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## 1. ACKNOWLEDGEMENT

The Secretariat would like to express its gratitude to persons and institutions that made significant contribution to the establishment and functioning of the Commission.

## 2. PREFACES

The Handbook provides an in depth overview of the Independent Commission for the Remuneration of Public Office Bearers("the Commission") activities from 2008 to 2013.

The aforementioned period has seen changes within the Commission's leadership which had positive effect on the business activities of the Commission.

The preface also provides an understanding amongst other things, an understanding of the Commission, its history, mandate, roles, composition and functions.

During 2007 the Commission embarked on reviewing the remuneration structure of public office bearers because it felt that old notch system was outmoded and needed to be abolished and be replaced with a system that is fair, equitable and flexible. The Commission also conducted a desktop research and made provincial visits on how tools of trade of POBs in African and international countries are being provided and managed.

The first and second major reviews were endorsed by the President and implemented during 2008/2009.

In 2008 the Commission made recommendations regarding the risk, pension and medical aid benefit of certain traditional leaders, i.e. full-time members of the National House and Provincial House of Traditional Leaders can join the Political Office Bearers Pension Fund (POBPF).

From 2009 the Commission started recommending the annual increases on cost-of-living-adjustment(COLA) for POBs. The Commission also made recommendations for the former President for his pension benefits and tools of trade to affected stakeholders.

The Commission seeks to be seen independent in making recommendations; i.e. when making recommendations it considers factors which are embedded in the legislation which the first major review endorsed.

## 3. 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.

## 4. MISSION

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

## 5. 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

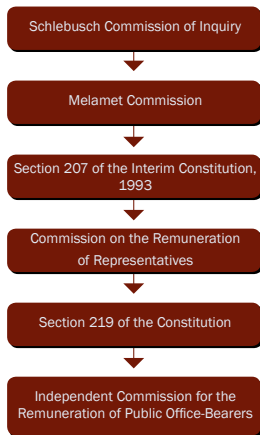
## 6. MANDATE

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, Act 108 of 1996
- 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

## 7. 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

## 8. COMPOSITION OF THE COMMISSION

**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.

**SECTION 4** provides for the type of persons who can be appointed as a member of the Commission;

**SECTION 5** provides for the President to determine the conditions of appointment, term of office and filling of vacancies; and

**SECTION 6** provides for vacation of office by commissioners.

Below tables reflect the names of past Commissioners since 2004:

### 2004

NAME	DESIGNATION	APPOINTMENT DATE	EXPIRY OF TERM OF OFFICE
Deputy Chief Justice Dikgang Moseneke	Chairperson	01 April 2004	31 March 2009
Mr E Molobi	Deputy Chairperson	01 July 2003	08 November 2005
Dr ATM Mokgokong	Member	17 March 2004	23 November 2005
Mr D Smith	Member	01 July 2003	08 November 2005
Dr FA Sonn	Member	17 March 2004	16 March 2009
Mr L Taunyane	Member	01 July 2003	30 November 2004
Mr ML Ndlovu	Member	17 March 2004	16 March 2009

# 2013 COMMISSION HANDBOOK

## 2005

NAME	DESIGNATION	APPOINTMENT DATE	EXPIRY OF TERM OF OFFICE
Deputy Chief Justice Dikgang Moseneke	Chairperson	01 April 2004	31 March 2009
Mr E Molobi	Deputy Chairperson	09 November 2000	08 November 2005
Dr ATM Mokgokong	Member	17 March 2004	23 November 2005
	Deputy Chairperson	24 November 2005	16 March 2009
Mr D Smith	Member	09 November 2000	08 November 2005
Dr FA Sonn	Member	17 March 2004	16 March 2009
Mr ML Ndlovu	Member	17 March 2004	16 March 2009
Dr SM Motsuenyane	Member	24 November 2005	23 November 2010
Ms AM Mokgabudi	Member	24 November 2005	23 November 2010
Mr R Martin	Member	24 November 2005	23 November 2010

