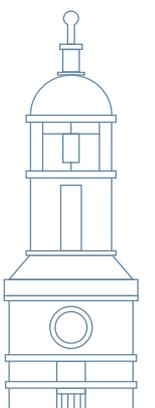
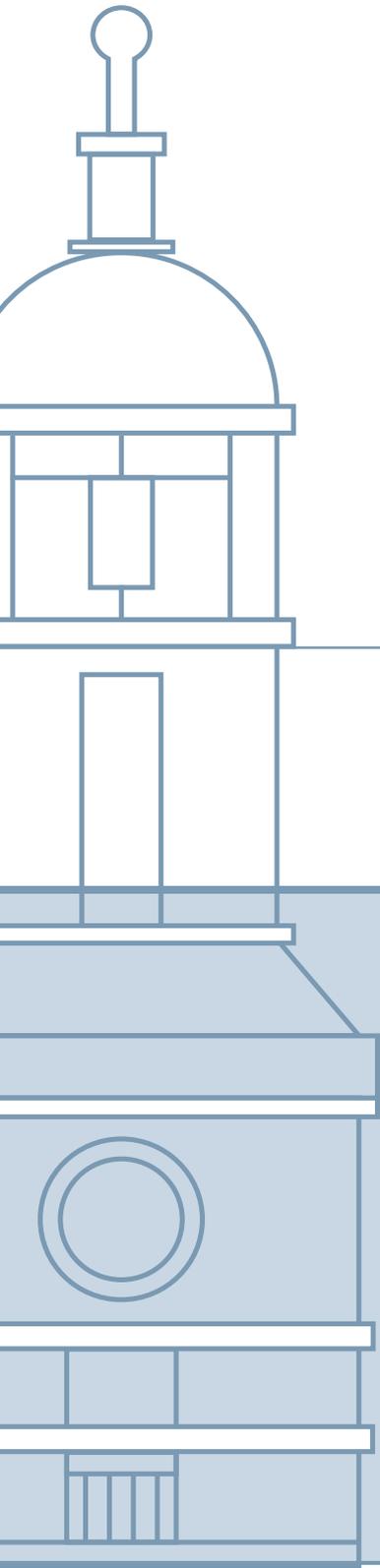
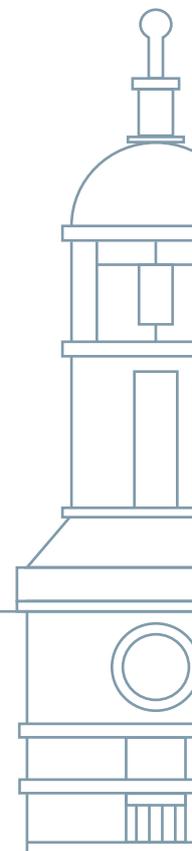


THE INDEPENDENT
COMMISSION
FOR THE
REMUNERATION OF
PUBLIC OFFICE
BEARERS

ANNUAL REPORT 2005



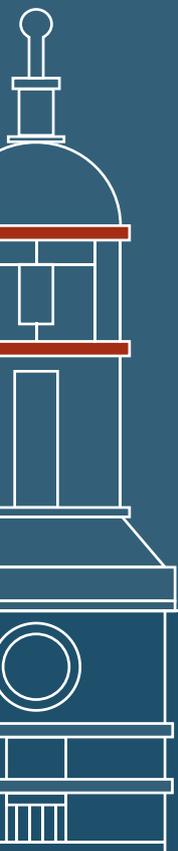




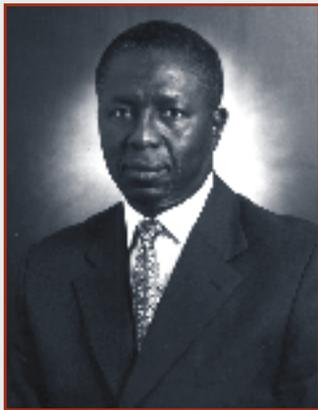
INDEPENDENT COMMISSION FOR THE RENUMERATION OF PUBLIC OFFICE BEARERS

ANNUAL REPORT 2005





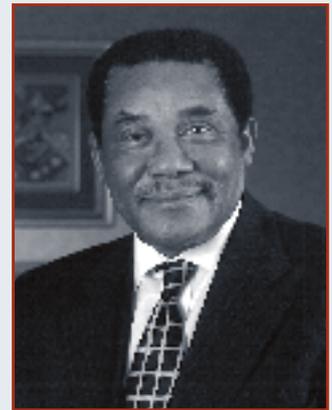
INDEPENDENT COMMISSION FOR THE RENUMERATION OF PUBLIC OFFICE BEARERS



Mr Justice DE Moseneke
Chairperson



Dr A T M Mokgokong
Deputy Chairperson



Mr E Molobi
Deputy Chairperson
(until 08 November 2005)



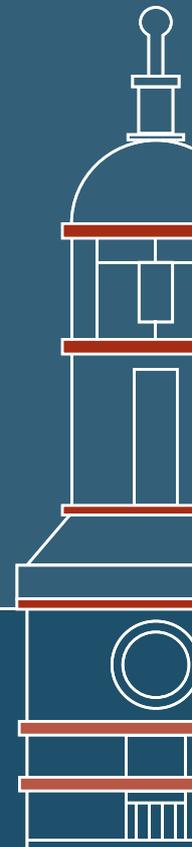
Mr R Martin
Member



Ms A M Mokgabudi
Member



Dr S M Motsuenyane
Member



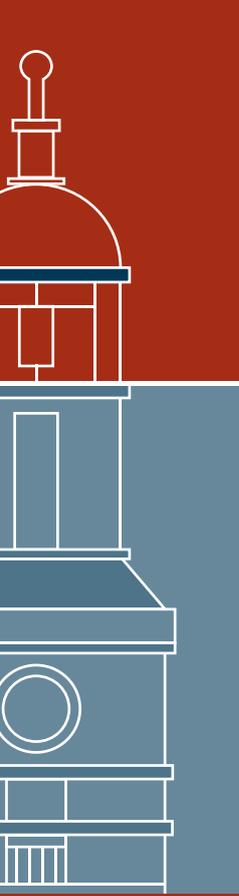
Mr ML Ndlovu
Member



Dr F A Sonn
Member



Mr D Smith
Member
(until 08 November 2005)



To: Mr TM Mbeki, the President of the Republic of South Africa

I have the honour to submit to you in terms of section 10(1) of the Independent Commission for the Remuneration of Public Office Bearers Act, 1997 (Act No. 92 of 1997), this Commission's report on its activities from 01 January to 31 December 2005.

Yours sincerely

Mr Justice DE Moseneke

Chairperson

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

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Independent Commission for the Remuneration of Public Office Bearers
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Pretoria
0001

Telephone: (012) 300 5404 / 5

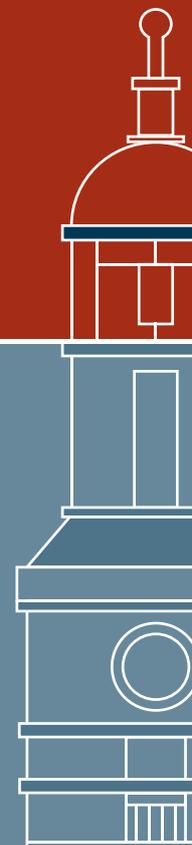
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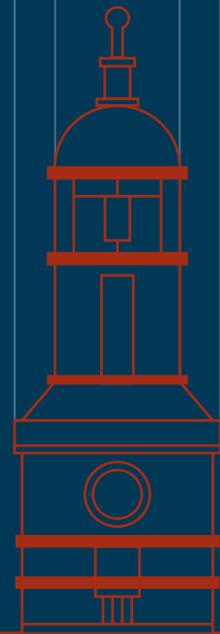
E-mail: Neil@po.gov.za

Office hours: 08:00 - 16h30

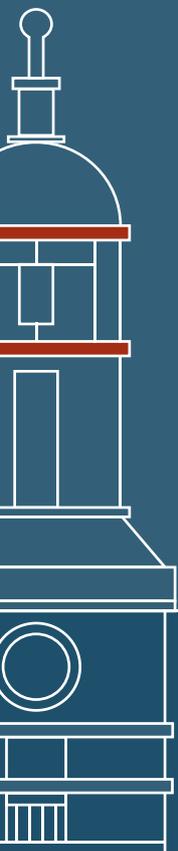
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2. ESTABLISHMENT, LEGISLATIVE FRAMEWORK, MANDATE, OBJECTIVES AND FUNCTIONING

2.1 BRIEF HISTORY OF THE COMMISSION

In order to understand the role and functions of the Commission, it is necessary to make a brief reference to its historical background.

