

ANNUAL REPORT - 2014

THE INDEPENDENT COMMISSION
FOR THE REMUNERATION OF PUBLIC OFFICE BEARERS

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 2014 to 31 December 2014.

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 Cagney John Musi
Chairperson

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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 2014, and in generating this Annual Report:

1. The Presidency, for administrative support to the Commission;
2. Neon Printers, 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 2014 to 31 December 2014.

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

In addition to statutory compliance, the Commission further considered the statement of the Monetary Policy Committee issued by the Governor of Reserve Bank, Ms Gill Marcus, on 29 January 2014 indicating that the wage settlement rates, as measured by Andrew Levy Employment Publications, measured 7,9 per cent during 2013. However, according to QES data, growth in nominal remuneration per worker declined from 8,8 per cent in the year to the second quarter of 2013, to 6,6 per cent in the year to the third quarter.

According to the Medium Term Budget Policy Statement of 22 October 2014 by Minister Nhlanhla Nene the consumer price index (CPI), which stayed mostly within the 3 to 6 per cent band over the past four years, rose to 6.4 per cent in August 2014. Headline inflation is expected to return within the target band in the first quarter of 2015, and core inflation is likely to remain close to current levels of 5.8 per cent in 2015.

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 considered to be relevant.

The Commission achieved publication of its Annual Recommendations on cost-of-living adjustment for POBs for the fiscal year 2014/2015 on 29 January 2015.

The Commission was faced with many challenges, amongst others, the pronouncement and readiness on the implementation of the Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act, No. 22 of 2014.

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 deals with, amongst other things, the vision, mission, underlying principles, mandate, history, composition, Commissioners, appointments, roles and functions, and the Secretariat of the Commission.

Chapter 4 deals with the legislative framework within which the Commission operates. The Commission is a statutory body 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 2014 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 2014.

Chapter 10 provides a summary of international engagements 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 2014 is available on the Commission’s website at:

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

3. ABOUT US

3.1 Vision

The Commission envisages independent, transparent, accountable and sustainable determinations of equitable and appropriate total remuneration for all POBs positions in the Republic of South Africa.

3.2 Mission

The Commission strives, inter alia, to make researched recommendations as required in respect of the remuneration of all POBs.

3.3 Underlying Principles

The Commission formulated a set of underlying principles 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

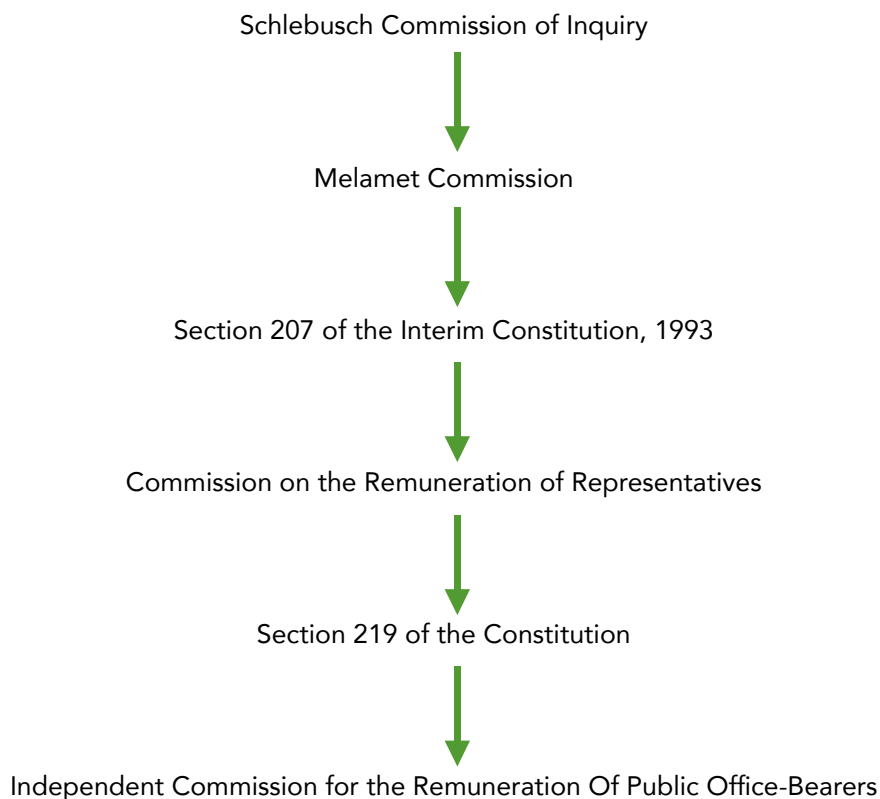
The Commission is a statutory entity established in terms of Section 2 of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 (hereinafter referred to as "the Commission Act").

The Commission obtains its mandate mainly from the following pieces of legislations:

- The Constitution of the Republic of South Africa;
- The Independent Commission for the Remuneration of Public Office-Bearers Act, Act 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 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 POBs.