## 2006

NAME	DESIGNATION	APPOINTMENT DATE	EXPIRY OF TERM OF OFFICE
Deputy Chief Justice Dikgang Moseneke	Chairperson	01 April 2004	31 March 2009
Dr ATM Mokgokong	Member	17 March 2004	23 November 2005
	Deputy Chairperson	24 November 2005	16 March 2009
Dr FA Sonn	Member	17 March 2004	16 March 2009
Mr ML Ndlovu	Member	17 March 2004	16 March 2009
Dr SM Motsuenyane	Member	24 November 2005	23 November 2010
Ms AM Mokgabudi	Member	24 November 2004	23 November 2010
Mr R Martin	Member	24 November 2005	23 November 2010
Ms N Newton-King	Member	10 March 2006	09 March 2011

# 2013 COMMISSION HANDBOOK

## 2007

NAME	DESIGNATION	APPOINTMENT DATE	EXPIRY OF TERM OF OFFICE
Deputy Chief Justice Dikgang Moseneke	Chairperson	01 April 2004	31 March 2009
Dr ATM Mokgokong	Member	17 March 2004	23 November 2005
	Deputy Chairperson	24 November 2005	16 March 2009
Dr FA Sonn	Member	17 March 2004	16 March 2009
Mr ML Ndlovu	Member	17 March 2004	16 March 2009
Dr SM Motsuenyane	Member	24 November 2005	23 November 2010
Ms AM Mokgabudi	Member	24 November 2004	23 November 2010
Mr R Martin	Member	24 November 2005	23 November 2010
Ms N Newton-King	Member	10 March 2006	09 March 2011

## 2008

NAME	DESIGNATION	APPOINTMENT DATE	EXPIRY OF TERM OF OFFICE
Deputy Chief Justice Dikgang Moseneke	Chairperson	01 April 2004	31 March 2009
Dr ATM Mokgokong	Member	17 March 2004	23 November 2005
	Deputy Chairperson	24 November 2005	16 March 2009
Dr FA Sonn	Member	17 March 2004	16 March 2009
Mr ML Ndlovu	Member	17 March 2004	16 March 2009
Dr SM Motsuenyane	Member	24 November 2005	23 November 2010
Ms AM Mokgabudi	Member	24 November 2004	23 November 2010
Mr R Martin	Member	24 November 2005	23 November 2010
Ms N Newton-King	Member	10 March 2006	09 March 2011



# 2013 COMMISSION HANDBOOK

## 2009

NAME	DESIGNATION	APPOINTMENT DATE	EXPIRY OF TERM OF OFFICE
Deputy Chief Justice Dikgang Moseneke	Chairperson	01 April 2004	31 March 2009
Judge LW Seriti	Chairperson	01 September 2009	31 August 2014
Dr ATM Mokgokong	Member	17 March 2004	23 November 2005
	Deputy Chairperson	24 November 2005	16 March 2009
Ms AM Mokgabudi	Member	24 November 2004	24 November 2010
	Deputy Chairperson	27 July 2009	23 November 2010
Dr FA Sonn	Member	17 March 2004	16 March 2009
Mr ML Ndlovu	Member	17 March 2004	16 March 2009
Dr SM Motsuenyane	Member	24 November 2005	23 November 2010
Mr R Martin	Member	24 November 2005	23 November 2010
Ms N Newton-King	Member	10 March 2006	09 March 2011
Dr. MP Sithole	Member	27 July 2009	26 July 2014
Dr. MR Bussin	Member	27 July 2009	26 July 2014
Ms P Buthelezi	Member	27 July 2009	31 March 2011
Mr. B. Mosley-Lefatola	Member	01 September 2009	31 August 2014