In 1985, the Parliament of the time established a Commission, known as the Schlebusch Commission of Inquiry, 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. As a result of the continuous need for adjustments to the remuneration and conditions of service of those members, the Melamet Commission was appointed to establish a consistent and coherent remuneration structure for national and provincial legislatures.

Section 207 of the Interim Constitution of 1993 promulgated a Commission to make recommendations to Parliament, the provincial legislatures and local government institutions 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 government institutions, and members of provincial houses and the Council of Traditional Leaders. The Commission on Remuneration of Representatives was therefore instituted in terms of the Commission on Remuneration of Representatives Act, 1994 (Act 37 of 1994), which Commission functioned from 21 April 1995 to 05 April 1998. The first Chairperson of this Commission was Justice HW Levy, who was succeeded from 06 March 1996 by Justice JH Steyn.

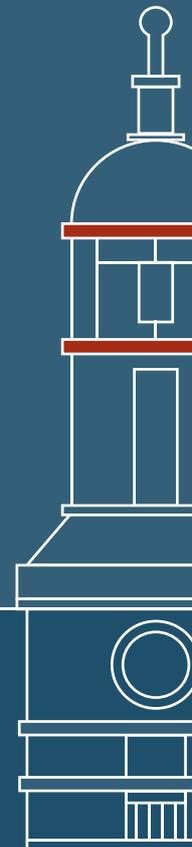
With the promulgation of the Constitution of the Republic of South Africa, 1996, (Act 108 of 1996), Section 219 thereof prescribed that an Act of Parliament should establish a framework for determining the salaries, allowances and benefits, or upper limits thereof, as the case may be, of certain Public Office Bearer positions. As a consequence, the independent Commission for the Remuneration of Public Office Bearers Act, 1997 (Act 92 of 1997), established the

current Commission to make recommendations concerning the salaries, allowances and benefits of defined office-bearers. The first Chairperson appointed in terms of this Act was Justice JH Steyn, who served as such from 21 August 1998 to 30 April 2000, when he was succeeded by Justice RJ Goldstone. Justice Goldstone served as Chairperson until 31 March 2004, when he was succeeded by the current Chairperson, Justice DE Moseneke.

Both the Independent Commission for the Remuneration of Public Office Bearers Act, 1997, and the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998), limited the scope of the Commission's mandate to the following office-bearers:

- The President and Deputy President;
- Members of Cabinet;
- Deputy Ministers;
- Members of the National Assembly;
- Permanent Delegates to the National Council of Provinces;





- Members of the National and Provincial Houses of Traditional Leaders;
- Traditional Leaders;
- Premiers and Members of an Executive Council of a Province;
- Members of a Provincial Legislature; and

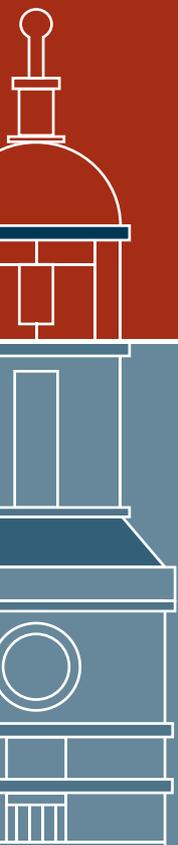
- Mayors and Members of a Municipal Council.

The Judicial Officers (Amendment of Conditions of Service) Act, 2003 (Act 28 of 2003) however extended the statutory definition of office-bearers to include Constitutional Court Judges, Judges and

Magistrates, in respect of which positions the Commission is obliged to make annual remuneration recommendations.

The table below sets out briefly the legislative framework within which the Commission and its predecessor operated since 1993.

Act	Act No.	Relevance	Repealed by Act
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	Establishes Commission to make recommendations regarding the nature, extent and conditions of remuneration and allowances of all elected members of national, provincial and local legislative bodies, and traditional leaders	92/1997
Payment of Members of Parliament Act	6/1994	Provided for payment of remuneration and allowances to Members of Parliament	20/1998
Remuneration and Allowances of Executive Deputy Presidents, Ministers and Deputy Ministers Act	53/1994	Provided for payment of remuneration and allowances to Executive Deputy Presidents, Ministers, Deputy Ministers	20/1998
Remuneration of Traditional Leaders Act	29/1995	Provided for the remuneration of certain traditional leaders	20/1998
Constitution of the Republic of South Africa	108/1996	Provides for legislation and independent Commission to make recommendations regarding salaries, allowances and benefits of certain stated office-bearers	N/A
Independent Commission for the Remuneration of Public Office Bearers Act	92/1997	Established this Commission to make recommendations regarding salaries, allowances and benefits of office-bearers	N/A
Remuneration of Public Office Bearers Act	20/1998	Provides a framework for determining salaries, allowances and benefits of defined office-bearers	N/A



Act	Act No.	Relevance	Repealed by Act
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

2.2 ESTABLISHMENT OF THE COMMISSION

Section 219 of the Constitution of the Republic of South Africa, 1996, (Act 108 of 1996) stipulates that an Act of Parliament must establish a framework for determining 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 council of traditional leaders; and 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.

It further stipulates that national legislation must establish an independent commission to make recommendations concerning the above salaries, allowances and benefits.

Pursuant to the provisions of Section 219 of the Constitution, 1996, the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 (Act No. 92 of 1997) (hereafter referred to as the Commission Act) was enacted, which, amongst other things established this Commission as directed by the Constitution.

In accordance with Section 3 of the Commission Act, as amended by section 8 of the Judicial Officers (Amendment of Conditions of Service) Act, 2003 (Act No. 28 of 2003) (hereinafter referred to as the Judicial Officers Act), the President appointed the following members to serve on the Commission for the periods indicated against their names:

Name	Assignment	Date from	Date to
Mr Justice DE Moseneke	Chairperson	01 April 2004	31 March 2009
Dr ATM Mokgokong	Deputy Chairperson *	17 March 2004	16 March 2009
Mr E Molobi	Deputy Chairperson	09 November 2000	08 November 2005
Mr R Martin	Member	24 November 2005	23 November 2010
Ms AM Mokgabudi	Member	24 November 2005	23 November 2010
Dr SM Motsuenyane	Member	24 November 2005	23 November 2010
Mr ML Ndlovu	Member	17 March 2004	16 March 2009
Mr D Smith	Member	09 November 2000	08 November 2005
Dr F A Sonn	Member	17 March 2004	16 March 2009

* Dr Mokgokong was assigned as Deputy Chairperson from 24 November 2005.

2.3 GOVERNANCE

The Independent Commission for the Remuneration of Public Office Bearers Act, 1997 (Act No.92 of 1997) regulates the operations and governance of the Commission to a very large extent. The Act 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. Some of these aspects need to be highlighted in this Report.

The Commission consists of eight members appointed by the President on the ground of their knowledge of, or experience in, matters relating to the functions of the Commission. These members serve in a part-time capacity for non-renewable terms of office of five years each. The Act is quite clear on criteria for disqualification to appointment and vacation of office of members of the Commission.

The Act requires that the Commission shall meet at least once per year, at a time and place determined by the Chairperson of the Commission. The Commission adhered to this prescript, as set out more fully below. 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 functions of the Commission are set out fully in the Act, and 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 administration of the Commission is performed by officials in The Presidency, designated for the purpose by the Director-General: Office of the President. The expenditure incidental to the performance of the powers and duties of the Commission is defrayed from money appropriated by Parliament for that purpose.