Chairpersons of the Commission since 1995

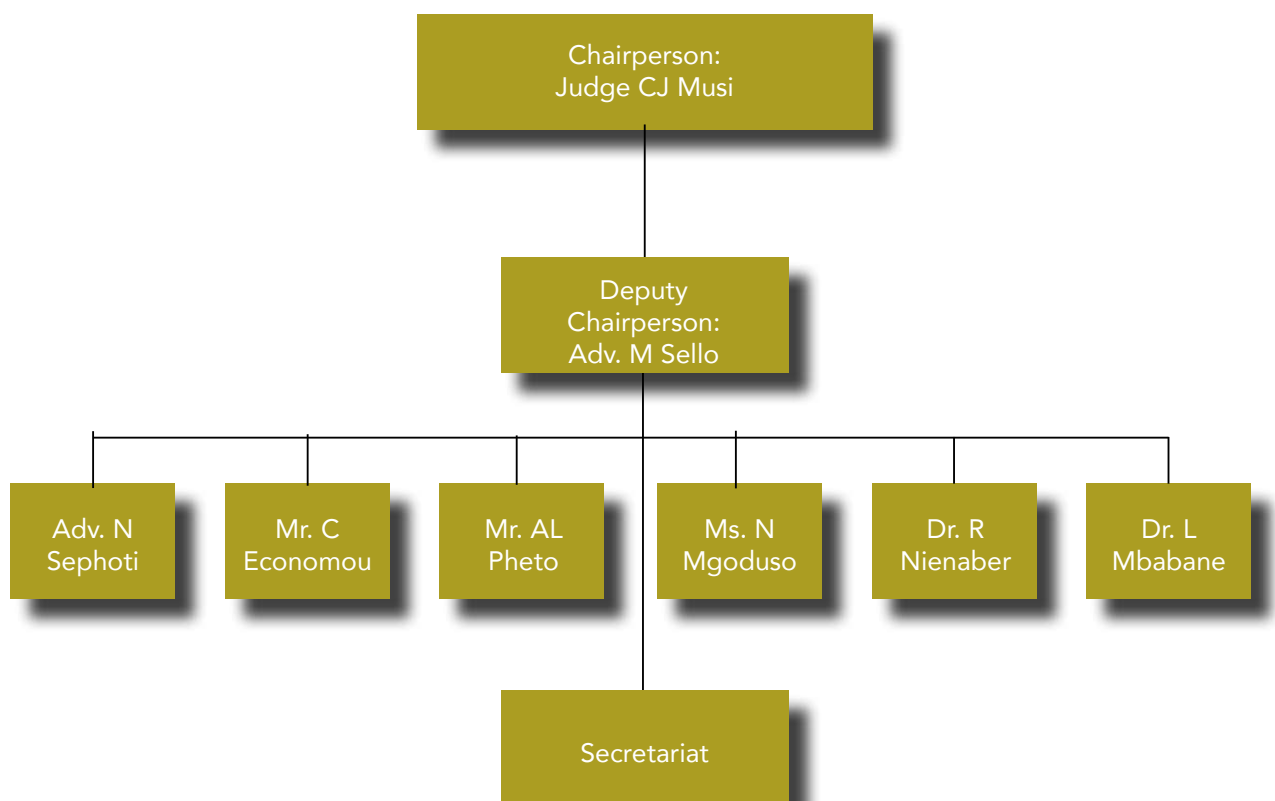
| No | Date of appointment | Name |
|----|------------------------------------|---------------------------------------|
| 1. | 21 April 1995 – 05 April 1998 | Justice HW Levy |
| 2. | 21 August 1998 - 30 April 2000 | Justice JH Steyn |
| 3. | 10 May 2000 -31 March 2004 | Justice RJ Goldstone |
| 4. | 01 April 2004 - 31 March 2009 | Deputy Chief Justice Dikgang Moseneke |
| 5. | 01 September 2009 – 31 August 2014 | Judge LW Seriti |
| 6. | 10 October 2014 – to date | Judge CJ Musi |

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 for 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 CJ Musi
Chairperson

Judge Cagney John Musi is currently a Judge of the High Court Free State, Bloemfontein and a Judge of the Labour Appeal Court. He also sits regularly as an Acting Judge of the Lesotho High Court and the Labour Appeal Court of Lesotho.

He holds the following qualifications: Dipl iuris, BA (Hons) LLB which he obtained from the University of the Western Cape and a LLM which he obtained from the University of Cape Town.

He is an Attorney of the High Court of South Africa. He was a Regional Magistrate from March 1997 to April 2004, District Court Magistrate from February 1992 to March 1997. He also worked as a Public Prosecutor from November 1986 to February 1992.

Judge Musi was a peer facilitator, training magistrates of all ranks on diverse issues such as domestic violence, maintenance, social context (the influence of background, race and gender on judicial decision making), under the auspice of the Law Race and Gender Unit (UCT). He has also trained magistrates under the auspices of the South African Judicial Education Institute (SAJEI).

He was the Deputy Chairperson of Magistrates' Association of SA (Western Cape) from 1993 to 1994; a Member of Executive Committee of the Magistrates' Association of SA from 1994 to 1995. He was a Chairperson of the Judicial Officers' Association of SA (JOASA) (Western Cape) from 2000 to 2001; he was also an Advisory Board Member of the Canada – SA – Justice Linkage Project in 2002.

Judge Musi was the National President of JOASA from 2002 to 2004 and a Board Member of Law, Race and Gender Research Unit (UCT) in 2005. Judge Musi, as President of JOASA, represented the magistracy during the first major review of the salaries, allowances and benefits of POBs.

He was appointed by the President as the Chairperson of the Independent Commission for the Remuneration of POBs on 10 October 2014.



Adv. M Sello
Deputy Chairperson

Adv. Mahlape Sello was appointed as a Deputy Chairperson of the Independent Commission for the Remuneration of POBs on 09 February 2014. She studied Master of Arts and Law in Russia and LLB in Wits.

She is a practising Advocate and a member of the Johannesburg Society of Advocates. She has been in practice since 2003. She serves as the Chairperson of Murray & Roberts Limited and Chairperson of the Advertising Industry Tribunal of the Advertising Standards Authority of South Africa. She is also a member of the South African Law Reform Commission.



Dr R Nienaber
Commissioner

Dr Ronél Nienaber was appointed by the President as a Commissioner to the Independent Commission for the Remuneration of POBs on 10 October 2014. Dr Ronél Nienaber holds a Doctorate in Commerce from the University of Johannesburg, with specialisation in Reward Management. She also holds an M Comm (HR Management) cum laude from the University of Pretoria and is a registered Industrial Psychologist (HPCSA) and certified Global Remuneration Practitioner (GRP) through WorldatWork. Dr Nienaber has more than twenty years of reward experience in financial services and resources companies. She supervises Master's and Doctoral students with their research projects as well as intern psychologists.

She has been a member of the South African Reward Association (SARA) Executive Committee for the past 17 years and received an honorary membership award in recognition for her role in establishing and building SARA. She served as president of the association for three years. She represents SARA at the IoD Remco Forum and was actively involved in the drafting of the reward practice notes supporting the King III Code of Good Governance for SA.

