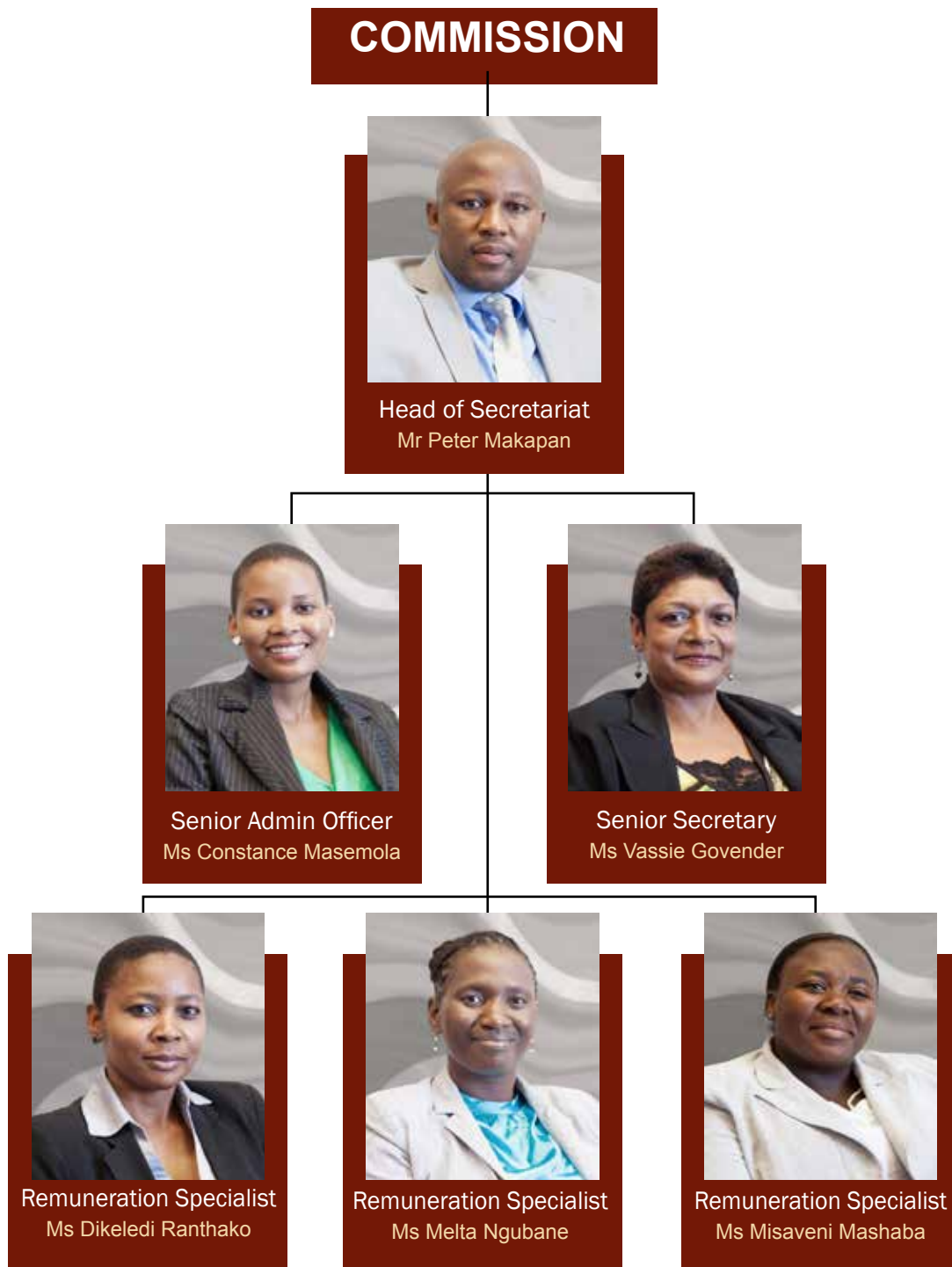
- the powers and duties conferred to the Commission by section 219 of the Constitution, 1996;
- conducting inquiries into any statutorily authorized matter;
- conducting research, or causing research to be conducted as may be necessary for the performance of the functions of the Commission;
- publishing annual recommendations concerning salaries, allowances and benefits of all public office-bearers, and resources necessary to enable an office-bearer to perform his or her functions effectively; and
- publishing an Annual Report on its activities.

The Commission operates in an environment where it is required to balance the views and submissions of public office-bearers with the economic circumstances of the Republic, the perceptions of the general public and the current trends in remuneration.

3.10 Secretariat

Legislation requires that the administration of the Commission be conducted by such officers in the Presidency as designated by the Director-General: Office of the President after consultation with the Commission. The Secretariat, under the leadership of Mr PM Makapan, performs vital support and infrastructure work pivotal to the exercise and performance of the Commission’s powers and duties.

The Secretariat structure is as follows:





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A low-angle photograph of a grand classical building facade. The image features several tall, white, fluted columns with ornate Corinthian capitals. The building has a prominent pediment at the top, supported by a series of smaller columns. The facade is made of red brick with white architectural details. The sky is a clear, bright blue. A dark red, semi-transparent banner is overlaid on the right side of the image, containing the text 'THE LEGISLATIVE FRAMEWORK' in white, bold, uppercase letters.

THE LEGISLATIVE FRAMEWORK

4. THE LEGISLATIVE FRAMEWORK

4.1. Who is a public office-bearer?

In terms of Section 1 of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997, as amended by Section 7 of the Judicial Officers (Amendment of Conditions of Service) Act, 2003, “office-bearer” means :

- a. any member of the Cabinet, any Deputy Minister, any member of the National Assembly, or any permanent delegate to the National Council of Provinces;
- b. any member of the Executive Council of a Province or any member of any provincial legislature;
- c. any member of any Municipal Council of any category or type of municipality;
- d. any person holding the office of:
 - i. Constitutional Court judge or a judge, as defined in Section 1 of the Judges’ Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001); and
 - ii. magistrate, who is appointed under Section 9 of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), read with Section 10 of the Magistrates Act, 1993 (Act No. 90 of 1993); and
- e. any member of the National House of Traditional Leaders, any member of any Provincial House of Traditional Leaders or any traditional leader. Section 5(5) of the Remuneration of Public Office-Bearers Act, 1998 defines a Traditional leader as:

“a person identified by the Minister for Provincial Affairs and Constitutional Development after consultation with the Premier concerned, by notice in the Gazette, for the purpose of this Act.”

4.2 What must the Commission recommend?

In terms of Section 8(4) of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997, as amended, the Commission shall, after taking into consideration the factors referred to in subsection (6), publish in the Gazette recommendations concerning -

- a. the salaries, allowances and benefits of any office-bearer, as defined in paragraphs (a), (d) and (e) of the definition of ‘office-bearer’ in Section 1;
- b. the upper limits of the salaries, allowances or benefits of any office-bearer as defined in paragraphs (b) and (c) of the definition of ‘office-bearer’ in Section 1; and,
- c. the resources which are necessary to enable an office-bearer, as defined in paragraphs (a), (b), (c) and (e) of the definition of ‘office-bearer’ in Section 1 to perform the office-bearer’s functions effectively.

4.3 Publication of recommendations – when and where?

Section 8(5) of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997, provides that recommendations referred to in subsection (4) must be published in the Gazette at least once a year in respect of each category of office-bearers and must be submitted to Parliament before publication.