2.4 THE COMMISSION'S LEGISLATIVE FRAMEWORK

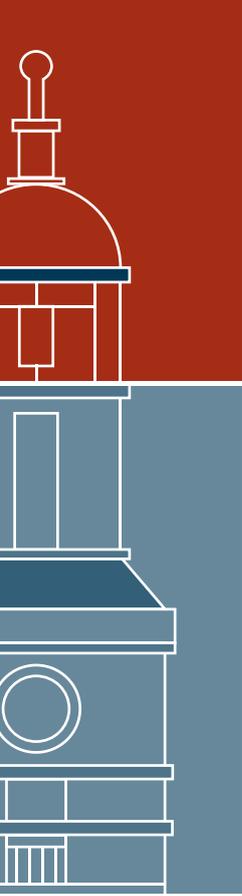
The Commission operates within a framework that is characterised mainly by the following legislative Acts:

- The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) (the Constitution)
- The Independent Commission for the Remuneration of Public Office Bearers Act, 1997 (Act 92 of 1997) (the Commission Act)
- Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998) (the Remuneration Act)
- Judges' Remuneration and Conditions of Service Act, 2001 (Act 47 of 2001)
- Judicial Officers (Amendment of Conditions of Service) Act, 2003 (Act 28 of 2003)
- Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003)

2.4.1 Section 219 of the Constitution

As indicated above, 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.”

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 further 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 was promulgated to give effect to the constitutional precepts of Section 219.

2.4.2. The Independent Commission for the Remuneration of Public Office Bearers Act

Section 2 of the Act establishes 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.a. 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.
- b. For the purposes of the inquiry, the Commission shall have the powers contemplated in section 3 of the Commission Act, 1947 (Act 8 of 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 summonsed 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.
- 3.A 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 (Act 47 of 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.

3.B.

- 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. When making recommendations referred to in subsection (4) the Commission 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 said Commission, is relevant.

2.4.3. The Remuneration of Public Office Bearers Act

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 the office-bearers in the following categories:

- The President
- The Deputy President, Ministers, Deputy Ministers, Members of the National Assembly and permanent delegates to the National Council of Provinces
- Premiers, Members of Executive Committees and Members of Provincial Legislatures
- Traditional Leaders, and Members of the National and Provincial Houses of Traditional Leaders
- Members of Municipal Councils
- Constitutional Court Judges and Judges
- Magistrates

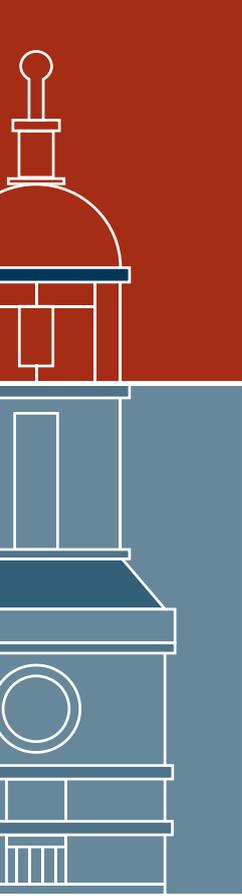
2.4.3.1. The President

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

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 No. 58 of 1962 shall apply. This amount is referred to as the Political Office Bearer's Allowance.

2.4.3.2. The Deputy President, Ministers, Deputy Ministers, Members of the National Assembly and permanent delegates to the National Council of Provinces

The Commission makes recommendation to the President regarding the salaries, benefits and allowances of these Public Office Bearers.

The President 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 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 No. 58 of 1962.

2.4.3.3. 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 determines upper limits of the salaries, benefits and allowances of the Premiers, Members of Executive Committees and Members of Provincial Legislatures.

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.

2.4.3.4. 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 determines the salaries, benefits and allowances of these office-bearers, after consultation with the Minister 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.

2.4.3.5. 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 responsible Minister, 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.

2.4.3.6. *Constitutional Court Judges, Judges and Magistrates*

The Commission makes recommendation 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 has considered the Presidents proposed determination, and either approved the notice in whole or in part, or rejected it.

2.5 THE COMMISSION'S MANDATE

The Commission obtains its mandate from:

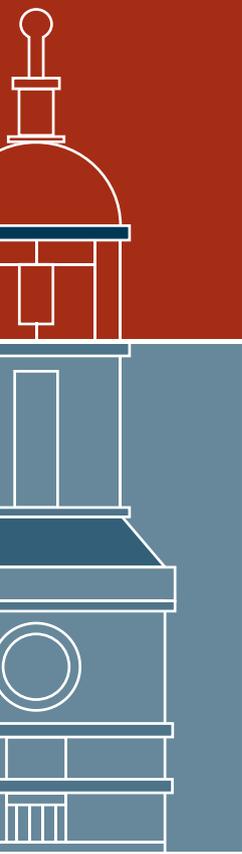
- The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)
- The Independent Commission for the Remuneration of Public Office Bearers Act, 1997 (Act 92 of 1997)
- The Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998)

In terms of Section 8(4) of the Commission Act, the Commission shall, after taking into consideration the factors referred to in subsection (6), publish annually in the Gazette recommendations concerning-

- a. the salaries, benefits and allowances of any office-bearer, as defined in section 1 (a), (d) and (e) of the Commission Act;
- b. the upper limits of the salaries, benefits and allowances of any office-bearer as defined in section 1 (b) and (c) of the Commission Act, and
- c. the resources which are necessary to enable an office-bearer, as defined in section 1 (a), (b), (c) and (e) of the Commission Act, to perform the office-bearer's functions effectively.

In terms of Section 1 the Commission Act, as amended by section 7 of the Judicial Officers (Amendment of Conditions of Service) Act, 2003 (No. 28 of 2003), 'office-bearer' means-

- a. any Member of the Cabinet, any Deputy Minister, any member of the National Assembly, and 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 Act 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".

Already in 1999 the Commission recommended in its First Report that Public Office Bearer remuneration should move towards a "Total Package" structure. In previous years the Commission generated the following data towards implementation of such a structure

- A report on an international comparative study on the remuneration of Political Office Bearers;
- A comparison of the current salary structures with other salary structures, with a view to moving towards an appropriately integrated structure; and
- A report and recommendations on a Total Cost to Employer salary system.

The existing information need to be supplemented before meaningful recommendations can be made for the conversion of the current remuneration system in respect of Public Office Bearers to one consistent with the values of our Constitution informing public governance. To assist it in this task, the Commission has appointed consultants, who generated a report, which, brought to the fore the following additional information:

- an analysis of the purpose, duties, responsibilities, powers, activities, nature and scope of all Public Office Bearer posts;

- an analysis of existing conditions of service, salaries, benefits and allowances of all Public Office Bearers;
- benchmarking of all Public Office Bearer positions with comparable public and private sector positions;
- recommendations on the resources necessary to enable each Public Office Bearer to perform his or her functions properly;
- recommendations on an integrated and transparent and equitable remuneration structure for all Public Office Bearers; and
- A comprehensive implementation plan for the conversion to a total cost to employer remuneration structure.

In 2002 the Commission embarked upon a major review of the remuneration of Public Office Bearers. In the process it appointed the following consultants to complete necessary research in respect of relevant aspects of Public Office Bearer remuneration:

- CS Holdings and 21st Century Business and Pay Solutions (2003 and 2004)
- Deloitte & Touche (2005)

Although this is a pioneering project, the Commission had the benefit of previous Commission reports generated since 1996, but approached the fulfillment of its mandate afresh and without slavish reliance on past precedents.

The Commission approached its mandate with a very clear intention that it should honour the principles of transparency and simplicity. It also considered equally important that remuneration packages should be structured in such a way as to allow any constituent to readily determine the "total remuneration" earned by Public Office Bearers at any given point in time. In addition to the principle of transparency, the Commission considered public participation as a key ingredient of the philosophical mix of the new South Africa, and therefore also for its approach to determine Public Office Bearer remuneration.