She is currently employed by Sasol, as the Vice President Global Rewards.



Mr C Economou
Commissioner

Mr. Costa Economou was appointed as a Commissioner to the Independent Commission for the Remuneration of POBs on 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. Colourfield is a leading provider of "goals based" 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, Business Development, Sales and Marketing, and also headed up a number of their specialist investment consulting divisions. 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 as well as a CAIA Charterholder, having qualified in 2014.

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 where he is Deputy Chairman and Chairman elect. 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 to the Independent Commission for the Remuneration of POBs 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.



Mr. AL Pheto
Commissioner

Mr. Andrew Lekgotla Pheto was appointed as a Commissioner to the Independent Commission for the Remuneration of POBs on 10 October 2014. He is currently the Special Advisor to Kgosi Pilane of Bakgatla-Ba-Kgafela Traditional Community and Deputy President of Congress of Traditional Leaders of Southern Africa. With more than 25 years working experience, he had occupied several executive positions in the Public Sector. Mr Pheto had a stint with the Legislative Sector as he participated in the establishment of the NCOP and worked as HR Director for the North-West Legislature before joining mainstream public service as Senior Manager in various Departments.

Mr Pheto, who is a Chartered HR Practitioner and Senior OD Consultant served on various Boards including a Water Board, Operating Licencing Board, Minerals-related Boards. He established Bakgatla-Ba-Kgafela Investment Holdings Company wholly owned by the Bakgatla-Ba-Kgafela Traditional Community as Chief Executive Officer. As Special Advisor to the Deputy President of Contralesa, is currently responsible for the corporatisation of the Institution for Traditional Leaders based in Sandhurst, Gauteng.

Mr Pheto holds a B-Com: HRM and B-Com: Industrial Psychology (Hons) from the North- West University, an Executive Leadership Certificate from University of Stellenbosch and Leadership Certificate in Transformation of Public Sector from Wits School of Public Management & Administration.



Ms TN Mgoduso
Commissioner

Ms Thandeka Mgoduso was appointed by the President as a Commissioner to the Independent Remuneration of POBs on 10 October 2014. She holds a Master of Arts degree in Clinical Psychology from Wits University.

After working for a number of years as a Clinical Psychologist, as well as lecturing at Universities in South Africa and overseas, she moved on to the corporate world. She started in financial services (Wesbank) and moved on to the logistics (intermodal) environment (Transnet), as an HR executive as well as in the role of CEO (Freightdynamics).

She remained in the logistics space for twelve years and left to run an investment company in which she was a shareholder/part owner (Ayavuna Women's Investments). Furthermore she has an experience in the mining as well as in the manufacturing sectors.

She started her own company, Jojose Investments, in 2008 and the focus is on Strategic Human Resources, Executive Coaching, Strategy Development, mining and infrastructure development.

Ms Mgoduso has served on a number of boards, both as Chairperson as well as a non executive director. Currently she serves on the South African Reserve Bank (non-exec director and Chair of REMCO), Air Traffic Navigation Services (non-exec director and Chair of REMCO), Tongaat Hulett's (non-exec director and Member of the Risk, SHE and Ethics Committee). She is a non-exec director in and a Chairperson of Jojose Investments.

Furthermore, she worked as a Chairperson of the Road Freight Association and as Deputy Chairman of the National Nuclear Regulator.

3.8 End of terms and 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 Commissioners:

| Name | Designation | Appointment Date |
|-----------------------------|--------------------|------------------|
| Adv. Mahlape Sello | Deputy Chairperson | 09 February 2014 |
| Judge Cagney John Musi | Chairperson | 10 October 2014 |
| Mr. Andrew Lekgotla Pheto | Commissioner | 10 October 2014 |
| Dr Loyiso Mzisi Mbabane | Commissioner | 10 October 2014 |
| Dr Ronél Nienaber | Commissioner | 10 October 2014 |
| Ms Thandeka Nozipho Mgoduso | Commissioner | 10 October 2014 |

The following members have left the Commission in 2014:

| NAME | DESIGNATION | APPOINTMENT DATE | EXPIRY OF TERM OF OFFICE |
|------------------|--------------|-------------------|---|
| Judge LW Seriti | Chairperson | 01 September 2009 | 31 August 2014 |
| Dr. MR Bussin | Commissioner | 27 July 2009 | 26 July 2014 |
| Prof. MP Sithole | Commissioner | 27 July 2009 | 26 July 2014 |
| Mr. LWJ Matlhape | Commissioner | 02 December 2011 | 26 July 2014 (Appointed for unexpired term of Ms. P Buthelezi) |
| Mr GA Matheba | Commissioner | 04 April 2013 | 31 August 2014 (Appointed for unexpired term of Mr. B Mosley-Lefatola) |

3.9 Roles and functions

The role of the Commission is to make recommendations on salaries, allowances and benefits of POBs. The Commission's role is critical as it promotes a democratic society where POBs 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 POBs, 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 POBs 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, research and information work pivotal to the exercise or performance of the Commission's powers and duties.

The Secretariat Structure is as follows:



Head of Secretariat
Mr Peter Makapan



Remuneration
Specialist
Ms Melta Ngubane



Remuneration
Specialist
Ms Dikeledi Ranthako



Remuneration
Specialist
Ms Misaveni Mashaba



Senior Admin Officer
Ms Constance
Masemola



Senior Secretary
Ms Vassie Govender

Ms M Ngubane joined the Secretariat on 01 April 2012 and left on 14 November 2014.

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 purposes of this Act." 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.

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 | 0/1998 |
| 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 POBs. It acknowledges that public trust of and confidence in South African POBs 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 establishes the Commission.

Section 3 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 enquiry 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 POBs;
- the affordability of different levels of remuneration of POBs;
- 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 POBs.

The President subsequently determines the salaries, benefits and allowances of these Public Office Bearers (POBs) after considering:

- the recommendations of the Commission;
- the different roles, status, duties, functions and responsibilities of POBs;
- affordability of different levels of remuneration of POBs;
- 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 POBs.

The President subsequently determines the upper limits of the salaries, benefits and allowances of the POBs.