Table 1 below sets out briefly the legislative framework within which the Commission operates and indicates, where applicable, which Acts have been amended or repealed. Regarding amendments to the Remuneration of Public Office-Bearers Act, 1998, the question of affordability is a key aspect and recommendations cannot be made where there are no resources by the State to remunerate in terms of such recommendations.

Table 1

Act	Act No.	Relevance	Repealed by Act
Magistrates Act	90/1993	Provides for remuneration and conditions of employment of Magistrates	N/A
Constitution of the Republic of South Africa	200/1993	Promulgated legislation establishing a Commission to make recommendations on remuneration of office-bearers	108/1996
Commission on Remuneration of Representatives Act	37/1994	Established a Commission to make recommendations regarding the nature, extent and conditions of remuneration and allowances of all elected members of national, provincial and local legislative bodies, and traditional leaders	92/1997
Payment of Members of Parliament Act	6/1994	Provided for payment of remuneration and allowances to Members of Parliament	20/1998
Remuneration and Allowances of Executive Deputy Presidents, Ministers and Deputy Ministers Act	53/1994	Provided for payment of remuneration and allowances to Executive Deputy Presidents, Ministers, Deputy Ministers	20/1998
Remuneration of Traditional Leaders Act	29/1995	Provided for the remuneration of certain traditional leaders	20/1998
Constitution of the Republic of South Africa	108/1996	Provides for legislation and Independent Commission to make recommendations regarding salaries, allowances and benefits of certain stated office-bearers	N/A
Independent Commission for the Remuneration of Public Office-Bearers Act	92/1997	Established this Commission to make recommendations regarding salaries, allowances and benefits of office-bearers	N/A
Remuneration of Public Office-Bearers Act	20/1998	Provides a framework for determining salaries, allowances and benefits of defined office-bearers	N/A
Remuneration of Public Office-bearers Amendment Act	9/2000	Further regulates remuneration of political office-bearers	N/A
Remuneration of Public Office-bearers Second Amendment Act	21/2000	Regulates remuneration of Traditional Leaders holding more than one office	N/A
Judges' Remuneration and Conditions of Employment Act	47/2001	Provides for remuneration and conditions of employment of all Judges	N/A
Judicial Officers (Amendment of Conditions of Service) Act	28/2003	Includes all judicial office-bearers in the scope and definition of office-bearers	N/A
Traditional Leadership and Governance Framework Act	41/2003	Changes the structure of traditional leadership office-bearer positions	N/A
Traditional Leadership and Governance Framework Amendment Act	23/2009	Amends the Traditional Leadership and Governance Framework Act ,2003 by inserting certain definitions and the Public Office-Bearers Act, 1998 to make provision for certain remuneration	N/A

4.4 Section 219 of the Constitution

Section 219 provides Constitutional acknowledgement and recognition for the need for ongoing impartial adjudication of appropriate levels of remuneration for all Public Office-bearers. It acknowledges that public trust of and confidence in South African public office-bearers could only be achieved and maintained at acceptable levels if this task is conducted with scrupulous objectivity.

It was with this objective in mind that the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 was enacted to give effect to the Constitutional prescripts of Section 219. Section 219 of the Constitution stipulates that –

- (1) An Act of Parliament must establish a framework for determining-
 - a. the salaries, allowances and benefits of members of the National Assembly, permanent delegates to the National Council of Provinces, members of the Cabinet, Deputy Ministers, traditional leaders and members of any councils of traditional leaders; and
 - b. the upper limit of salaries, allowances or benefits of members of provincial legislatures, members of Executive Councils and members of Municipal Councils of the different categories.
- (2) National legislation must establish an independent commission to make recommendations concerning the salaries, allowances and benefits referred to in subsection (1).
- (3) Parliament may pass the legislation referred to in subsection (1) only after considering any recommendations of the commission established in terms of subsection (2).
- (4) The national executive, a provincial executive, a municipality or any other relevant authority may implement the national legislation referred

to in subsection (1) only after considering any recommendations of the commission established in terms of subsection (2).

- (5) National legislation must establish frameworks for determining the salaries, allowances and benefits of judges, the Public Protector, the Auditor-General, and members of any commission provided for in the Constitution, including the broadcasting authority referred to in Section 192.”

4.5 The Independent Commission for the Remuneration of Public Office-Bearers Act, 1997

Section 2 of the Act established the Commission.

Section 3 (as substituted by Section 8 of Act 28 of 2003) provides that the Commission shall consist of eight members appointed by the President.

Section 8 outlines the following functions of the Commission:

- (1) The Commission may exercise the powers and shall perform the duties entrusted to the Commission by this Act, Section 219 of the Constitution or any other law.
- (2) (i) The Commission may conduct an inquiry into any matter in respect of which it is authorized by this Act, Section 219 of the Constitution or any other law to perform any function.
 - (ii) For the purposes of the inquiry, the Commission shall have the powers contemplated in Section 3 of the Commission Act, 1947, and the provisions of subsections (3) and (4) of the said Section 3 shall apply in respect of a person who gives evidence before the Commission or who has been summoned to attend any meeting of the Commission as a witness or to produce any book, document or object.

- (3) The Commission may conduct or cause to be conducted such research or obtain such information from the Secretary to Parliament, the secretary to any provincial legislature, the secretary to the National House of Traditional Leaders, the secretary to any provincial house of traditional leaders, the chief executive officer of any municipality, the Chief Justice or any person designated for that purpose by the Chief Justice, or any functionary or body as may be necessary for the performance of the functions of the Commission under this Act, Section 219 of the Constitution or any other law.
- (3A) Whenever the Commission performs any function in terms of this Act relating to the remuneration of any office-bearer as defined-
- a. in paragraph (d) (i) of the definition of 'office-bearer' in Section 1, it must have regard to the provisions of the Judges' Remuneration and Conditions of Employment Act, 2001 and in particular to Section 2 of that Act; or
 - b. in paragraph (d) (ii) of the definition of 'office-bearer' in Section 1, it must have regard to the provisions of the Magistrates Act, 1993 (Act 90 of 1993), and in particular to Section 12 of that Act.
- (3B) a. If the chairperson of the Commission is an office-bearer as defined in paragraph (d) (i) of the definition of 'office-bearer' in Section 1, that member must refrain from participating in any of the Commission's deliberations relating to the remuneration of any office-bearer as defined in paragraph (d) of the said definition.
- b. Any member of the Commission who may directly or indirectly derive any benefit from the acceptance by the President of any recommendations by the Commission must refrain from participating in any of the Commission's deliberations relating to such recommendations.
- (4) The Commission shall, after taking into consideration the factors referred to in subsection (6), publish in the Gazette recommendations concerning-
- a. the salary, allowances and benefits of any office-bearer as defined in paragraphs (a), (d) and (e) of the definition of 'office-bearer' in Section 1;
 - b. the upper limits of the salary, allowances or benefits of any office-bearer as defined in paragraphs (b) and (c) of the definition of 'office-bearer' in Section 1; and
 - c. the resources which are necessary to enable an office-bearer as defined in paragraphs (a), (b), (c) and (e) of the definition of 'office-bearer' in Section 1 to perform the office-bearer's functions effectively.
- (5) Recommendations referred to in subsection (4) must be published in the Gazette at least once a year in respect of each category of office-bearers and must be submitted to Parliament before publication.
- (6) Subsection 6 provides for the factors the Commission must take into account when making recommendations in subsection (4).