The Commission considered it central to its constitutional mandate to seek, recommend and motivate fair remuneration for the responsibilities entrusted to Public Office Bearers, and for the public interests served by Public Officer Bearers. This review process included an evaluation of not only the particular roles Public Office Bearers perform in terms of their appointments, but also the leadership roles played by Public Office Bearers in the processes of empowerment and transformation in South Africa.

The Commission approached the fulfillment of its major review project by having regard to the following:

- valuable data contained in Commission reports generated since 1996
- reports generated by consultants appointed by the Commission from time to time
- information gathered from communication events with various stakeholder groups, and through participation in consultations with Public Office Bearers to generate, amongst others, comprehensive job profiles for each position, a vertically and horizontally integrated grading structure, and appropriate benchmarking options.
- submissions received in response to an invitation for public comment with regard to Public Office Bearer remuneration
- conducting workshops with consultants in respect of critical policy and technical issues
- participation in the project management of the mandates given to the Commission's consultants
- active deliberations of all issues relevant to the major review of Public Office Bearer remuneration

The issue of finding appropriate benchmarking options for Public Office Bearer positions is a particularly challenging one. The Commission is determined to have regard to both local and international public and private sector comparables to find appropriate benchmarking options.

Although there are many instances where comparable positions in the public sector would serve as more appropriate guidance in respect of the work performed and responsibilities conferred on Public Office Bearers,

there are many obvious distinguishing features. Civil servants for example have greater job security than political office-bearers, and can be measured with reference to the performance of their duties. Despite these differences, there are however more significant comparison with public sector positions than in the case with private sector positions.

2.6 THE COMMISSION'S OBJECTIVES

The Commission is committed to working towards the implementation of an integrated Total Cost to Employer remuneration structure for all Public Office Bearers, which will result in fair and equitable remuneration of all Public Office Bearers. In the process a thorough regard will be had to complete job profiling, benchmarking and grading of each Public Office Bearer post to secure a transparent process and an acceptable remuneration regime.

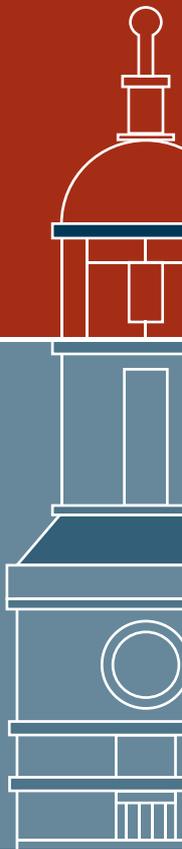
The Commission is equally committed to making annual recommendations in respect of the remuneration of all Public Office Bearers to maintain their financial positions in the meantime and beyond.

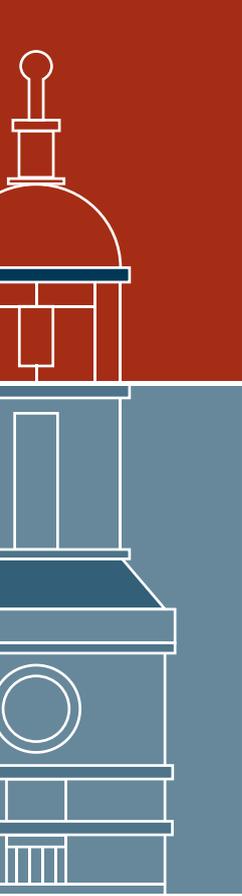
The Commission has generated the following in its process of moving towards a Total Cost to Employer remuneration structure:

- A report on an international comparative study on the remuneration of Political Office Bearers;
- A report on the comparison of the current salary structure with other salary structures, with a view to moving towards an integrated structure; and
- A report and recommendations on the Total Cost to Employer salary system.

The Commission appointed Deloitte & Touche as its consultants in 2005, to deliver a research report, which generated the following additional information:

- An analysis of the purpose, duties, responsibilities, powers, activities, nature and scope of all Public Office Bearer posts;
- An analysis of existing conditions of service, salaries, benefits and allowances of all Public Office Bearers;





- Benchmarking all Public Office Bearer positions with comparable public and private sector positions;
- Recommendations on the resources necessary to enable each Public Office Bearer to perform his or her functions properly;
- Recommendations on an integrated remuneration structure for all Public Office Bearers; and
- A comprehensive implementation plan for the conversion to a Total Cost to Employer remuneration structure.

Deloitte & Touche undertook this major review task during 2005, under supervision of and participation with the Commission. The research process involved:

- participation of all Public Office Bearers in consultations with the consultants, in order to compile complete and acceptable job profiles of all Public Office Bearer positions, which profiles never existed before, and a grading table of those positions.
- buy-in by all Public Office Bearers in the accuracy, completeness and appropriateness of the job profiles and grading structure through ongoing consultation and scrutiny of the proposed job profiles and grading structure, before completion of the consultants' report.

The Commission intends to make recommendations on a conversion of the remuneration regime applicable to all Public Office Bearers to a fair and equitable "Total Cost to Employer" remuneration structure by 31 March 2006.

In particular, the Commission formulated the following short- and long term objectives in 2005:

Short term objectives

- Complete the Annual Review for 2005/2006
- Complete the 2005 Annual Report
- Increase internal research and administrative capacity
- Effective communication with Public Office Bearers

Long term objectives

- Job review, grading and benchmarking of all Public Office Bearer positions
- Make recommendations in respect of an integrated Total Cost to Employer remuneration structure for all Public Office Bearer positions
- Establish a basis for future Annual Reviews

2.6.1. Short term objectives

2.6.1.1. Complete the Annual Review for 2005/2006

The Commission completed its statutory annual review and remuneration recommendations for the 2005/2006 financial year on 29 June 2005, and published its recommendations, as required, in the Gazette of 08 July 2005. A copy of these recommendations is attached hereto as Annexure A.

In making its annual recommendations, the Commission considered, amongst other factors, the following to be relevant in forming the basis for its recommendations:

- A link between labour costs and inflation was regarded as a sound basis for making salary adjustments.
- The Commission considered the relevant annual and month-on-month CPIX figures, as well as the percentage remuneration increases for executives, mid-management and Public Office Bearers for each year since 2000, and compared those to the results from annual client remuneration surveys conducted by the Commission's consultants.
- Month-on-month CPIX for April 2005 was 3.8%. The predicted annual CPIX for 2005 was 4.5%.

Inflation targets for the next 12 months were expected to remain within the target range of 3% to 6%.

- Predictions from client remuneration surveys conducted by the Commission's consultants indicated that employees generally expected a 6.7% remuneration increase for the year.
- While the client remuneration surveys and macro economic indicators suggested an increase of

between 4.5% and 9%, the Commission was of the opinion that its recommendations for increases in remuneration of Public Office Bearers should support the government's inflation targets of between 3% and 6%.

- It was imperative for the Commission to maintain independence from public service salary negotiations and other potential distractions in making its recommendations.
- The Commission considered the allocation of motor vehicle allowances to Senior Magistrates and Magistrates to be appropriate in terms of various factors relating to the performance of their duties. In particular the Commission considered it completely inappropriate that Senior Magistrates and Magistrates often had to make use of public transport where they are extremely vulnerable to parties who may be seriously aggrieved by their judgments.
- The Commission duly consulted, as it is statutorily mandated to do, with the Ministers of Finance and of Justice and Constitutional Development, as well as with the Chief Justice of South Africa, before compiling its annual recommendations, and secured strong and unanimous support for such.

The Commission's annual recommendations for the 2005/2006 financial year reflected the following general characteristics:

- A general percentile increase in salaries, allowances and benefits for all Public Office Bearers, of 5.75% per annum; and
- Allocation of motor vehicle allowances to Senior Magistrates and Magistrates, equal to 25% of the amounts of their respective basic salaries, which is in line with the similar allowances in respect of other Public Office Bearers.

The Commission was pleased to note the President's acceptance and following of its annual recommendations, in the President's Proclamations published in Government Gazette No. 27959 of 24 August 2005, a copy of which is attached hereto as Annexure B.

2.6.1.2. Increase internal research and administrative capacity

The Commission decided to seek approval from the Director General in The Presidency to create an increased full time staff capacity for the Commission, and have made the formal requests to meet for this purpose. Unfortunately it was not possible to secure such a meeting during 2005, but the matter will be further pursued in early 2006.