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 POBs.

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 POBs;
- 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 Correctional Services;
- 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 Commission stakeholders and 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;
- 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 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 member 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 POBs 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.

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 POBs;
- (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.

6. GOVERNANCE

The Independent Commission for the Remuneration of Public Office-Bearers Act, 1997, regulates the operations and governance of the Commission 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.

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.

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's structure was first approved by the Presidency in consultation with the Commission on 16 October 2007, on condition that the structure will be assessed after a period of time to see whether the structure meets the required needs or not.

In assessing the Secretariat structure, the Commission had more in-depth deliberations on required human resources and resolved that all the positions of the Secretariat should be translated to permanent positions and the structure be expanded in order to adequately fulfill its mandate.

Some of the reasons that led to above resolution are:

- The extension of the mandate of the Commission, by increasing POBs positions;
- Cabinet's decision of 07 November 2012, that the Commission be involved in the determination of the remuneration, allowances and related terms and conditions of employment of members of Constitutional Institutions (Chapter 9 Institutions) and the Commission be strengthened to deal with the increasing scope of work;
- Expectation among Chapter 9 institutions about the implementation of the Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act as approved by the President on 02 June 2014;
- Constant submissions from stakeholders, public interest in the Commission mandate that require media liaison;
- Research and information services capacity required;
- Compliance and stakeholder assistance on the Commission's recommendations and President determinations;
- Staff turnover caused by the nature of appointments within the Secretariat; and
- Preservation of the Commission's (institutional) memory.

The Commission requested adequate human and financial resources from the Presidency since July 2011, by proposing the desired Secretariat structure that will enable the Commission to render its constitutional and statutory mandate efficiently, effectively and with the required measures of independence, professionalism and continuance. The Commission proposed a structure which was approved by the Presidency Director-General on 27 March 2014 subject to job evaluations. Funding has however not been approved.

7. OUTPUTS ON 2014/15 STRATEGIC OBJECTIVES AND STATUTORY OBLIGATIONS

7.1 Strategic objectives and statutory obligations

- To conduct inquiry into any matter in respect of which the Commission is authorized by relevant legal provisions;
- To make annual recommendations concerning the salaries, allowances and benefits of POBs
- To submit an Annual Report to the President;
- To investigate and consider any specific matter relating to the salaries, allowances, and benefits of POBs on request by the President or any other stakeholders;
- Exercise good governance and planning ;
- Stakeholder management;
- Sustainable administration and resources.

7.1.1 To conduct an inquiry into any matter in respect of which the Commission is authorized by relevant act(s)

| KEY PERFORMANCE ACTIVITY | INDICATORS | COMMENTS |
|--|--|---|
| Investigation into performance based pay | Research and benchmarking on the subject | The activity was not achieved because of inadequate resources and deferred due to the end of the term of other Commissioners |
| | Closer liaison with relevant Department/Stakeholders | The Commission will pursue, investigate and assess whether the project should be implemented, and thereafter engage its stakeholders to test whether the performance-based pay project is worth doing |
| | International visit for fact findings missions | Relevant institutions will be engaged and the Commission will continue with performance based pay research |
| Review of local government remuneration | Secured budget from the Presidency Finalization of a tender evaluation and adjudication for the project Appointment of a Service Provider Management of the project | The service provider was identified and appointed for the project. The project will be implemented during 2015 and finalized in January 2016 |
| Pension and medical aid of Magistrates | Investigated the matter by assessing the previous recommendation | The Commission met with the DG of Justice on 24 May 2012 and received the report on 02 October 2012 The Commission received response from the Minister dated 02 September 2013 indicating that they had consultation with PARMED on the matter The Department of Justice and Correctional Services is dealing with the matter |
| Fourth Major Review | Preparation for the reviewing of salaries, allowances, benefits and tools of trade of all POBs | The Commission assessed a need for a review from stakeholders' submission and noted their concerns on the major review and alignment of their submission on historical factors Terms of reference for the review will be drafted and a phase-in approach guided by the categorization of POBs positions will be adopted for implementation of the project due to the availability of funds |

7.1.2 To make annual recommendations concerning the salaries, allowances and benefits of POB

| KEY PERFORMANCE ACTIVITY | INDICATORS | COMMENTS |
|--|---|--|
| Research in line with best practices and benchmarking | <p>Identify comparative research data and sources</p> <p>Establish & maintain relationships with international entities to ensure continued information sharing</p> <p>Conduct research on developments in comparable remuneration practices internationally</p> <p>Secretariat research report</p> <p>Commission inputs and discussion</p> <p>Commission final report on the subject</p> <p>Justifiable, transparent and fair recommendations</p> <p>Recommendations that are in line with international best practice and trends</p> <p>Conduct job grading for Principal Traditional Leadership position</p> | <p>Recommendations for 2014-15 achieved</p> <p>Recommendations for Principal Traditional Leadership position is still outstanding and will be pursued during 2015</p> |
| Independence, reputation and credibility of the Commission | <p>Public understanding and acceptance of independence requirements</p> <p>Independent Commission activities</p> <p>Strict independence ethics and practices</p> <p>Reports of threats to independence</p> | <p>The achievement depends on the amendment of the Commission legislation(s) that the Commission proposed and consideration of the legal opinion received</p> <p>Presidency is liaising with Department of Justice and Correctional Services for amendment</p> |
| Effective stakeholder communication | <p>Stakeholders engagement plan</p> <p>Statutory consultation</p> <p>Extension of consultation to other POBs</p> <p>Submission of recommendations to the President</p> <p>Submission of recommendations to National Parliament and NCOP</p> <p>Press conference</p> <p>Publishing of recommendations in Government Gazette</p> | <p>The Communication and Engagement strategies were maintained</p> <p>Commission consulted with stakeholders during 2014/2015 annual recommendation and published its recommendations</p> |