## 2010

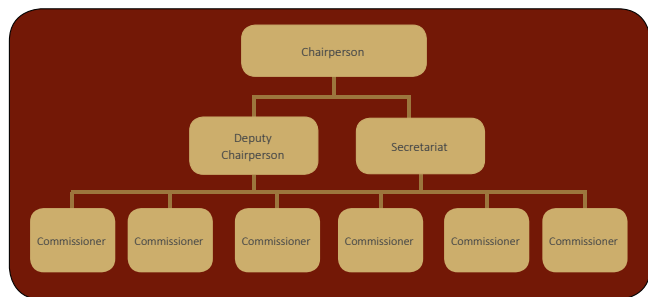
NAME	DESIGNATION	APPOINTMENT DATE	EXPIRY OF TERM OF OFFICE
Judge LW Seriti	Chairperson	01 September 2009	31 August 2014
Ms AM Mokgabudi	Member	24 November 2004	24 November 2010
	Deputy Chairperson	27 July 2009	23 November 2010
Mr R Martin	Member	24 November 2005	23 November 2010
Ms N Newton-King	Member	10 March 2006	09 March 2011
Dr. MP Sithole	Member	27 July 2009	26 July 2014
Dr. MR Bussin	Member	27 July 2009	26 July 2014
Ms P Buthelezi	Member	27 July 2009	26 July 2014
Mr. B. Mosley-Lefatola	Member	01 September 2009	31 August 2014

# 2013 COMMISSION HANDBOOK

2011 - 13

NAME	DESIGNATION	APPOINTMENT DATE	EXPIRY OF TERM OF OFFICE
Judge LW Seriti	Chairperson	01 September 2009	31 August 2014
Ms. MV Phiyega	Deputy Chairperson	02 February 2011	01 February 2016 (Resigned on 12 June 2012)
Ms P Buthelezi	Member	27 July 2009	26 July 2014 (Resigned on 31 March 2011)
Dr. MR Bussin	Member	27 July 2009	26 July 2014
Prof. MP Sithole	Member	27 July 2009	26 July 2014
Mr. B. Mosley-Lefatola	Member	01 September 2009	31 August 2014 (Resigned on 19 July 2012)
Mr. C. Economou	Member	02 February 2011	01 February 2016
Adv. HFN Sephoti	Member	10 March 2011	09 March 2016
Mr. LWJ Mathape	Member	02 December 2011	26 July 2014 (Appointed for unexpired term of Ms Buthelezi)
Mr GA Matheba	Member	04 April 2013	31 August 2014 (Appointed for unexpired term of Mr. B. Mosley-Lefatola)

The organogram below illustrates the composition of the Commission which is composed of a Chairperson, Deputy Chairperson, and 6 Commissioners.



## 9. ROLES & 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 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 summarized 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.

## 10. LEGISLATIVE FRAMEWORK

### 10.1 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."

### 10.2 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.

### 10.3 Publication of recommendations – when and where under Publication?

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

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Act	Act No.	Relevance	Repealed by Act
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

## 10.4 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 precepts 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.”

### 10.5 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).

## 10.6 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.

Table below illustrates Public Office Bearer categories:

LEVEL	EXECUTIVE AUTHORITY	LEGISLATIVE AUTHORITY	JUDICIAL AUTHORITY	TRADITIONAL LEADERS
National	<ul style="list-style-type: none"> <li>• President</li> <li>• Deputy President</li> <li>• Minister</li> <li>• Deputy Minister</li> </ul>	<ul style="list-style-type: none"> <li>• National Assembly</li> <li>• National Council of Provinces</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Justice</li> <li>• Deputy Chief Justice</li> <li>• President of Supreme Court of Appeal</li> <li>• Judge of Constitutional Court</li> <li>• Deputy President of Supreme Court of Appeal</li> <li>• Judge of Supreme Court of Appeal</li> </ul>	<ul style="list-style-type: none"> <li>• NHTL</li> <li>– Chairperson: NHTL</li> <li>– Deputy Chairperson: NHTL</li> <li>– Member of NHTL</li> </ul>
Provincial	<ul style="list-style-type: none"> <li>• Premier</li> <li>• Member of Executive Council</li> </ul>	<ul style="list-style-type: none"> <li>• Provincial Legislature</li> </ul>	<ul style="list-style-type: none"> <li>• Judge President of the High Court</li> <li>• Deputy Judge President of the High Court</li> <li>• Judge of the High Court</li> <li>• President of the Divorce Court</li> <li>• Presiding Officer of the Divorce Court</li> </ul>	<ul style="list-style-type: none"> <li>• PHTL</li> <li>– Chairperson: PHTL</li> <li>– Deputy Chairperson: PHTL</li> <li>– Member: PHTL</li> </ul>
Local	<ul style="list-style-type: none"> <li>• Executive Mayor</li> <li>• Deputy Executive Mayor</li> <li>• Mayor</li> <li>• Deputy Mayor</li> <li>• Member of Executive Council</li> <li>• Member of Mayoral Council</li> </ul>	<ul style="list-style-type: none"> <li>• Municipal Council</li> </ul>	<ul style="list-style-type: none"> <li>• Special Grade Chief Magistrate</li> <li>• Regional Court President</li> <li>• Chief Magistrate</li> <li>• Regional Magistrate</li> <li>• Senior Magistrate</li> <li>• Magistrate</li> </ul>	<ul style="list-style-type: none"> <li>• Traditional Leaders</li> <li>– King</li> <li>– Senior Traditional Leader</li> <li>– Headman</li> </ul>