4.6 The Remuneration of Public Office-Bearers Act, 1998

This is the main Act dealing with the remuneration of office-bearers, and outlines also the processes for determining the salaries, benefits and allowances for office-bearers. The respective processes are summarized below for ease of reference.

(i) The President

The Commission makes recommendations regarding the salary, benefits and allowances of the President of the Republic.

The National Assembly determines, by resolution, the salary, benefits and allowances to be paid to the President.

The National Assembly determines the salary after considering:

- The Commission's recommendations;
- The different roles, status, duties, functions and responsibilities of public office-bearers;
- The affordability of different levels of remuneration of public office-bearers;
- Current principles and levels of remuneration in society in general; and
- Inflationary trends and figures.

The National Assembly also determines the amount to which Section 8(1)(d) of the Income Tax Act, 1962, as amended shall apply. This amount is referred to as the political office-bearer's allowance.

(ii) The Deputy President, Ministers, Deputy Ministers, Members of the National Assembly and permanent delegates to the National Council of Provinces

The Commission makes recommendations to the President regarding the salaries, benefits and allowances of these public office-bearers.

The President subsequently determines the salaries, benefits and allowances of these public office-bearers after considering:

- the recommendations of the Commission;
- the different roles, status, duties, functions and the responsibilities of public office-bearers;
- affordability of different levels of remuneration of public office-bearers;
- current principles and levels of remuneration in society in general;
- inflationary trends and figures; and
- advice of a relevant Cabinet Committee.

The President also determines the amount which shall constitute the political office-bearers' allowance in terms of Section 8(1)(d) of the Income Tax Act, 1962

(iii) Premiers, members of executive committees and members of provincial legislatures

The Commission makes recommendations to the President on the upper limits of the salaries, benefits and allowances of these public office-bearers.

The President subsequently determines the upper limits of the salaries, benefits and allowances of the public office-bearers.

The applicable Provincial Legislature determines a Premier's actual salary, benefits and allowances by way of a resolution.

The Premier in turn determines the actual salaries, benefits and allowances of the Members of Executive Committees and Members of Provincial Legislatures in the applicable Provincial Legislature.

(iv) Traditional Leaders, Members of the National and Provincial Houses of Traditional Leaders

The Commission makes recommendations to the President on the salaries, benefits and allowances of these public office-bearers.

The President subsequently determines the salaries, benefits and allowances of these office-bearers, after consultation with the Minister for Provincial and Local Government and relevant Premier(s), and after considering:

- the recommendations of the Commission;
- the roles, status, duties, functions and responsibilities of traditional leaders, members of the National House of Traditional Leaders, and members of the Provincial Houses of Traditional Leaders;

- the current principles and levels of remuneration in society generally;
- the need for the promotion of equality and uniformity of salaries and allowances for equal work performed;
- the enhancement of co-operation, unity and understanding between traditional communities nationally;
- the extent of the role and functions of traditional leaders across provincial borders; and
- inflationary trends and figures.

(v) Members of Municipal Councils

The Commission makes recommendations to the President on the upper limits of the salaries, benefits and allowances of these public office-bearers.

The Minister for Provincial and Local Government, after consultation with each provincial MEC responsible for local government, determines the upper limits of the salaries, benefits and allowances, after having considered:

- the recommendations of the Commission;
- the respective role, status, duties, functions and responsibilities of the different members of Municipal Councils;
- the different categories or types of municipalities, having regard to their respective powers, duties and functions;
- the gross income, the area of jurisdiction and the nature of settlement of each municipality;
- the affordability of different levels of remuneration of public office-bearers;
- the current principles and levels of remunerations in society generally;

- the need for the promotion of equality and uniformity of salaries, benefits and allowances for equal work performed;
- the provision of uniform norms and standards nationally to address disparities; and
- inflationary trends and figures.

A member of a Municipal Council is entitled to an additional allowance in respect of membership of any other Municipal Council than the one elected to, which allowance is determined by a majority resolution of such other Municipal Council in consultation with the MEC responsible for local government in the relevant Province.

(vi) Constitutional Court Judges, Judges and Magistrates

The Commission makes recommendations to the President regarding the salaries, benefits and allowances of these judicial office-bearers. In doing so, the Commission is statutorily obliged to consult with:

- The Minister of Justice and Constitutional Development;
- The Minister of Finance; and
- The Chief Justice or a person designated by the Chief Justice.

The President determines the salaries, benefits and allowances by means of a notice in the Gazette after Parliament considered, and approved the draft notice.

4.7. The Commission's proposal on the Amendment of the Commission Act

The Commission identified some challenges that impacted on its mandate as provided for in the Commission Act and the challenges warranted the need for the amendment of the Commission Act. These challenges are as follows:

- Concern from various stakeholders and the public at large that the Commission's recommendations should be the final determinations and not be endorsed by other office-bearers or other institutions;
- Closer scrutiny of the definition of public office-bearer;
- Inclusion of Heads of Chapter nine institutions to the public office-bearer definition;
- Exclusion of recommendation of tools of trade for judiciary positions in terms of Section 4 (c) of the Commission Act, where the Commission cannot find any reason why it is not allowed to deal with;
- Absence of legislative mandate for the President to make determination on the resources which are necessary to enable an office-bearer to perform the office-bearer's function effectively;
- The term of office of Commissioners;
- The appointment of full time Commissioners; and the
- Overlapping of regulatory prescripts on other conditions of service for other office-bearers.

4.7.1 The Commission's inputs to the amendments of the Commission's Act

Section 1: Definition of "office-bearer"

The inclusion of different positions or categorization of political office-bearer positions, judiciary and magistracy positions, and traditional leadership positions within the definition of office-bearers. The difference of these positions is based on, amongst others, the nature of appointment, tenure of the positions and required requirements for appointment. The definition, categorization and location of office-bearers should be reviewed and looked at together with the "Heads of Chapter Nine" institutions / Constitutional institutions.

Section 219 (5) of the Constitution envisages that national legislation must establish a framework that will determine the salaries, allowances and benefits of the Public Protector, Auditor General, and/ or members of any Commission that is enacted in terms of the Constitution should be regulated by an independent commission which is similar to the Commission.

Section 3: Constitution of the Commission

The term of office of the Commissioners and the possible appointment of a full time Chairperson and Deputy Chairperson with executive powers is proposed. The entrustment of executive powers to the Chairperson and Deputy Chairperson will enable the Commission to enhance its operational and responsive efficacy. The Head of Secretariat will support the Chairperson, Deputy Chairperson and Commissioners and will also serve as Accounting Officer of the Commission.

Section 4: Persons not qualified to be members of Commission

This Section provides for persons not qualified to be appointed as a member of the Commission, and therefore the exclusion should also be extended to person(s) appointed in terms of the Public Service Act.

Section 5: The conditions of appointment of Commissioners, term of office and filling of vacancies

The conditions (requirements) of appointment of the Chairperson, the Deputy Chairperson and any other members of the Commission must be clearly documented and properly communicated to the Commissioner(s).

The conditions of service are provided for in the directive issued annually by the Minister of Finance. These conditions of service should be clearly spelt out to the appointee at the time of the appointment.