7.1.3 To submit annual report to the President

| KEY PERFORMANCE ACTIVITY | INDICATORS | COMMENTS |
|--|---|---|
| Timeous project plan in place | Secretariat draft annual report | 2013 Annual Report was submitted to the President, tabled in Parliament and distributed to stakeholders |
| Compliance with stipulated time frames in terms of legislation | Inputs and discussion by Commission | |
| Motivated, comprehensive and factual reporting | Finalization and printing of Annual Report | |
| | Submission to President | |
| | Circulation to main stakeholders | |
| | Broadcasting of Annual Report on Commission website | |

7.1.4 To investigate and consider any specific matter relating to the salaries, allowances, and benefits of POB on request by the President or any other stakeholders

| KEY PERFORMANCE ACTIVITY | INDICATORS | COMMENTS |
|--|--|--|
| Establish check list to ensure that we give effect to our mandate | Assessment of implementation of Commission Major Reports and President determinations | The Commission was informed that the Department of Cogta is in the process of implementing the President's determinations of pension and medical aid benefits of Traditional Leaders |
| Ensure follow up mechanisms on recommendations made | Headmen/Headwomen remuneration was recommended – (Awaiting for implementation by stakeholders) | |
| Establish a tracking mechanism to follow up on recommendations | Liaising with relevant Authorities for implementation of the President determination | The Commission will pursue investigation for rationale parity relating to the Public Office Bearers (POBs) positions |
| Investigation into the implementation of pension benefits of Traditional Leaders | Commission report to stakeholders | |
| Investigation for Constitutional (Rationale) parity relating to the POBs positions | | |

7.1.5 Exercise good governance and planning

| KEY PERFORMANCE ACTIVITY | INDICATORS | COMMENTS |
|--|--|---|
| Recruitment and Induction of new Commissioners | Assisting the Presidency with the recruitment and induction of new Commissioners | President appointed new Commissioners in October 2014 and Secretariat organized their induction during the same month |
| Ensure proper annual planning | Provide Presidency with a clear annual programme of the Commission | The Commission formulated its strategic plan during its workshop held on 16 – 17 January 2014 The Secretariat Operational Plan that incorporates the Commission strategy was forwarded to the Presidency |
| Commission performance evaluation and its value add | Effective and efficient management of the Commission Monitor and provide reports on Commission achievements Commission meetings to be held at the agreed dates Optimal attendance of meetings and participation therein | The Chairperson managed the activities of the Commission with the assistance of the Head of Secretariat |
| Ensure compliance with legislative prescripts and acceptable standards | Strict compliance with all statutory and policy requirements | The Commission is complying on its mandate with the assistance of the Secretariat |

7.1.6 Stakeholder management

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

The Commission interacted with various stakeholders from POBs 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 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.

| KEY PERFORMANCE ACTIVITY | INDICATORS | COMMENTS |
|--|---|--|
| Effective stakeholder engagement plan | Timely communication with stakeholders | Statutory consultation on recommendations were done and stakeholders enquiries were dealt with |
| Clear communication strategy | Adopted Commission Communication strategy | |
| Comprehensive stakeholder mapping | Stakeholder mapping document | |
| Effective Reputation/ image management | Stakeholder database and contacts | Communications guided be adopted Engagement & Communication strategies |
| | Distribution of regular communiqués to all stakeholder groups | |
| | Establish and maintain nodal points for communication with stakeholder groups | Relevant information broadcasted on Commission Website |
| | Press conferences / statements / Communiqués | |
| | Website Maintenance | Secretariat is maintaining database and contacts of stakeholders |
| | Publication of reports in Gazette | |
| | Compiling of quarterly newsletter and broadcast through the website | |

7.1.7 Sustainable administration and resources

| KEY PERFORMANCE ACTIVITY | INDICATORS | COMMENTS |
|---|--|--|
| Recruitment and retention of qualified support staff to the Commission | Submission on optimal permanent composition of Secretariat and appointment process | Submission on the required human resource capacity forwarded to the Presidency Awaiting response from the Presidency on the implementation of the new structure |
| Ensure adequate resources to action the strategic focus of the Commission | Effective resource support to Commission | Submission forwarded to the Presidency on required resources |
| | Effective resource support to the Secretariat | Awaiting response from the Presidency on required resources |
| Maintain a comprehensive intelligence management capability | Maintenance of document management | Secretariat maintained the Commission documents / records |

7.1.8 Key outstanding issues

The following were main outstanding issues for the Commission:

| |
|---|
| LOCAL GOVERNMENT |
| <ul style="list-style-type: none"> Local government review – The project will be finalized at the end of January 2016 |
| TRADITIONAL LEADERS |
| <ul style="list-style-type: none"> Implementation of pension and medical aid determination – The matter was removed from the Commission's strategic plan because Department of Cogta and National Treasury are dealing with it |
| MAGISTRATES |
| <ul style="list-style-type: none"> Investigation of pension fund and medical aid for Magistrates – A letter will be send to Magistrates informing them of the report received from Department, and a letter will also be send to the Department requesting it to deal with these recurring matter from the Magistrates |

7.2 Key outputs

7.2.1 Annual Cost-of-Living Adjustments for 2014/2015

The Commission, after considering all relevant factors and the applicable legislations, recommended a cost-of-living adjustment on a sliding scale of 5% adjustment for public office bearers earning more than R 1 000 000 and 6% for POBs earning less than R 1 000 000 with effect from 01 April 2014.

7.3 Challenges

7.3.1 Implementation of the Determination of Remuneration of Office Bearers of Independent Constitutional Laws Amendment Act, No. 22 of 2014.

On 07 November 2012 the Cabinet decided that the Commission be involved in the determination of the remuneration, allowances and related terms and conditions of employment of members of Constitutional Institutions (Chapter 9 Institutions) and the Commission be strengthened to deal with the increasing scope of work.

The President approved the Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014 (Act No. 22 of 2014) ("the Act") on 02 June 2014 to effect the above.

The Commission updated the Presidency and the Minister of Justice and Correctional Services on its challenges relating to the pronouncement and readiness for implementation of the Determination of Remuneration of Office-Bearers of Independent Constitutional Laws Amendment Act, 2014 ("the Amendment Act").

8. THE COMMISSION'S PROGRAMME FOR THE YEAR 2014

A schedule of the Commission's programme of meetings for 2014 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 2014 is reflected in the register attached as Annexure B.