### 11. FACTORS THAT THE COMMISSION CONSIDERS WHEN MAKING RECOMMENDATION

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.

### 12. 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?

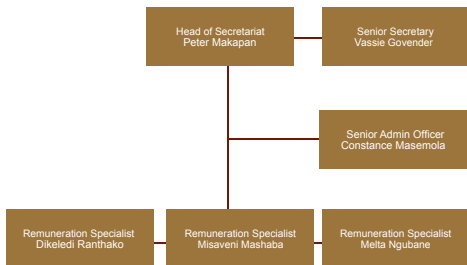
Section 11 (1) of the Commission Act provides that the "Director-General: Office of the President shall, after consultation with the Commission, designate such officers in the Office of the President as may be necessary to perform the work incidental to the exercise or performance of the powers and duties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

## 13. SECRETARIAT

Section 11 provides for the Administration of Commission.

Section 11 of the Commission Act prescribes that the administration of the Commission shall be conducted by such officers in the office of the President as designated by the Director – General in consultation with the Commission. The table below illustrate the composition of the Secretariat:



The Secretariat has a dual reporting line, which includes a functional reporting line to the Commission and a management reporting line to the Presidency.

The Secretariat defines its aims as aligned to the Commission's statutory mandate and objectives as follows:

- To provide support to the Commission in making annual recommendations concerning the salaries, allowances and benefits of POBs
- To draft Commission Annual Report for submission to the President by the Commission
- To exercise good governance and planning
- To assist with stakeholder management
- To provide sustainable administration and resources
- To provide support to the Commission in conducting an inquiry into any matter in respect of which the Commission is authorized by relevant legal provisions
- To assist Commission with investigation and on considering any specific matter relating to the salaries, allowances, and benefits of Public Office Bearers on request by the President or any other stakeholders

The Secretariat under the guidance of Mr PM Makapan performs a pivotal role in assisting the Commission to execute its function and mandate.

## 14. COMMUNICATION WITH STAKEHOLDERS

The central tenant of the Commission's approach to communication is that it 'takes its cue from the constitutional imperative of freedom of information and the objectives of building a truly democratic state. The free flow of information, accountability and media freedom are all fundamental gist of thriving democracy."

Effective communication is the cornerstone of any successful program and relationship. In today's competitive environment, total rewards (compensation, benefits, work-life, performance and recognition, development and career opportunities) can make the difference in the attraction, motivation and retention of Public Office Bearers.



The table below depicts key Commission's mandate, stakeholders and relevant Sub-committee for engagement:

COMMISSION MANDATE	KEY STAKEHOLDER	INTEREST PARTY / FACILITATOR	COMMISSION SUB-COMMITTEES
1. Recommendation regarding the salary and allowances of the President	National Assembly	President and Public	Executive and Legislative
2. Recommendation regarding the salaries, benefits and allowances of the Deputy President, Ministers, Deputy Ministers, Members of the National Assembly and permanent delegates to the National Council of Provinces; and upper limits of the salaries and allowances of the Premiers, MECs and MPLs.	President and Management of Parliament and Legislatures	Deputy President, Ministers, Deputy Ministers, Members of the National Assembly and permanent delegates to the National Council of Provinces; Premiers, MECs and MPLs, other POBs, and public	Executive and Legislative
3. Recommendations to the President on the salaries, allowances and benefits of Traditional Leaders, Members of the National and Provincial Houses of Traditional Leaders.	President, Minister of Cogta, Minister of Finance, Premiers	Traditional Leaders, Members of the National and Provincial Houses of Traditional Leaders.	Local Government & Traditional Leadership
4. Recommendations on the upper limits of the salaries and allowances of the members of Municipal Councillors	President Minister of Cogta, Minister of Finance and MECs of Cogta	SALGA and Municipal Councillors	Local Government & Traditional Leadership