Section 7: Meetings of Commission

Measures to deal with issues of incessant non-attendance and / or non-performance by any Commissioner must be formulated. Non-attendance of Commission meetings in most instances encumbers any progress and affects the Commission's overall performance. A quorum may not be possible and consequently, decisions cannot be ratified. This severely disrupts the Commission's activities as envisaged by Section 7(2) of the Commission Act.

Section 8 (4) (c): Recommendations for the resources which are necessary to enable an office-bearer to perform the office-bearer's functions effectively

Section 8 obliges the Commission to publish annual recommendations relating to the resources that are necessary to enable a public office-bearer other than a member of the judiciary (judges and magistrates) to perform the office-bearer's functions effectively.

The extension of the Commission's mandate to make recommendations on tools of trade in respect of judiciary positions will harmonize the determination process and assist in the realization of an equitable and fair determination in this regard.

The absence of a legislative mandate for the President (or relevant institution) to effect or make a determination on the Commission's recommendations needs also to be addressed.

Section 11 (1): Commission's Secretariat

Section 11(1) of the Commission Act prescribes that the Director-General in the Presidency shall, after consultation with the Commission designate such officers in the Presidency as may be necessary to perform the work incidental to the exercise or performance of the powers and duties of the Commission.

The Commission's functions depend on the effective and efficient support by the Secretariat. The nature of the Commission's functions and its anticipated projects for continuous improvements of the remuneration and other benefits of public office-bearers require the Commission to constantly engage its Secretariat. The anticipated extension of the Commission mandate will require the strengthening of the Commission Secretariat to deal with the increasing scope of work.

Section 11 (2): Commission's budget

Section 11(2) of the Commission Act prescribed that the expenditure incidental to the exercise or performance of the powers and duties of the Commission shall be defrayed from monies appropriated by Parliament for that purpose. Currently, the Commission receives its budget allocation from the Presidency, as part of the programmes of the Presidency.

The current budgetary arrangement requires a significant overhaul and should be brought in line with Section 11 of the Commission Act, which implies that the Commission should be receiving its funds as appropriated by Parliament. A full budget vote needs to be appropriated by Parliament and be transferred to the Commission.

Such course of action would make the Commission more independent, consistent with the intention and objective of the relevant legislation.

Other inputs on Commission Legislations

Overlapping of regulatory prescripts on other conditions of service for other office-bearers needs to be looked at, especially in respect of the judiciary and traditional leadership positions.



**FACTORS THAT THE
COMMISSION CONSIDERS
WHEN MAKING
RECOMMENDATIONS**

5. FACTORS THAT THE COMMISSION CONSIDERS WHEN MAKING RECOMMENDATIONS

When making recommendations referred to in section 8(4) of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 as amended, the Commission in terms of section 8(6) of the same Act, must take the following factors into account:

- (i) the role, status, duties, functions and responsibilities of the office-bearers concerned;
- (ii) the affordability of different levels of remuneration of public office-bearers;
- (iii) current principles and levels of remuneration, particularly in respect of organs of state, and in society generally;
- (iv) inflationary increases;
- (v) the available resources of the state; and
- (vi) any other factor which, in the opinion of the Commission, is relevant.



GOVERNANCE

6. GOVERNANCE

The Independent Commission for the Remuneration of Public Office-Bearers Act, 1997, regulates the operations and governance of the Commission to a very large extent and determines, amongst others, how the Commission is constituted, the terms of office of members of the Commission, meeting and reporting requirements of the Commission, as well as specific functions and the administration of the Commission.

When should the Commission meet and how are decisions taken?

The Commission is required by law to meet at least once a year, at a time and place determined by the Chairperson of the Commission. The Commission in fact meets far more often than this, as set out more fully in the report. The Act also sets out that five members of the Commission shall constitute a quorum for Commission meetings, and that a decision of a majority of the members of the Commission present at a meeting shall constitute a decision of the Commission.

The Commission's budget?

The expenditure incidental to the exercise or performance of the powers and duties of the Commission is defrayed from monies appropriated by Parliament for that purpose. The Presidency currently provides the Commission with the support and resources that includes the budget to exercise its mandate as prescribed by the Act and other legal provisions.

Administration of the Commission?

Section 11 (1) of the Commission Act provides that the "Director-General: Office of the President shall, after consultation with the Commission, designate such officers in the Office of the President as may be necessary to perform the work incidental to the exercise or performance of the powers and duties of the Commission". The Commission is assisted by the Secretariat as discussed in Chapter 3 of this Annual Report.

The Secretariat is providing governance advice and expertise to the Commission. The Secretariat is further assisting the Commission to discharge its legislative mandate by providing operational and secretariat service, assisting the institutions with implementation of the President's Proclamations, and interpretation of relevant reports by the Commission's stakeholders.



The Secretariat



KEY ACTIVITIES

7. KEY ACTIVITIES

7.1 Short Term Objectives

- Annual Report 2013
- Annual Recommendations for 2014/2015
- Communication with Public Office-bearers
- Review of local government remuneration
- Liaising with relevant Authorities for implementation of the President's determination
- Secure funding for adequate functioning of the Commission.

7.2 Long Term Objectives

- Determination of a Performance Based remunerative structure for all Public Office-bearers
- Fostering the independence of the Commission
- Ensuring optimal permanent composition of Secretariat.

7.3 Key Priorities

The Commission identified the following key priorities towards the fulfillment of its mandate.

- Review of local government remuneration
- Communication with stakeholders
- Ensure adequate resources to action the strategic focus of the Commission.

The following priorities are outstanding and will direct the Commission's activities beyond 2014:

- Investigation into performance based pay of public office-bearers

- Review of local government remuneration
- Ensure adequate resources to action the strategic focus of the Commission

7.4 Key Outputs

7.4.1. Annual Cost-of-Living-Adjustments for 2013/ 2014

The Commission after taking into account all relevant factors and the applicable legislations recommended a cost-of-living-adjustment on a sliding scale as indicated in the table below:

TOTAL REMUNERATION PACKAGE	SLIDING SCALE %
Below R 500 000	7%
Between R500 000 – R 800 000	5%
Between R800 000 – R1 000 000	4%
Above R1 000 000	0%

7.4.2 Communication with stakeholders

The Commission continued its initiative to communicate directly and widely with public office-bearer groups and other stakeholders. Apart from the direct interactions with public office-bearers and other stakeholders the Commission maintained an open door communication policy through its Secretariat.

The Commission interacted with various stakeholders from public office-bearers' institutions

through meetings and visits to receive submissions, comments and inputs on matters of remuneration, benefits and allowances. These meetings and visits were successful and assisted in strengthening the relationship between stakeholders and the Commission.

The Commission further consulted with the current Chief Justice in order to discuss issues of consultation with the lower courts judiciary. In terms of legislation the Commission is obliged to consult with the Chief Justice on matters of the Judiciary. It was agreed amongst other things that the Commission should extend its consultation programme to the judicial voluntary associations as they are also the Commission's stakeholders

In order to strengthen stakeholder relations and to increase the consultation between the Commission and stakeholders, the Commission formed subcommittees which consist of Commissioners and the Secretariat.