9. ANNUAL RECOMMENDATIONS FOR 2014 /2015

The Commission delivered its Annual Recommendations to the President on the 28 November 2014. The recommendations included the cost-of-living adjustment on a sliding scale for all POBs.

The recommendations were further delivered to the Speaker of Parliament and Chairperson of NCOP on 28 January 2015. The recommendations were published in the Government Gazette No. 38433 on 29 January 2015 and further released to the public through the GCIS as a press statement.

9.1 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 POBs to enable them to perform their respective duties effectively.

The Commission in their meetings of 09 May 2014 and 19 July 2014 resolved to make the annual remuneration recommendations of POBs for 2014/2015 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;
- The level of the Consumer Price Index (CPI) and its forecast;
- Market salary increase during the past year;
- Forecasted salary increase for the year ahead;
- Economic and social environment;
- The Past recommendations together with the President's determinations;
- The inputs from key stakeholders in terms of the mandatory consultation requirements

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 POBs. The Commission after taking into account all relevant factors and the applicable legislations is proposing a 5% adjustment for public office bearers earning more than R 1 000 000 per annum and 6% for POBs earning less than R 1 000 000 per annum.

The Commission attaches its recommendations, which reflect the annual adjustment for all POBs for the 2014/2015 fiscal year. (Schedule1-7)

**SCHEDULE 1
REMUNERATION LEVELS WITH EFFECT 01 APRIL 2014
NATIONAL EXECUTIVE AND DEPUTY MINISTERS**

| GRADE | PAY LEVEL | POSITION | 01-Apr-13 | 01-Apr-14 |
|-------|-----------|------------------|-----------|-----------|
| EA | 1 | President | 2 622 561 | 2 753 689 |
| EB | 1 | Deputy President | 2 478 378 | 2 602 297 |
| EC | 1 | Minister | 2 106 607 | 2 211 937 |
| ED | 1 | Deputy Minister | 1 734 835 | 1 821 577 |

**SCHEDULE 2
REMUNERATION LEVELS WITH EFFECT 01 APRIL 2014
MEMBERS OF PARLIAMENT**

| GRADE | PAY LEVEL | POSITION | 01-Apr-13 | 01-Apr-14 |
|-------|-----------|--|-----------|-----------|
| PA | 1 | Speaker: National Assembly | 2 478 378 | 2 602 297 |
| | | Chairperson: NCOP | 2 478 378 | 2 602 297 |
| PB | 1 | Deputy Speaker: National Assembly | 1 734 835 | 1 821 577 |
| | | Deputy Chairperson: NCOP | 1 734 835 | 1 821 577 |
| | 2 | House Chairperson | 1 610 960 | 1 691 508 |
| PC | 1 | Chief Whip: Majority Party | 1 363 064 | 1 431 218 |
| | 1 | Chief Whip: NCOP | 1 363 064 | 1 431 218 |
| | | Parliamentary Counsellor: President | 1 363 064 | 1 431 218 |
| | | Parliamentary Counsellor: Deputy President | 1 363 064 | 1 431 218 |
| | | Leader of Opposition | 1 363 064 | 1 431 218 |
| | 2 | Chairperson of a Committee | 1 239 189 | 1 301 148 |
| PD | 1 | Deputy Chief Whip: Majority Party | 1 115 314 | 1 171 079 |
| | | Chief Whip: Largest Minority Party | 1 115 314 | 1 171 079 |
| | | Leader of a Minority Party | 1 115 314 | 1 171 079 |
| | 2 | Whip | 1 034 954 | 1 086 702 |
| PE | 1 | Member: National Assembly | 933 852 | 989 883 |
| | | Permanent Delegate: NCOP | 933 852 | 989 883 |

| SCHEDULE 3 REMUNERATION LEVELS WITH EFFECT 01 APRIL 2014 PROVINCIAL EXECUTIVES AND LEGISLATURES | | | | |
|---|-----------|------------------------------------|-----------|-----------|
| GRADE | PAY LEVEL | POSITION | 01-Apr-13 | 01-Apr-14 |
| LA | 1 | Premier | 1 982 731 | 2 081 868 |
| LB | 1 | Member of Executive Council | 1 734 835 | 1 821 577 |
| | | Speaker | 1 734 835 | 1 821 577 |
| LC | 1 | Deputy Speaker | 1 363 064 | 1 431 218 |
| | | Chief Whip: Majority Party | 1 239 189 | 1 301 148 |
| | 2 | Chairperson of Committees | 1 115 314 | 1 171 080 |
| | | Leader of Opposition | 1 115 314 | 1 171 080 |
| | | Chairperson of a Committee | 1 115 314 | 1 171 080 |
| | 3 | Deputy Chairperson of Committees | 1 049 314 | 1 101 780 |
| | | Deputy Chief Whip: Majority Party | 1 049 314 | 1 101 780 |
| | | Chief Whip: Largest Minority Party | 1 049 314 | 1 101 780 |
| | | Leader of a Minority Party | 1 049 314 | 1 101 780 |
| LD | 1 | Parliamentary Counsellor to a King | 933 852 | 989 883 |
| | | Whip | 933 852 | 989 883 |
| | 2 | Member of Provincial Legislature | 903 826 | 958 056 |

| SCHEDULE 4 REMUNERATION LEVELS WITH EFFECT 01 JULY 2014 LOCAL GOVERNMENT | | | | |
|--|-----------|-------------------------------|-----------|-----------|
| GRADE | PAY LEVEL | POSITION | 01-Apr-13 | 01-Apr-14 |
| MA | 1 | Executive Mayor | 1 097 907 | 1 152 803 |
| | | Mayor | 1 097 907 | 1 152 803 |
| MB | 1 | Deputy Executive Mayor | 889 901 | 943 295 |
| | | Speaker/Chairperson | 889 901 | 943 295 |
| | | Deputy Mayor | 889 901 | 943 295 |
| MC | 2 | Member of Executive Committee | 837 972 | 888 250 |
| | | Member of Mayoral Committee | 837 972 | 888 250 |
| | | Chairperson of a Sub-council | 837 972 | 888 250 |
| | | Whip | 837 972 | 888 250 |
| MD | 1 | Municipal Councillor | 421 960 | 447 277 |