The rationale for an increased capacity for the Commission is based upon the following:

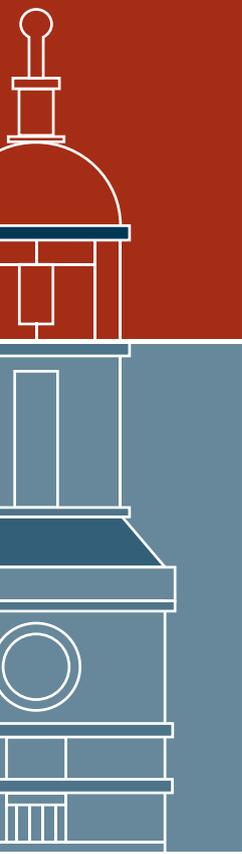
- There is a perceived lack of commitment and understanding by consultants appointed to undertake research projects on behalf of the Commission;
- The Commission considers the establishment of its own internal resource capabilities as more efficient in producing consistent and timeous research reports;
- Knowledge sharing opportunities with other public service institutions will be enhanced by the establishment of internal information resources; and
- The Commission will be in a better position to execute direct control over research processes.

The Commission intends to make a motivation for the appointment of two more full time individuals, who would preferably possess the following skills or attributes:

- Actuarial skills
- Remuneration practice / Human Resource Management skills and experience
- Financial and mathematical skills
- Public Service experience
- Interpersonal skills

2.6.1.3. Effective communication with Public Office Bearers

The Commission identified a perception that Public Office Bearers were not fully acquainted with the Commission's mandate, mission, objectives, and current review projects.



The Commission therefore undertook a communication road show to all Public Office Bearer groups, as set out in Annexure C hereto, in June 2005, to communicate, amongst other things:

- The terms of reference and mission of Commission;
- The short and long term objectives of the Commission;
- The role and performance of the Commission's 2005 consultants;
- Confirmation of the data generated to date towards the implementation of an integrated Total Cost to Employer remuneration structure for all Public Office Bearers;
- The nature of research required before such a remuneration structure could be implemented;
- To establish nodal points for communication and liaison between the Commission and all Public Office Bearer groups; and
- To receive comment, recommendations and suggestions from Public Office Bearers generally.

This pioneering initiative was welcomed by all Public Office Bearers, who expressed their appreciation for the opportunity to engage with the Commission directly for the first time. The process also contributed largely to the successful interaction between the Commission and Public Office Bearers in completing job profiling and job grading exercises, which forms part of the Commission's major review project in respect of the remuneration regime applicable to Public Office Bearers.

2.6.2 Long term objectives

2.6.2.1. Job review, grading and benchmarking of all Public Office Bearer positions

The Commission identified that a major review of the job content, categorization and salaries of all Public Office Bearer posts was required to establish an equitable Total Cost to Employer remuneration structure. In order to complete this review, the Commission started with a process of compiling comprehensive role profiles of all Public Office Bearer positions. These profiles, which were accepted by all Public Office Bearer representative

groups as accurate and comprehensive, served as a basis to determine a grading hierarchy of all Public Office Bearer posts, which would be both fair and equitable. This process was followed by a process of benchmarking all such posts to comparable local and international public and private sector positions, in order to determine fair pay levels for all Public Office Bearer posts.

The Commission is of the firm view that long term credibility of its major review of the current system in respect of Public Office Bearer remuneration, and the buy-in of all stakeholders to both the process and the recommendations, were more important than an early implementation which might be lacking in proper integration, internal equity, transparency and completeness.

Implementation of an integrated Total Cost to Employer remuneration structure for all Public Office Bearers requires:

- Engagement of all stakeholders for input;
- A credible and acceptable implementation strategy;
- Fulfillment of the mandate given to the Commission's consultants, under direct supervision of Commission; and
- Expert advice to the Commission by credible institutions.

The Commission intends to make recommendations for the implementation of an integrated Total Cost to Employer remuneration structure by the end of March 2006. To this end the Commission already completed, in the course of 2005, the processes of job profiling, job evaluation, grading, and benchmarking of all Public Office Bearer posts against comparable public and private sector posts.

2.6.2.2. Make recommendations in respect of an integrated Total Cost to Employer remuneration structure for all Public Office Bearers

The Commission is committed to the implementation of an integrated, fair and transparent Total Cost to Employer remuneration structure for all Public Office Bearers. The Commission has worked towards this goal since 2003, and has generated valuable data, which

need to be supplemented before recommendations can be made for the implementation of a Total Cost to Employer remuneration regime in respect of all Public Office Bearers.

The Commission intends to obtain input from relevant government departments before making its recommendations at the end of March 2006.

- Post retirement privileges for Public Office Bearers;
- Allocation of appropriate “tools of trade” to Public Office Bearers;
- Annual salary adjustments; and
- Knowledge sharing with other public service institutions.

2.6.2.3. *Establish a basis for future Annual Reviews*

The following additional issues must still be considered by the Commission in future reviews:

- International benchmarking;
- Systemization of all Public Office Bearer benefits and allowances;

2.7 COMPOSITION OF THE COMMISSION

The composition of the Commission, as well as the terms of office and assignments of the respective members, is as set out in the table below.

Position	Name	Date from	Date to
Chairperson	Mr Justice DE Mosenke	01 April 2004	31 March 2009
Deputy Chairperson	Dr ATM Mokgokong	24 November 2005	16 March 2009
Deputy Chairperson	Mr E Molobi	09 November 2000	08 November 2005
Member	Mr R Martin	24 November 2005	23 November 2010
Member	Ms AM Mokgabudi	24 November 2005	23 November 2010
Member	Dr ATM Mokgokong	17 March 2004	23 November 2005
Member	Dr SM Motsuenyane	24 Nov 2005	23 November 2010
Member	Mr ML Ndlovu	17 March 2004	16 March 2009
Member	Mr D Smith	09 November 2000	08 November 2005
Member	Dr FA Sonn	17 March 2004	16 March 2009
Member	Vacant	/	/

The Commission carried two vacancies in the composition of its membership for the largest part of 2005, which was exacerbated by the completion of the terms of office of Messrs. Molobi and Smith on 08 November 2005. Three of these four vacancies were filled on 24 November 2005, when the President appointed the following new members to the Commission, for periods of five years each from the date of their appointment:

- Mr R Martin
- Ms AM Mokgabudi
- Dr MS Motsuenyane

The President also assigned Dr ATM Mokgokong as Deputy Chairperson of the Commission from 24 November 2005, for the remainder of her tenure as a member of the Commission.

2.8 THE SECRETARIAT OF THE COMMISSION

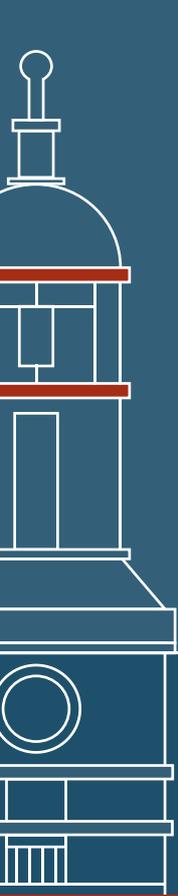
The Commission is assisted in its task by a full time Secretariat consisting of officials on the establishment of The Presidency.

Currently the Secretariat consists of a Director, Mr N Ulrich, and his Secretary, Ms S Makhaza.

The Commission wishes to express its appreciation to the members of the Secretariat for their outstanding services to the Commission, and the high standard of working documents and reports developed by them.



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4. PROGRESS REPORTS

4.1 ANNUAL RECOMMENDATIONS

The Commission intended to make its annual recommendations for the 2005/2006 financial year at the end of March 2005, but was necessitated to delay these recommendations due to delays in the completion of its consultant's report to the Commission. The Commission however made its recommendations to the President and Parliament, as required on 29 June 2005. It thereafter published these recommendations in the form as set out in Annexure A hereto, in Government Gazette No. 27770 of 08 July 2005.