The Commission through its website broadcasts relevant information to its stakeholders and the general public and this enables the Commission to operate more transparently. The Commission's website contains the following relevant information:

- Composition of Commission and its Secretariat
- Contact details for the Commission
- List of all public office-bearer positions
- Annual remuneration tables since 2005
- The President's determinations
- Full text versions published in the Government Gazette of:
 - Commission reports
 - Relevant legislation
 - Commission's remuneration recommendations
 - Remuneration Proclamations
- Links to various relevant websites
- Relevant articles and news items
- A photo gallery

The Commission remains committed to the facilitation of access to relevant information by any stakeholder which conforms with any laws of South Africa relating to access of information.

7.4.3 Subcommittees of the Commission

The Commission formed Subcommittees for Parliament and Legislature, Judiciary, and Local Government and Traditional Leaders. The purpose of forming the Subcommittees is to ensure that concerns and submissions are discussed and given due consideration during the Subcommittee meetings well before the Commission meetings are held.

Recommendations of the Subcommittees are tabled at the Commission meetings in order for the Commission to take resolutions on them. The Subcommittees consist of two or three Commissioners and at least one member of the Secretariat.

7.5 Challenge

Pronouncement of the ARMSA court case against the President as the first respondent and the Commission as the second respondent

This case concerns the lawfulness of the decision of the President in relation to the remuneration of Regional Magistrates and Regional Court Presidents. It also implicates the constitutional principle of judicial independence.

The applicant (ARMSA – Association of Regional Magistrates of South Africa) applied for confirmation of part of an order by the North Gauteng High Court. The order set aside the President's decision to adjust the annual remuneration of Regional Magistrates and Regional Court Presidents by 5% during 2010/2011 and directed that the increased remuneration was to continue to be of full force and effect until the President had taken the decision afresh.

The applicant also applied for conditional leave to appeal against part of the order of the High Court and requested that it be varied and replaced with an order remitting the matter to the President to enable him to invite and consider representations by members of the applicant before making the new determination.

The second respondent (The Commission) applied for conditional leave to appeal against the decision of the High Court.

ARMSA applied to the High Court for the review and setting aside of the decision of the President on procedural and substantive grounds in terms of the Promotion of Administrative Justice Act (PAJA) and the principle of legality, respectively.

Before the High Court, the President stated that when making the determination, he took into account the advice of the Finance Minister which was that a 5% adjustment was in excess of the CPI at the time. He said that the Minister pointed to the decrease in the CPI and highlighted important implications for the fiscus in the event that a determination in excess of 5% was made. He then declined the recommendation of 7% and adopted a 5% adjustment which was considered to be a reasonable and affordable determination.

The High Court rejected two of ARMSA's grounds of review. It upheld the applicants' argument that the "one-size-fits-all approach or uniform increase across-the-board" which, it held, was impermissible in terms of the relevant legislation. The High Court found that if a blanket adjustment of all POBs' salaries were to be decided upon, the President was obliged to consider the circumstances of the individual categories of POBs and their particular claims. The Court further found that the President was obliged to consider whether the different categories of Magistrates should be remunerated according to different salary scales, and should have taken into account factors mentioned in section 8(6) of the Act.

As to whether the President's decision amounted to administrative action, the High Court held that it did not and therefore that PAJA did not apply. It held that it was not necessary or desirable for the President to consult directly with ARMSA.

It further held that the decision of the President in this case is an Executive decision and not subject to the provision of PAJA.

In seeking confirmation of paragraphs 1 and 3 of the High Court order, in terms of section 172(2) (d) of the Constitution read with Rule 16(4) of the Constitutional Court Rules, ARMSA reiterated the argument advanced in the High Court. ARMSA asked that, to the extent that paragraphs 1 and 3 of the High Court order are not subject to confirmation, leave to appeal against the order in paragraph 2 be granted and that the order be varied and replaced with one remitting the matter to the President, subject to a direction that the President invites and considers representations by members of the applicant before deciding afresh.

The Commission sought conditional leave to appeal against the decision of the High Court on certain bases, including that the Court's finding that the applicant's complaint of the "one-size-fits-all" approach was justified and that the Commission's explanation for the process lacked rationality. It argued that its application of the uniform increase was rational because the remuneration of all POBs was already staggered in relation to the roles, duties, functions and responsibilities of each particular class.

The Constitutional Court found that the President's decision did not constitute administrative action and therefore PAJA does not apply.

The rationality challenge as directed at the uniform remuneration adjustment approach adopted by the Commission and the President in making the recommendation and the determination was found by the Constitutional Court to be rational.

The Commission considered, as it is required to do, "the role, status, duties, functions and responsibilities of the office-bearers concerned." The Commission further advised Constitutional Court that some POBs share a common character and are pegged differently and uniform adjustment impacts on these categories differently. For these reasons, the Constitutional Court said that it was inappropriate to describe it as a "one-size-fits-all" adjustment. It means that the process before the Commission cannot be faulted.

The Constitutional Court found that the processes before the Commission and the President, particularly after the latter had considered the recommendation and consulted with the Finance Minister, were rational.

The applicant argues that the decision was procedurally unfair. The challenge is without merit. With regard to the decision of the President, a procedural fairness challenge is not competent because the decision he took did not amount to administrative action.

Procedural fairness is not a requirement for the exercise of executive powers and therefore executive action cannot be challenged on the ground that the affected party was not given a hearing unless a hearing is specifically required by the enabling statute.

Section 12 of the Magistrates Act does not require the President to hear Magistrates before determining their salaries.

The scheme of both the Remuneration Act and Magistrates Act ensures that judicial officers do

not have to engage in direct negotiations with the Executive over conditions of employment, including salaries and the purpose of this scheme is to safeguard the independence of judicial officers.

The Constitutional Court further found that the procedural fairness attack directed at the Commission's recommendation must also fail based on above reasons. ARMSA failed to show that those representations were not taken into account by the Commission when it was compiling the recommendation for the President.

ARMSA argument that the President determination was irrational was also rejected by the Constitutional Court and therefore overturned the order of North Gauteng High Court.

During the period of the above mentioned matters the Commission had to delay the announcement of the annual recommendations for the subsequent period as it awaits the Constitutional pronouncement on its previous recommendations.



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**THE COMMISSIONS'
PROGRAM FOR THE
YEAR 2013**

8. THE COMMISSION'S PROGRAMME FOR THE YEAR 2013

A schedule of the Commission's programme of meetings for 2013 is set out in Annexure A hereto. The schedule distinguishes between:

- Commission meetings;
- Statutory meetings with officials; and
- Meetings with stakeholders.

The meeting attendance of members of the Commission in 2013 is reflected in the register attached as **Annexure B**.



**PROGRESS REPORTS
AND MILESTONES**

9. PROGRESS REPORTS AND MILESTONES

9.1 ANNUAL RECOMMENDATION FOR 2013/2014

The Commission delivered its Annual Recommendations to the President on the 31 October 2013. The recommendations included the annual Cost-of-Living-Adjustments on a sliding scale for all public office-bearers.

The recommendations were further delivered to the Speaker of Parliament and Chairperson of NCOP on the 17 December 2013. The recommendations were published on the Government Gazette No. 37177 on 18 December 2013 and further released to the public through the GCIS as press statement on 19 December 2013.

9.1.1 Annual Cost-of-Living-Adjustment

The Commission is statutorily obliged by virtue of section 8 (4) and (5) of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997, to make annual recommendations relating to the salaries, benefits and allowances, and the resources required by public office-bearers to enable them to perform their respective duties effectively.