SCHEDULE 5
REMUNERATION LEVELS WITH EFFECT 01 APRIL 2014
JUDGES

| GRADE | PAY LEVEL | POSITION | 01-Apr-13 | 01-Apr-14 |
|-------|-----------|---|-----------|-----------|
| JA | 1 | Chief Justice | 2 478 378 | 2 602 297 |
| JB | 1 | Deputy Chief Justice | 2 230 482 | 2 342 006 |
| | | President: Supreme Court of Appeal | 2 230 482 | 2 342 006 |
| JC | 1 | Deputy President: Supreme Court of Appeal | 2 106 607 | 2 211 937 |
| | 2 | Judge: Constitutional Court | 1 982 731 | 2 081 868 |
| | | Judge: Supreme Court of Appeal | 1 982 731 | 2 081 868 |
| | 3 | Judge President: High/Labour Court | 1 858 856 | 1 951 799 |
| | 4 | Deputy Judge President: High/Labour Court | 1 734 835 | 1 821 577 |
| | 5 | Judge: High/Labour Court | 1 610 960 | 1 691 508 |

SCHEDULE 6
REMUNERATION LEVELS WITH EFFECT 01 APRIL 2014
MAGISTRATES

| GRADE | PAY LEVEL | POSITION | 01-Apr-13 | 01-Apr-14 |
|-------|-----------|--------------------------------|-----------|-----------|
| JD | 1 | Special Grade Chief Magistrate | 1 115 314 | 1 171 079 |
| | | Regional Court President | 1 115 314 | 1 171 079 |
| JE | 1 | Regional Magistrate | 991 293 | 1 050 771 |
| | | Chief Magistrate | 991 293 | 1 050 771 |
| JF | 1 | Senior Magistrate | 817 810 | 866 878 |
| JG | 1 | Magistrate | 743 542 | 788 155 |

**SCHEDULE 7
REMUNERATION LEVELS WITH EFFECT 01 APRIL 2014
TRADITIONAL LEADERS**

| GRADE | PAY LEVEL | FULL TIME POSITIONS | 01-Apr-13 | 01-Apr-14 |
|-------|-----------|------------------------------------|---------------------------|-------------------------------|
| TA | 1 | King | 1 027 237 | 1 078 599 |
| TB | 1 | Chairperson: NHTL | 727 877 | 771 549 |
| | 2 | Full time Chairperson: PHTL | 599 505 | 635 475 |
| | 3 | Deputy Chairperson: NHTL | 556 714 | 590 117 |
| | 4 | Full time Deputy Chairperson: PHTL | 513 778 | 544 605 |
| TC | 1 | Full time Member: NHTL | 299 680 | 317 661 |
| | 2 | Full time Member: PHTL | 256 889 | 272 302 |
| TD | 1 | Senior Traditional Leader | 188 424 | 199 729 |
| TE | 1 | Headmen / Headwomen | 79 364 | 84 125 |
| | | | | |
| | | PART TIME POSITIONS* | 1 APRIL 2013 (Per Day) | 01 APRIL 2014 (Per Day) |
| | | Part time Member: NHTL | 1 079 | 1 144 |
| | | Part time Chairperson: PHTL | 1 284 | 1 361 |
| | | Part time Deputy Chairperson: PHTL | 1 155 | 1 224 |
| | | Part time Member: PHTL | 895 | 949 |

* 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)

9.2 Proclamations for remuneration recommendations and determinations

| Gazette No. | Date | Proclamation No. | Contents |
|-------------|------------------|------------------|--|
| 37828 | 11 July 2014 | 46 | Determination of salaries, allowances and benefits of the Traditional Leaders, Members of the National House and Provincial House of Traditional Leaders |
| 38433 | 29 January 2015 | 58 | Explanatory Memorandum for Annual Remuneration Recommendations for 2014/2015 |
| 38470 | 13 February 2015 | 3 | Determination of salaries and allowances of the Deputy President, Ministers and Deputy Ministers |
| | | 4 | Determination of salaries and allowances of the National Assembly and Permanent delegates to the National Council of Provinces |
| | | 5 | Determination of the upper limit of salaries and allowances of Premiers, Members of the Executive Councils and Members of the Provincial Legislatures |
| 38568 | 13 March 2015 | 12 | Remuneration of Constitutional Court Judges and Judges |
| | | 13 | Determination of remuneration of Magistrates |
| | | 14 | Determination of salaries and allowances of the Traditional Leaders, Members of the National House and Provincial Houses of Traditional Leaders |
| 38608 | 25 March 2015 | 243 | Final Notice on upper limits of Councilors |

10. INTERNATIONAL VISITS

10.1 WorldatWork Society Total Rewards Conference and Exhibition in Dallas, U.S.A.

The Commission represented by Judge W Seriti, Mr C Economou, Adv. N Sephoti and Mr PM Makapan attended the WorldatWork Society Total Rewards Conference and Exhibition held in Dallas, USA from the 19th to 21st of May 2014.

The WorldatWork Society is a non-profit human resources association for professionals and organizations focused on compensation, benefits, work-life effectiveness and total rewards. It is recognized globally as a professional association since 1976 with more than 65,000 members subscribed worldwide and 95% of Fortune 500 companies employ a WorldatWork Society member.

The WorldatWork Society provides comprehensive education, research, advocacy, career enhancement for human resources professionals (especially remuneration experts) and certifications that are highly valued by employers and other stakeholders who rely upon them, conveying excellence in the field and true dedication to the profession.

10.1.1 Objective of the Conference

The objective of the attendance of the conference was to enhance and improve delegates' understanding and awareness on latest international trends that impact on remuneration practices which serve as the main component of human resources strategy of organizations and countries that the Commission is normally benchmarking with on its mandate of recommending remuneration for POBs.