COMMISSION MANDATE	KEY STAKEHOLDER	INTEREST PARTY / FACILITATOR	COMMISSION SUBCOMMITTEES
5. Constitutional Court judge or judge shall be paid an annual salary and such allowances or benefits as determined by the President, after taking into consideration the recommendations of the Commission, and approved by Parliament	President, Parliament, Minister of Justice and Minister of Finance	Judges, LCRC and DG Justice	Judiciary
6. Magistrates are entitled to such salaries, allowances or benefits as determine by the President, after taking into consideration the recommendations of the Commission	President, Parliament, Minister of Justice, Minister of Finance and Chief Justice	Magistrates, LCRC, DG of Justice, JOASA and ARMSA	Judiciary
7. The Commission is required to consult with the Chief Justice, Minister of Finance and Minister of Justice and Constitutional Development on any proposed recommendations prior to its submission thereof to the President, Parliament and its publication.	Chief Justice, Minister of Justice and Minister of Finance, President and Speaker of Parliament and Chairperson of NCOP	Minister of Cogta and Minister of DPSA	Chairperson / Commission
8. Commission shall publish in the Gazette recommendations concerning the salary, the upper limits, allowances and benefits of any office-bearer and the resources. Recommendations must be submitted to Parliament before publication	Press and public	President and Speaker of Parliament and Chairperson of NCOP	Chairperson / Commission

COMMISSION MANDATE	KEY STAKEHOLDER	INTEREST PARTY / FACILITATOR	COMMISSION SUB-COMMITTEES
9. Commission may conduct research or obtain such information from Secretary of Parliament, any Provincial Legislature, the National and Provincial House of Traditional Leaders, CEO 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	Management of the POBs institutions	Executing Authorities	Chairperson / Commission
10. Commission shall at the request of the President investigate and consider any matter relating to salaries, allowances and benefits, including pensions and medical aid benefits of office bearers and shall make recommendations to the President in regard thereto.	President, POBs, service providers, pension fund administrators / trustees and medical aid administrators / trustees	POBs	Commission and relevant sub-committee
11. Director-General: Office of the President shall, after consultation with the Commission, designate such officers in the Office of the President to perform the work incidental to the exercise or performance of the powers and duties of the Commission.	Director-General, President and Deputy President	Secretariat	Commission

## 2013 COMMISSION HANDBOOK

### 15. RECOMMENDATIONS SINCE 2007

THE REVIEW PROCESS - MARCH 2007 TO DATE							
Commission/Annual Recommendations	2013/14	Cola	Commission (0, 4%, 5%, 7%) - President (5%)				
	2012/13	Cola	Commission (5.5%) - President (5.5%)				
	2011/2012	Cola	Commission (5%)- Headmen/Headwomen - Tools Of Trade - President (5%)				
	2010/2011	Cola	Commission (7%)- Deputy President (5%)- Deputy President (Former Presidents) Pension & Remuneration				
	2009/2010	Cola	Commission (8%) - President (7%)				
	Oct-08	Revised Benefits/ Allowances/ Cola	Revised Pension Benefits		Revised Allowances	Revised Cola	
			October 2008 Revised Recommendations				
	Apr-08	Allowances	Pension Benefits	Medical Aid Benefits	Cola	Retired President's Benefits	
		Benefits	April 2008 Report				
	Mar-07	Base Pay Structure	Underlying Principles	Job Profiles	Grading	Bench Marking	Total Remuneration Structure
March 2007 Report							

### 16. ADMINISTRATIVE OFFICES OF THE COMMISSION

For more information on the Commission:

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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Website: [www.remcommission.gov.za](http://www.remcommission.gov.za)  
Office hours: 08:00 – 16h00; Mon-Fri