The Commission in their meeting of the 15 July 2013 resolved to make the annual remuneration recommendations of public office-bearers for 2013/2014 financial year. The Commission considered, amongst others, the following factors to be relevant in forming the basis for its decision:

- Section 8(6) of the Commission Act
- Consumer Price Index (CPI) and future forecast

- Market salary increase during the past year
- Forecast salary increase for the year ahead
- Economic and social environment
- Past recommendations and President determinations
- Inputs from key stakeholders in terms of mandatory consultation
- Other factors for consideration

Economic data has always been used as a guideline in making annual cost of living increase decisions for the employees of an organization(s), whether public or private. The relevant data would normally include the CPI, PPI, and quarterly GDP figures released by Statistics South Africa, affordability, general market increases, together with interest rates determined by the South African Reserve Bank (SARB).

The Commission is obliged by statutory enactment to make recommendations for salary adjustments of public office-bearers. The Commission after taking into account all relevant factors and the applicable legislations recommended a cost-of-living-adjustment on a sliding scale.

The Commission attaches its recommendations, which reflect the annual adjustment on a sliding scale for all Public Office-Bearers for the 2013/2014 fiscal year. **(Schedule 1-7)**

SCHEDULE 1

REMUNERATION LEVELS WITH EFFECT 01 APRIL 2013

NATIONAL EXECUTIVE AND DEPUTY MINISTERS

GRADE	PAY LEVEL	POSITION	01-Apr-12	01-Apr-13	
EA	1	President	2 622 561	2 622 561	Above R1 million (0%)
EB	1	Deputy President	2 360 360	2 360 360	
EC	1	Minister	2 006 292	2 006 292	
ED	1	Deputy Minister	1 652 224	1 652 224	

SCHEDULE 2

REMUNERATION LEVELS WITH EFFECT 01 APRIL 2013

MEMBERS OF PARLIAMENT

GRADE	PAY LEVEL	POSITION	01-Apr-12	01-Apr-13	
PA	1	Speaker: National Assembly	2 360 360	2 360 360	Above R1 million (0%)
		Chairperson: NCOP	2 360 360	2 360 360	
PB	1	Deputy Speaker: National Assembly	1 652 224	1 652 224	
		Deputy Chairperson: NCOP	1 652 224	1 652 224	
PC	2	House Chairperson	1 534 248	1 534 248	
		1	Chief Whip: Majority Party	1 298 156	
	Chief Whip: NCOP		1 298 156	1 298 156	
	Parliamentary Counsellor: President		1 298 156	1 298 156	
	Parliamentary Counsellor: Deputy President		1 298 156	1 298 156	
	2	Chairperson of a Committee	1 180 180	1 180 180	
1		Deputy Chief Whip: Majority Party	1 062 203	1 062 203	
		Chief Whip: Largest Minority Party	1 062 203	1 062 203	
2	1	Leader of a Minority Party	1 062 203	1 062 203	
		Whip	985 671	1 025 097	
	1	Member: National Assembly	889 383	924 958	
		Permanent Delegate: NCOP	889 383	924 958	Between R 800 000 and R1 million (4%)

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SCHEDULE 3

REMUNERATION LEVELS WITH EFFECT 01 APRIL 2013

PROVINCIAL EXECUTIVES AND LEGISLATURES

GRADE	PAY LEVEL	POSITION	01-Apr-12	01-Apr-13	
LA	1	Premier	1 888 315	1 888 315	Above R1 million (0%)
LB	1	Member of Executive Council	1 652 224	1 652 224	
		Speaker	1 652 224	1 652 224	
LC	1	Deputy Speaker	1 298 156	1 298 156	
		Chief Whip: Majority Party	1 180 180	1 180 180	
	2	Chairperson of Committees	1 062 204	1 062 204	
		Leader of Opposition	1 062 204	1 062 204	
		Chairperson of a Committee	1 062 204	1 062 204	
	3	Deputy Chairperson of Committees	999 347	1 039 321	Between R800 000 and R1 million (4%)
		Deputy Chief Whip: Majority Party	999 347	1 039 321	
		Chief Whip: Largest Minority Party	999 347	1 039 321	
		Leader of a Minority Party	999 347	1 039 321	
LD	1	Parliamentary Counsellor to a King	889 383	924 958	
		Whip	889 383	924 958	
	2	Member of Provincial Legislature	860 787	895 218	

SCHEDULE 4

REMUNERATION LEVELS WITH EFFECT 01 APRIL 2013

LOCAL GOVERNMENT

GRADE	PAY LEVEL	POSITION	01-Apr-12	01-Apr-13	
MA	1	Executive Mayor	1 045 626	1 045 626	Above R1 million (0%)
		Mayor	1 045 626	1 045 626	
MB	1	Deputy Executive Mayor	847 525	881 426	Between R800 000 and R1 million (4%)
		Speaker/Chairperson	847 525	881 426	
		Deputy Mayor	847 525	881 426	
MC	2	Member of Executive Council	798 069	837 972	Between R500 000 and R800 000 (5%)
		Member of Mayoral Committee	798 069	837 972	
		Chairperson of a Sub-council	798 069	837 972	
		Whip	798 069	837 972	
MD	1	Municipal Councillor	401 866	429 997	Below R500 000 (7%)

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SCHEDULE 5					
REMUNERATION LEVELS WITH EFFECT 01 APRIL 2013					
JUDGES					
GRADE	PAY LEVEL	POSITION	01-Apr-12	01-Apr-13	
JA	1	Chief Justice	2 360 360	2 360 360	Above R1 million (0%)
JB	1	Deputy Chief Justice	2 124 269	2 124 269	
		President: Supreme Court of Appeal	2 124 269	2 124 269	
JC	1	Deputy President: Supreme Court of Appeal	2 006 292	2 006 292	Above R1 million (0%)
	2	Judge: Constitutional Court	1 888 315	1 888 315	
		Judge: Supreme Court of Appeal	1 888 315	1 888 315	
	3	Judge President: High/Labour Court	1 770 339	1 770 339	
	4	Deputy Judge President: High/Labour Court	1 652 224	1 652 224	
	5	Judge: High/Labour Court	1 534 248	1 534 248	

SCHEDULE 6					
REMUNERATION LEVELS WITH EFFECT 01 APRIL 2013					
MAGISTRATES					
GRADE	PAY LEVEL	POSITION	01-Apr-12	01-Apr-13	
JD	1	Special Grade Chief Magistrate	1 062 203	1 062 203	Above R1 million (0%)
		Regional Court President	1 062 203	1 062 203	
JE	1	Regional Magistrate	944 089	981 852	Between R800 000 and R1 million (4%)
		Chief Magistrate	944 089	981 852	
JF	1	Senior Magistrate	778 866	817 810	Between R500 000 and R800 000 (5%)
JG	1	Magistrate	708 136	743 542	

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SCHEDULE 7

REMUNERATION LEVELS WITH EFFECT 01 APRIL 2013

TRADITIONAL LEADERS

GRADE	PAY LEVEL	FULL TIME POSITIONS	01-Apr-12	01-Apr-13	
TA	1	King	978 321	1 017 454	Between R800 000 and R1 million (4%)
TB	1	Chairperson: NHTL	693 216	727 877	Between R500 000 and R800 000 (5%)
	2	Full time Chairperson: PHTL	570 957	599 505	
	3	Deputy Chairperson: NHTL	530 204	556 714	
	4	Full time Deputy Chairperson: PHTL	489 313	523 564	
TC	1	Full time Member: NHTL	285 409	305 388	Below R500 000 (7%)
	2	Full time Member: PHTL	244 656	261 782	
TD	1	Senior Traditional Leader	179 451	192 013	
TE	1	Headmen / Headwomen	75 584	80 875	
		PART TIME POSITIONS*	1 APRIL 2012 (Per Day)		
		Part time Member: NHTL	1 028	1 100	7%
		Part time Chairperson: PHTL	1 223	1 308	
		Part time Deputy Chairperson: PHTL	1 100	1 177	
		Part time Member: PHTL	852	912	