The main theme of the conference was "Innovate now and impact tomorrow". The conference targeted the reward practitioners and professionals to seize competent leaders and equipped attendees with strategies and tactics on dealing with management issues that would be transferred to organizations to enhance subordinates performance to its optimal and exposure to latest trends on reward and related matters.

10.1.2 Conference Program and Participation

The WorldatWork conference program covered all aspects of total rewards strategies, including compensation, sales compensation, executive compensation, benefits (life, pensions, medical and other) and work-life, and tech demos on remuneration matters. The conference sessions were structured over a period of three days along the following themes:

- Total Rewards;
- Compensation;
- Sales Compensation;
- Executive Compensation;
- Benefits/Work life;
- Tech Demos on remuneration matters.

11. ANNEXURES

| No. | Item | Page No. |
|-----|-------------------------------|-----------|
| A | Commission Programme for 2014 | 40 |
| B | Meeting attendance registers | 41 and 42 |

ANNEXURE A: COMMISSION PROGRAMME FOR 2014

| DATE | ACTIVITY | VENUE |
|-------------------|--|--|
| 01 February 2014 | Commission Meeting | Protea Hotel- Midrand |
| 08 February 2014 | Meeting with Legislative Sector Forum | Intercontinental Hotel- OR Tambo Airport |
| 10 February 2014 | Meeting with Parliament Administration and POBPF Actuaries | Parliament- Cape Town |
| 13 March 2014 | Meeting with the Local Govt and Traditional Leaders | Zimbali Lodge- KZN |
| 14 March 2014 | Meeting with National Treasury | Zimbali Lodge-KZN |
| 14 March 2014 | Commission Strategic Planning | Zimbali Lodge- KZN |
| 09 May 2014 | Commission Meeting | Southern Sun – Pretoria |
| 26 June 2014 | Commission's meeting with the POBPF Board | Alexander Forbes |
| 26 June 2014 | Commission's Special meeting | 15 on Orange |
| 19 July 2014 | Commission Meeting | Sun-City Resort |
| 28 August 2014 | Meeting with the Deputy President | Union Buildings |
| 29 August 2014 | Meeting with the Minister of Justice and Correctional Services | Salu Building: Department of Justice & Correctional Services |
| 17 September 2014 | Tender Evaluation Meeting | Proes Building |
| 31 October 2014 | Commission's Induction Meeting | Kievits Kroon |
| 21 November 2014 | Commission Meeting | Southern Sun- OR Tambo |
| 26 November 2014 | Commission's Teleconference Meeting | Union Buildings/telecon |
| 28 November 2014 | Commission's meeting with the President | Mahlamba Ndlopfu |

ANNEXURE B: MEETING ATTENDANCE REGISTERS

ATTENDANCE OF COMMISSION MEETINGS IN 2014

| Name | 1-Feb | 14-Mar | 9-May | 26-Jun | 19-Jul | 31-Oct | 21-Nov | 26-Nov |
|----------------------|-------|--------|-------|--------|--------|--------|--------|--------|
| Commissioners | | | | | | | | |
| Judge LW Seriti | P | P | P | P | A | NR | NR | NR |
| Adv. M Sello | NR | P | P | A | P | A | A | A |
| Dr MR Bussin | P | P | P | A | P | NR | NR | NR |
| Prof P Sithole | P | P | P | P | P | NR | NR | NR |
| Mr C Economou | P | P | P | P | P | P | P | P |
| Ms HFN Sephoti | P | A | P | P | P | P | A | P |
| Mr LW Matihape | P | P | P | P | P | NR | NR | NR |
| Mr GA Matheba | P | P | P | P | P | NR | NR | NR |
| Judge CJ Musi | N/A | N/A | N/A | N/A | N/A | P | P | P |
| Dr R Nienaber | N/A | N/A | N/A | N/A | N/A | P | P | P |
| Dr Loyiso Mbabane | N/A | N/A | N/A | N/A | N/A | P | P | P |
| Mr AL Pheto | N/A | N/A | N/A | N/A | N/A | P | P | P |
| Ms TN Mgoduso | N/A | N/A | N/A | N/A | N/A | A | P | P |
| Secretariat | | | | | | | | |
| Mr PM Makapan | P | P | P | P | P | P | P | P |
| Ms D Ranthako | P | A | P | P | P | A | A | A |
| Ms ML Ngubane | A | P | P | P | A | P | NR | NR |
| Ms M Mashaba | P | P | A | A | A | P | P | P |
| | | | | | | | | |
| | | | | | | | | |

P: PRESENT A: APOLOGY N/A: NOT APPOINTED DURING THAT PERIOD NR: NOT REQUIRED TO ATTEND

ATTENDANCE OF STAKEHOLDERS MEETINGS – 2014

| JANUARY – DECEMBER 2014 | | | | | | | | | | |
|-------------------------|-------|--------|--------|--------|--------|--------|--------|--------|-----|---|
| Name | 8-Feb | 10-Feb | 13-Mar | 14-Mar | 26-Jun | 28-Aug | 29-Aug | 28-Nov | | |
| Judge LW Seriti | P | | | P | P | P | | P | | P |
| Adv. M Sello | | | | P | | P | P | | | |
| Dr MR Bussin | | | | P | | P | | | | |
| Dr P Sithole | | | P | P | | NR | | P | | P |
| Mr C Economou | P | | P | P | P | | | P | | P |
| Ms HFN Sephoti | | | A | A | P | P | P | | | P |
| Mr GA Matheba | | | P | P | P | P | P | | | |
| Mr LW Mathape | P | | P | P | P | P | P | | | |
| Judge CJ Musi | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | P |
| Dr R Nienaber | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | P |
| Dr L Mbabane | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | P |
| Mr AL Pheto | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | P |
| Ms TN Mgoduso | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | P |
| Mr P Makapan | P | P | P | P | P | P | P | P | P | P |
| Ms D Ranthako | | | | A | | | | | | |
| Ms ML Ngubane | P | P | P | P | P | | | | | |
| Ms M Mashaba | | | | P | | | P | | P | P |



The Independent Commission
For The Remuneration Of
Public Office Bearers

The Presidency
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Pretoria