The Commission was further necessitated to make supplementary annual recommendations for the 2005/2006 financial year as a result of legislative changes affecting Public Office Bearer positions in a Provincial House of Traditional Leaders. These recommendations were only formally made to the President, and published in the Government Gazette in January 2006.

The Commission has therefore fulfilled its statutory obligations with regard to the making of annual recommendations in respect of the salaries, benefits and allowances of Public Office Bearers.

4.2 MAJOR REVIEW OF PUBLIC OFFICE REMUNERATION

The Commission spent most of its time during 2005 in the advancement of its project to complete a major review of the remuneration regime in respect of Public Office Bearers. The research conducted in 2005 was the culmination of a three year project initiated by the Commission at the end of 2002, when it appointed its first consultants to do research towards a complete re-evaluation of the remuneration of Public Office Bearers. Research conducted prior to 2005 produced the following valuable data towards the bigger project:

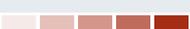
- A report on an international comparative study on the remuneration of Political Office Bearers;
- A comparison of the current salary structures with other

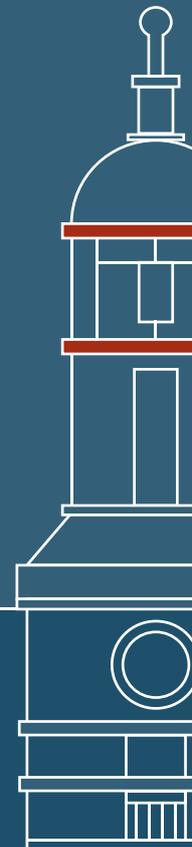
salary structures, with a view to moving towards an appropriately integrated structure; and

- A report and recommendations on a Total Cost to Employer salary system.

The above data however had to be supplemented before meaningful recommendations could be made for the conversion of the current remuneration system in respect of Public Office Bearers to one consistent with the values of our Constitution informing public governance. To assist it in this task, the Commission appointed consultants, who would generate a report by not later than 15 January 2006, which, would bring to the fore the following additional information:

- an analysis of the purpose, duties, responsibilities, powers, activities, nature and scope of all Public Office Bearer posts;
- an analysis of existing conditions of service, salaries, benefits and allowances of all Public Office Bearers;





- benchmarking of all Public Office Bearer positions with comparable public and private sector positions;
- recommendations on the resources necessary to enable each Public Office Bearer to perform his or her functions properly;
- recommendations on an integrated and transparent and equitable remuneration structure for all Public Office Bearers; and
- a comprehensive implementation plan for the conversion to a total cost to employer remuneration structure.

The research conducted in 2005 focused more acutely on job evaluation, job profiling, job grading and benchmarking of all Public Office Bearers positions. This project was ambitious as it had clearly never been attempted in the past. The project was highlighted by the following phases:

Job profiling: Comprehensive job profiles had to be drafted and agreed to, by current incumbents, in respect of every single Public Office Bearer position. Historically no such job profiles existed, and the Commission

had to draft these through a process of in depth consultation with incumbents. This process was completed in September 2005 when representatives from all Public Office Bearer stakeholders groups signed off their acceptance of these job profiles as being both correct and comprehensive.

Job grading: Following the establishment of comprehensive job profiles for all Public Office Bearer positions, the Commission had to grade these positions into a hierarchy that would be both vertically and horizontally integrated, fair and equitable. The proposed such grading hierarchy was communicated to all Public Office Bearer stakeholder groups during December 2005, during which valuable input was accumulated for consideration in the Commission's review report.

Benchmarking: The Commission considered various options for appropriate benchmarking of Public Office Bearer positions against comparable public and private sector positions, and intends to make recommendations in this regard in its major review report of March 2006,

after communicating its proposals with stakeholder groups in March 2006, for comment.

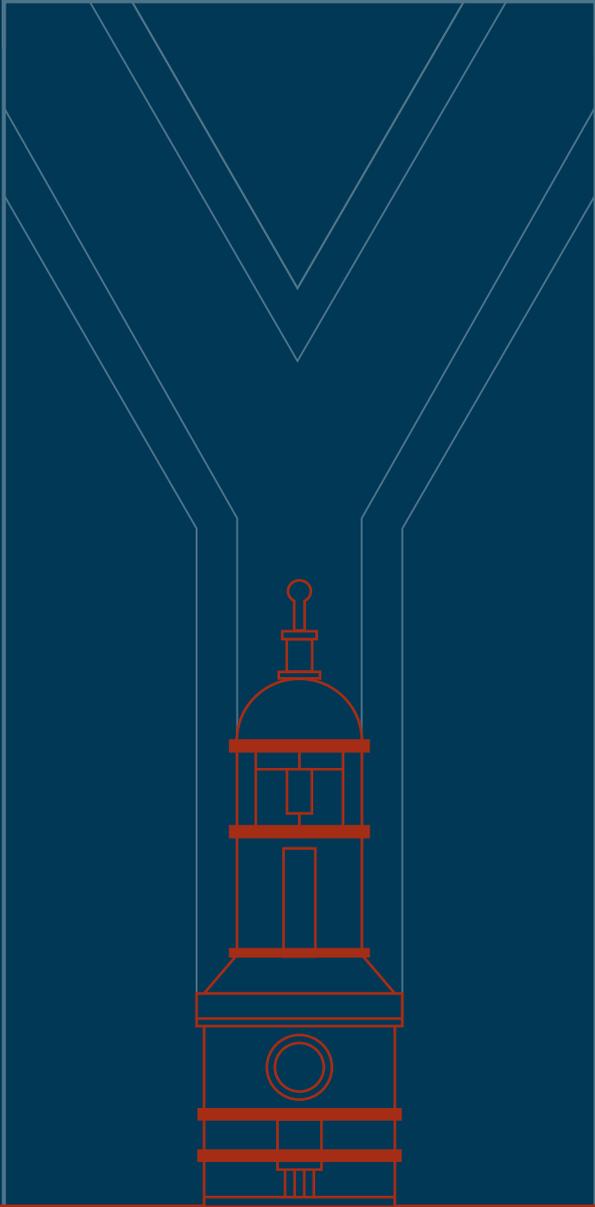
Determining appropriate pay levels and remuneration packages:

The Commission is still in a process of considering these aspects for inclusion in its major review report of March 2006.

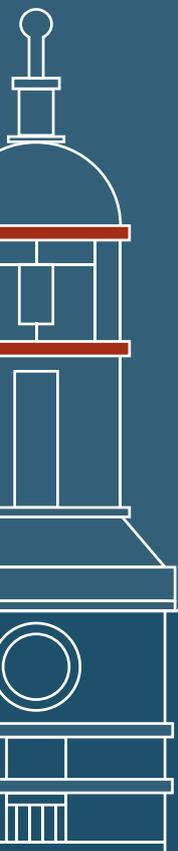
In summary, the Commission intends to make recommendations in March 2006, as it is statutorily mandated to do, in respect of a major review of the remuneration regime in respect of Public Office Bearers positions, which will represent a culmination of the research projects concluded by the Commission since 2002.

4.3 INCREASED FULL TIME STAFF CAPACITY

This matter, as elaborated to above, has not yet been concluded by the Commission. The Commission will seek an appropriate opportunity to make submissions and motivations in this regard to the Director General: Office of the President, early in 2006.



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5. COMMUNICATIONS WITH STAKEHOLDERS

5.1 GENERAL COMMUNICATION

The Commission embarked upon a series of communication road show meetings during the period April to June 2005, to address the perceived misunderstandings amongst Public Office Bearers of the Commission's role, mandate, objectives and operations. These events also presented an opportunity to establish efficient communication channels between the Commission and Public Office Bearer stakeholder groups.

Annexure C hereto sets out the dates of these communication events conducted by the Commission to all Public office Bearer stakeholder groups.