* In addition to sitting allowances, part time members are entitled to their salaries as Traditional Leaders, as well as subsistence costs (reasonable and actual expenses) and transport costs (Department of Transport tariffs for the use of privately owned vehicles), for their attendance of official meetings, seminars, workshops and conferences of the respective Houses)

9.1.2 Proclamations for Remuneration Recommendations and Determinations

Proclamations for remuneration recommendations and determinations for 2013/2014 were published on Government Gazette as follows:

Gazette No.	Date	Proclamation/ Notice No.	General	Contents
37177	18 December 2013	1227		Independent Commission for the Remuneration of Public Office-bearers: Annual Recommendations for 2013/2014
37218	09 January 2014	583		Determination of salaries, benefits and allowances of the Deputy President, Ministers and Deputy Ministers
		583		Determination of salaries, allowances and benefits of Members of the National Assembly and Permanent Delegates of the National Council of Provinces
37218	09 January 2014	583		Determination of upper limit of salaries, allowances and the contribution to be made to the pension fund of which Premiers, Members of Executive Councils and Members of Provincial Legislatures
37389	27 February 2014	584		Remuneration of Judges and Magistrates
37352	14 February 2014	584		Determination of salaries and allowances of the Traditional Leaders, Members of National House and Provincial House of Traditional Leaders
37281	29 January 2014	583		Determination of upper limits of salaries, allowances and benefits of different members of Municipal Council



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The image features a warm, golden-yellow background. In the upper half, a faint world map is visible. In the lower half, two silhouetted figures in business attire are shaking hands, with a bright light flare at the point of contact. The figure on the right carries a briefcase. In the background, a city skyline is visible. A dark red banner with white text is positioned on the right side.

INTERNATIONAL VISITS

10 INTERNATIONAL VISITS

10.1 STUDY TOUR BY NAMIBIAN PUBLIC OFFICE-BEARERS COMMISSION - 04 OCTOBER 2013

10.1.1 Purpose and Background

The Secretariat received a request from the Namibian Commission to visit South Africa for the purpose of benchmarking, learning best practice from the Independent Commission and sharing some ideas. The visit took place on 04 October 2013. The Secretariat was led by Mr P. Makapan; Head of the Secretariat and the Namibian delegation was led by Mr O Muyatwa; the Director of the Namibian Commission. The following were the members of the Namibian Commission who visited South Africa:

- Mr Oscar S Muyatwa – Director
- Ms Ndeshi Hangula-Shikwambi - Administrative Assistant

The Secretariat was represented by the following members:

- Mr PM Makapan – Head of the Secretariat
- Ms M. Mashaba – Remuneration Specialist
- Ms M. Ngubane – Remuneration Specialist

10.1.2 Presentation and Discussion

The Head of Secretariat made a presentation which covered the following topics:

- Legislative mandate
- Composition of the Commission
- Public Office-bearer Positions
- The Constitution
- The Independent Commission for the Remuneration of Public Office-Bearers Act
- Remuneration of Public Office-Bearers Act
- Key principles to be considered in remuneration determination
- Statutory consultation with stakeholders
- The review process
- Commission administration

After the presentation, questions were asked for clarity and further discussions. It was mentioned that the Namibian Commission is relatively new and have only two (2) people providing secretariat support.

10.1.3 Lessons Learned from Namibian Commission

The Commission determines remuneration for 350 PoBs, and the PoBs are classified in terms of professionals. It was also mentioned that in Namibia, the Judicial is not recognized as public office-bearers and the salary of the President is not determined by the Commission but the Cabinet.

The Director of the Namibian Commission thanked the Secretariat for the information presented to them and highlighted that they have learnt a lot and expressed his wishes for continuing relationship with South Africa and stated that he hopes in future there would be a Forum established for African countries on Salaries and Remuneration matters. The Namibian Commission was provided with copies of Commission's annual report.



From left to right :

Mr O.S. Muyatwa, Ms M. Mashaba, Ms N. Hangula-Shikwambi, Mr PM Makapan, Ms M. Ngubane

2013 CALENDAR

JANUARY

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

MARCH

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24	25	26	27	28	29	30
31						

APRIL

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28	29	30				

MAY

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26	27	28	29	30	31	

JUNE

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23	24	25	26	27	28	29
30						

JULY

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28	29	30	31			

AUGUST

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25	26	27	28	29	30	
31						

SEPTEMBER

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28	29	30				

OCTOBER

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27	28	29	30	31		

NOVEMBER

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17	18	19	20	21	22	23
24	25	26	27	28	29	
30						

DECEMBER

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

10.2 ANNEXURES

No.	Item	Page No.
A	Commission Programme for 2013	54 -55
B	Meeting attendance registers	56 - 60

ANNEXURE A: COMMISSION PROGRAMME FOR 2013

DATE	ACTIVITY	VENUE
21 January 2013	Judiciary Sub-Committee Meeting	Protea Hotel Midrand
01 March 2013	Commission Meeting	Kiviets Kroon
02 May 2013	Commission's Induction Workshop	Protea Hotel Saamrand
07 June 2013	Commission Meeting	Continental Hotel: ORT Airport
12 June 2013	Commission Meeting with the Legislative Sector Forum	Cape Town
02 July 2013	Commission meeting with the Department of Traditional Affairs	Penecardia Building Pretoria
15 July 2013	Commission's Special Meeting	Suncoast Hotel Durban
15 July 2013	Local Government and Traditional Leadership Sub-Committee Meeting	Suncoast Hotel Durban
23 July 2013	Commission meeting with the Department of Traditional Affairs	Penecardia Building Pretoria
30 July 2013	Commission meeting with the President: Delivery of the Commission's Annual Report	President's Residence
31 July 2013	Commission Meeting with NCOP Standing Committee	Parliament
14 August 2013	Local Government and Traditional Leadership Sub-Committee Meeting	Southern Sun ORT
21 August 2013	Commission meeting with PWC	PWC offices in Sandton
02 September 2013	Commission meeting with PWC	PWC offices in Sandton
03 September 2013	Commission meeting with BER	Stellenbosch University BER Offices
14 September 2013	Commission Meeting	Protea Hotel Midrand

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26 September 2013	Commission meeting with Andrew Levy Employment	Andrew Levy Offices
03 October 2013	Commission meeting with the Magistrates' Commission	Union Building
04 October 2013	Induction meeting with the Namibian Public Office-bearers Commission	Southern Sun Hotel Arcadia
10 October 2013	Commission meeting with the Mpumalanga House of Traditional Leaders	Mpumalanga House Traditional Leaders
11 October 2013	Commission meeting with the Members of Mpumalanga Provincial Legislature	Mpumalanga Provincial Legislature
18 October 2013	Local Government and Traditional Leadership Sub-Committee Meeting	Southern Sun ORT
23 October 2013	Commission meeting with National Planning Commission	Union Building
29 October 2013	Commission Meeting with the Chief Justice	Sheraton Hotel Pretoria
31 October 2013	Presentation to President on Annual Recommendations	Mahlamba Ndlopfu
14 November 2013	Meeting with National Treasury officials	Union Buildings
22 November 2013	Judiciary Sub-Committee meeting with JOASA	Protea Hotel Midrand
02 December 2013	Meeting with State Attorney	SAAU Building
03 December 2013	Consultation with Semenya SC	Union Building
17 December 2013	Commission meeting with the Presiding Officers	Sheraton Hotel Pretoria