The following aspects were addressed at these events:

- The Composition of the Commission;
- The Commission's mandate;
- Short and long term objectives of the Commission;

- The role of the Commission's consultants for 2005;
- Liaison between Public Office Bearers and the Commission; and
- Opportunity for questions or suggestions

The Commission experienced unanimous appreciation amongst all Public Office Bearer groups for this initiative, and for the first time opportunity to engage directly with the Commission in respect of matters considered to be of extreme importance to Public Office Bearers. The Commission considers it important to maintain the established open communication channels with Public Office Bearers, and is equally committed to conducting its affairs in a transparent and consultative manner.

The Commission also during December 2005 published a general invitation for public comment, in the Government Gazette, for submissions and proposals on the remuneration of the Public Office Bearers, including their salaries,

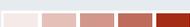
benefits and allowances. Some constructive input was received and considered in response to the invitation.

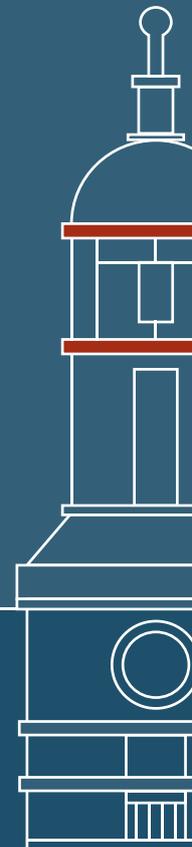
5.2 CONSULTATIVE ENGAGEMENTS

The Commission considered it imperative to engage with incumbent Public Office Bearers in the process of completing its major review project in respect of Public Office Bearer remuneration.

In furtherance of this view, the Commission, through its Secretariat, attended to all scheduled in depth consultations by the Commission's consultants with Public Office Bearers, in respect of job contents, job profiles, and job grading. Extensive consultations in this regard were conducted between May and September 2005.

The Commission also followed these consultations up with a road show to all Public Office Bearer groups during December 2005, to communicate the grading proposals recommended to the Commission by its consultants, and to obtain





comments thereon from Public Office Bearers, before considering its final recommendations in this regard. Valuable input was received from Public Office

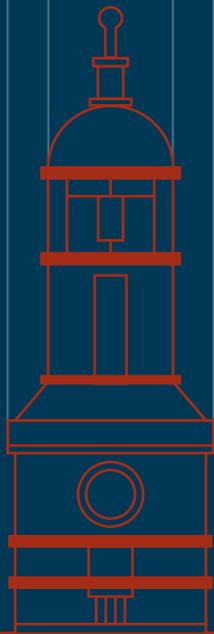
Bearers, which will be considered by the Commission when making its final recommendations in March 2006.

The Commission also undertook to

revisit these Public Office Bearer groups during March 2006, where it intends to communicate its intended remuneration recommendations for final comment.



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APPENDIX A

REMUNERATION RECOMMENDATIONS ON THE SALARIES, ALLOWANCES AND BENEFITS OF PUBLIC OFFICE BEARERS FOR 2005/2006

1. The Independent Commission for the Remuneration of Public Office Bearers was established in terms of section 219 of the Constitution of the Republic of South Africa Act, 1996, and members of the Commission were duly appointed in terms of the Independent Commission for the Remuneration of Public Office Bearers Act, 1997, to make recommendations regarding the salaries, allowances and benefits of office-bearers.
2. In terms of section 8(4) of the Independent Commission for the Remuneration of Public Office Bearers Act, 1997, the Commission shall publish annually in the Gazette, recommendations regarding the salary, allowances and benefits of political office-bearers at all levels of government.
3. With due regard to the submissions received and information available to the Independent Commission for the Remuneration of Public Office Bearers and having considered the other relevant factors, the Commission makes the following recommendations for consideration:

3.1 Grading Structure

Pending the continuation and completion of a comprehensive evaluation of all the positions of office-bearers in the next review cycle, the present grading structure for office-bearers should be retained.

3.2. Percentage Increase for Office-bearers

That the remuneration, benefits and allowances of all categories of office-bearers as defined in section 1 of the Independent Commission for the Remuneration of Public Office Bearers Act, No 92 of 1997, as amended, be increased by 5.75%.

Medical Aid, vehicle, retirement and housing benefits should be adjusted accordingly.

3.3 The President

That the total remuneration package of the President be increased, by resolution of the National Assembly, to R1 117 199.05 per annum, with effect from 01 April 2005.

3.4 Deputy President, Ministers and Deputy Ministers

That the remuneration of the Deputy President, Ministers and Deputy Ministers as set out in **Appendix A** be approved with effect from 01 April 2005, subject to the qualifications and definitions for the various notches published in Notice 56 in Government Gazette No 26968 of 5 November 2004.

3.5 The Remuneration for Members of the National Assembly and Permanent Delegates to the National Council of Provinces (NCOP).

That the remuneration for members of the National Assembly and Permanent Delegates to the National Council of Provinces (NCOP) as set out in **Appendix B** be approved with effect from 01 April 2005, subject to the qualifications and definitions for the various notches published in Notice 55 in Government Gazette No 26968 of 5 November 2004.

3.6 The Upper Limit of the salaries and allowances for Premiers, Members of Executive Councils and Members of Provincial Legislatures

3.6.1 That the upper limit of the remuneration for the members to any Provincial Legislature be determined by the President as a total package in accordance with Annexure C for implementation with effect from 01 April 2005, subject to the qualifications and definitions for the various notches published in Notice 54 in Government Gazette No 26968 of 5 November 2004.

3.6.2 The upper limit of the following allowances payable to members of any Provincial Legislature be determined by the President in amounts not exceeding the amounts paid by the State to public servants for the same purpose as determined by the relevant Minister from time to time:

- (a) the daily allowance payable to Public Office Bearers for accommodation on official duty away from the Provincial Legislatures (home base and constituency excluded) where documentary proof of expenditure is not a prerequisite for payment; and

- (b) the daily allowance payable to Public Office Bearers for incidental expenditure when away from the seat of the Provincial Legislature (home base and constituency excluded) on official duty where documentary proof of expenditure is not a prerequisite for payment.

3.7 Traditional Leaders

- 3.7.1 That the remuneration for Kings, Chiefs, Headmen, as well as the Chairperson and Deputy Chairperson of the National House of Traditional Leaders (NHTL) as set out in **Appendix D**, reflecting an increase of 5.75%, be approved with effect from 01 April 2005.
- 3.7.2 That the daily allowance and subsistence for the Chairperson, Deputy Chairperson and Members of the National House of Traditional Leaders as set out in **Appendix D**, reflecting an increase of 5.75%, be approved with effect from 01 April 2005.
- 3.7.3 That the daily allowance and subsistence for the Chairperson, Deputy Chairperson and Members of any Provincial House of Traditional Leaders as set out in Annexure D, reflecting an increase of 5.75%, be approved with effect from 01 April 2005.

3.8 Local Government Institutions

That the upper limit of the annual remuneration of members of Provincial Government Institutions to be determined by the Minister for Provincial and Local Government, be increased by 5.75% of the present annual remuneration of Public Office Bearers for the 2005/2006 financial year.

3.9 Constitutional Court Judges and Judges

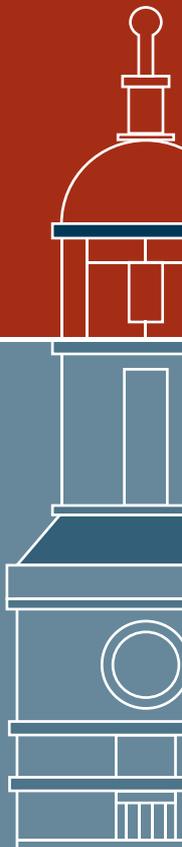
That the remuneration of the Constitutional Court Judges and Judges be determined by the President, subject to the approval by Parliament, as set out in **Appendix E**, with effect from 01 April 2005.

3.10 Magistrates

That the remuneration of Magistrates be determined by the President, subject to the approval by Parliament, as set out in **Appendix F**, reflecting an increase of 5.75% and the allocation of a motor vehicle allowance, with effect from 01 April 2005.