ANNEXURE B: MEETING ATTENDANCE REGISTERS

ATTENDANCE OF COMMISSION MEETINGS IN 2013				
Name	01 Mar	07 June	15 July	14 Sept
Commissioners				
Judge LW Seriti	P	P	NR	A
Dr HMR Bussin	P	P	P	P
Prof P Sithole	P	P	P	P
Dr LW Matlhape	P	P	P	P
Mr C Economou	P	P	P	P
Adv HFN Sephoti	P	P	P	P
Mr GA Matheba	N/A	P	P	P
Secretariat				
Mr PM Makapan	P	P	P	P
Ms D Ranthako	P	P	P	P
Ms ML Ngubane	P	A	P	A
Ms M Mashaba	P	P	P	P
<p>P : PRESENT A: APOLOGY</p> <p>N/A : NOT APPOINTED DURING THAT PERIOD</p> <p>NR : NOT REQUIRED TO ATTEND</p>				

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ATTENDANCE OF STAKEHOLDERS MEETINGS - 2013

JANUARY – SEPTEMBER 2013												
NAME	21 Jan	12 June	02 Jul	15 Jul	23 Jul	30 Jul	31 Jul	14 Aug	21 Aug	02 Sep	03 Sep	26 Sep
Judge LW Seriti	N/R	P	N/R	N/R	N/R	P	N/R	N/R	N/R	N/R	N/R	N/R
Dr HMR Bussin	P	A	N/R	P	N/R	P	A	N/R	N/R	N/R	N/R	N/R
Prof P Sithole	N/R	N/R	N/R	P	N/R	P	N/R	P	N/R	N/R	N/R	N/R
Mr C Economou	N/R	N/R	N/R	P	N/R	P	N/R	N/R	N/R	N/R	N/R	N/R
Adv HFN Sephoti	P	N/R	N/R	P	N/R	A	A	P	N/R	N/R	N/R	N/R
Dr LW Matlhape	P	P	N/R	P	N/R	P	A	N/R	N/R	N/R	P	N/R
Mr GA Matheba	N/R	N/R	N/R	P	N/R	P	P	P	N/R	N/R	N/R	N/R
Mr P Makapan	P	P	A	P	P	P	P	P	P	P	P	A
Ms D Ranthako	P	P	P	P	N/R	N/R	N/R	N/R	P	P	P	P
Ms ML Ngubane	N/R	N/R	P	P	P	N/R	N/R	P	N/R	P	N/R	P
Ms M Mashaba	A	N/R	N/R	P	N/R	N/R	P	N/R	N/R	N/R	N/R	P

OCTOBER- DECEMBER 2013												
NAME	03 Oct	04 Oct	10 Oct	11 Oct	18 Oct	23 Oct	29 Oct	14 Nov	22 Nov	02 Dec	03 Dec	17 Dec
Judge LW Seriti	N/R	N/R	N/R	N/R	N/R	N/R	N/R	N/R	P	N/R	N/R	P
Dr HMR Bussin	A	N/R	N/R	N/R	N/R	N/R	A	N/R	P	N/R	N/R	N/R
Prof P Sithole	N/R	N/R	N/R	N/R	P	N/R	N/R	N/R	N/R	N/R	N/R	N/R
Mr C Economou	N/R	N/R	N/R	N/R	P	N/R	N/R	N/R	N/R	N/R	N/R	N/R
Adv HFN Sephoti	A	N/R	N/R	N/R	P	N/R	P	N/R	A	N/R	N/R	N/R
Dr LW Matlhape	A	N/R	N/R	N/R	N/R	N/R	P	N/R	A	N/R	N/R	N/R
Mr GA Matheba	N/R	N/R	N/R	N/R	P	N/R	N/R	N/R	N/R	N/R	N/R	P
Mr P Makapan	P	P	P	P	P	P	P	P	P	P	P	P
Ms D Ranthako	N/R	N/R	N/R	N/R	N/R	P	N/R	P	N/R	N/R	N/R	N/R
Ms ML Ngubane	P	P	P	P	P	P	N/R	P	N/R	N/R	N/R	N/R
Ms M Mashaba	P	P	N/R	N/R	N/R	P	P	P	P	P	P	N/R

SUBCOMMITTEE MEETINGS 2013

Executive, National Parliament and Provincial Legislature Subcommittee							
Name	Date	Date	Date	Date	Date	Date	Date
	12 June	21 Aug	02 Sep	03 Sep	26 Sep	11 Oct	23 Oct
Judge LW Seriti	P	N/R	N/R	N/R	N/R	N/R	N/R
Mr C Economou	N/R	N/R	N/R	N/R	N/R	N/R	N/R
Dr M Bussin	N/R	N/R	N/R	N/R	N/R	N/R	N/R
Dr LW Matlhape	P	N/R	N/R	P	N/R	N/R	N/R
Mr P Makapan	P	P	P	P	A	P	P
Ms D Ranthako	P	P	P	P	P	N/R	P
Ms M Ngubane	N/R	N/R	P	N/R	P	P	P
Ms M Mashaba	N/R	N/R	N/R	N/R	P	N/R	P
Judiciary Subcommittee							
Name	Date	Date	Date	Date	Date	Date	Date
	21 Jan	31 July	03 Oct	29 Oct	22 Nov	02 Dec	03 Dec
Judge WL Seriti	N/R	N/R	N/R	N/R	P	N/R	N/R
Dr HMR Bussin	P	A	A	A	P	N/R	N/R
Adv HFN Sephoti	P	A	A	P	A	N/R	N/R
Dr LW Matlhape	P	A	A	P	A	N/R	N/R
Mr GA Matheba	N/R	P	N/R	N/R	N/R	N/R	N/R
Ms M Mashaba	A	P	P	P	P	P	P
Mr P Makapan	P	P	P	P	P	P	P
Ms D Ranthako	P	N/R	N/R	N/R	N/R	N/R	N/R
Local Government and Traditional Leaders Subcommittee							
Name	Date	Date	Date	Date	Date	Date	
	02 July	23 July	15 July	14 Aug	10 Oct	18 Oct	
Prof. P Sithole	N/R	N/R	P	P	N/R	P	
Dr LW Matlhape	N/R	N/R	P	N/R	N/R	N/R	
Adv HFN Sephoti	N/R	N/R	P	P	N/R	P	
Mr C. Economou	N/R	N/R	N/R	N/R	N/R	P	
Mr GA Matheba	N/R	N/R	P	P	N/R	P	
Mr P Makapan	A	P	P	P	P	P	
Ms ML Ngubane	P	P	P	P	P	P	
Ms D Ranthako	P	N/R	P	N/R	N/R	N/R	
Ms M Mashaba	N/R	N/R	P	N/R	N/R	N/R	



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