MR JUSTICE D.E. MOSENEKE
CHAIRPERSON



ANNEXURE A

GRADING STRUCTURE, REMUNERATION AND ALLOWANCES FOR THE DEPUTY PRESIDENT, MINISTERS, DEPUTY MINISTERS (NATIONAL EXECUTIVE AUTHORITY) WITH EFFECT FROM 01 APRIL 2005

COLUMN 1		COLUMN 2 (NOTCH 1)		
Grade	Office	Basic salary	Motor vehicle allowance	Total remuneration
Grade G	Deputy President	736 410	184 102	920 512
Grade F	Minister	608 595	152 149	760 744
Grade E1	Deputy Minister	494 661	123 665	618 326

All amounts reflected under the "Total remuneration" columns include an amount of R40 000 per annum determined in this Proclamation as the amount to which section 8(1)(d) of the Income Tax Act, 1962, applies.

ANNEXURE B

GRADING STRUCTURE, REMUNERATION AND ALLOWANCES OF MEMBERS OF THE NATIONAL ASSEMBLY AND PERMANENT DELEGATES TO THE NATIONAL COUNCIL OF PROVINCES WITH EFFECT FROM 01 APRIL 2005

COLUMN 1		COLUMN 2 (NOTCH 1)		
Grade	Office	Basic salary	Motor vehicle allowance	Total remuneration
Grade F	Speaker: National Assembly (NA) Chairperson NCOP	608 595	157 426	766 021
Grade E1	Deputy Speaker: NA Deputy Chairperson: NCOP	494 661	123 665	618 326
Grade E2	Parliamentary Councilor (PC): President Chief Whip Majority Party in NA Chief Whip (CW): NCOP Leader of the Opposition i.t.o. section 57(2)(d) of the Constitution	407 497	101 874	509 371
Grade D	PC: Deputy President House Chairperson: NA	387 171	96 792	483 963
Grade C1	Chairperson of a Committee of a House or a Joint Committee Chairperson of Committees	375 173	93 792	468 965
Grade C2	CW: Official Opposition / Largest Minority Party in a House Deputy Chief Whip: Majority Party in a House Deputy Chairperson of Committees	363 591	90 897	454 488
Grade B	Leader of a House Whip in a House Leader of a Minority Party other than the official opposition where that leader is a member of the NA or a permanent delegate to the NCOP	348 969	87 242	436 211
Grade A1	Member of NA Permanent Delegates	310 404	77 601	388 005

All amounts reflected under the "Total remuneration" columns include an amount of R40 000 per annum determined in this Proclamation as the amount to which section 8(1)(d) of the Income Tax Act, 1962, applies.



	COLUMN 3 (NOTCH 2)			COLUMN 4 (NOTCH 3)		
	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration
	639 036	159 759	798 795	669 462	167 365	836 827
	519 399	129 849	649 248	544 123	136 030	680 153

	COLUMN 3 (NOTCH 2)			COLUMN 4 (NOTCH 3)		
	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration
	639 035	159 758	798 793	669 463	167 365	836 828
	519 398	129 849	649 247	544 122	136 030	680 152
	427 875	106 969	534 844	448 267	112 067	560 334
	414 276	103 569	517 845	425 884	106 471	532 355
	401 430	100 357	501 787	412 675	103 168	515 843
	389 041	97 260	486 301	399 950	99 987	499 937
	366 416	91 603	458 019	383 862	95 966	479 828
	332 141	83 035	415 176	341 449	85 362	426 811

ANNEXURE C

UPPER LIMIT OF THE SALARIES AND ALLOWANCES OF PREMIERS, MEMBERS OF EXECUTIVE COUNCILS AND MEMBERS OF PROVINCIAL LEGISLATURES WITH EFFECT FROM 01 APRIL 2005

COLUMN 1		COLUMN 2 (NOTCH 1)		
Grade	Office	Basic salary	Motor vehicle allowance	Total remuneration
Grade F	Premier	608 595	152 184	760 743
Grade E1	Executive Council Member Speaker	494 661	123 665	618 326
Grade D	Deputy Speaker	378 171	96 792	474 963
Grade C1	Chief Whip: Majority Party	375 173	93 792	468 965
Grade C2	Leader of Opposition i.t.o. section 116(2)(d) of the Constitution Chairperson of a Committee of a Legislature Chairperson of Committees	363 591	90 897	454 488
Grade B	Chief Whip: Official Opposition / Largest Minority Party Deputy Chief Whip: Majority Party Deputy Chairperson of Committees	348 969	87 242	436 211
Grade A1	Parliamentary Counsellor to the King Whip Leader of a Minority Party in a Legislature other than the Official Opposition	310 404	77 601	388 005
Grade A2	Member of a legislature	298 943	74 735	373 678

All amounts reflected under the "Total remuneration" columns include an amount of R40 000 per annum determined in this Proclamation as the amount to which section 8(1)(d) of the Income Tax Act, 1962, applies.

ANNEXURE D

REMUNERATION OF TRADITIONAL LEADERS WITH EFFECT FROM 01 APRIL 2005

Category			Annual salary
King / paramount chief			479 469
Chief			115 085
Chairperson nhtl			381 119
Deputy chairperson nhtl			330 851
Allowances payable to members of the national house of traditional leaders for attending meetings of the house, seminars, workshops and conferences, in addition to their salaries as traditional leaders			
Category	Sitting allowance	Subsistence	Transport
Member	670,00 Per day	Reasonable, actual expenses	Department of transport tariffs for the use of privately owned vehicles
Allowances payable to members of the provincial houses of traditional leaders for attending meetings of the house, seminars, workshops and conferences, in addition to their salaries as traditional leaders			
Category	Sitting allowance	Subsistence	Transport
Chairperson	797,00 Per day	Reasonable, actual expenses	Department of transport tariffs for the use of privately owned vehicles
Deputy chairperson	717,00 Per day	Reasonable, actual expenses	Department of transport tariffs for the use of privately owned vehicles
Member	556,00 Per day	Reasonable, actual expenses	Department of transport tariffs for the use of privately owned vehicles



	COLUMN 3 (NOTCH 2)			COLUMN 4 (NOTCH 3)		
	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration
	639 035	159 758	798 790	669 463	159 322	828 785
	519 398	129 849	649 247	544 122	136 030	680 152
	414 276	103 569	517 845	425 884	106 471	532 355
	401 430	100 375	501 805	412 675	103 168	515 843
	389 041	97 260	486 301	399 950	99 987	499 937
	366 416	91 603	458 019	383 862	95 966	479 828
	332 141	83 035	415 176	341 449	85 362	426 811
	307 916	76 978	384 894	328 846	82 211	411 057

ANNEXURE E

REMUNERATION OF CONSTITUTIONAL COURT JUDGES AND JUDGES WITH EFFECT FROM 01 APRIL 2005

Designation of Office	Salary per annum (r)
Chief Justice of South Africa	728 128
Deputy Chief Justice	715 853
President of the Supreme Court of Appeal	715 853
Deputy President of the Supreme Court of Appeal	704 375
Judge of the Constitutional Court	670 270
Judge of the Supreme Court of Appeal	670 270
Judge President of the High Court	666 170
Judge President of the Labour Court	666 170
Deputy Judge President of the High Court	655 450
Deputy Judge President of the Labour Court	655 450
Judge of the High Court	650 500
Judge of the Labour Court	650 500

ANNEXURE F

REMUNERATION OF MAGISTRATES WITH EFFECT FROM 01 APRIL 2005

Designation of office	Salary per annum (r)	Motor vehicle allowance	Total Remuneration
Special Grade Chief Magistrate	411 305	126 736	538 041
Regional Court President	411 305	126 736	538 041
Chief Magistrate	332 226	103 484	435 710
Regional Magistrate	332 226	103 484	435 710
Senior Magistrate	300 589	75 147	375 736
Magistrate	273 444	68 361	341 805

APPENDIX B

PROCLAMATIONS BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE NO. 27959, 24 AUGUST 2005

PROCLAMATION NO. 42, 2005

SALARIES AND ALLOWANCES OF THE DEPUTY PRESIDENT, MINISTERS AND DEPUTY MINISTERS (NATIONAL EXECUTIVE AUTHORITY)

1. In terms of section 4(1) of the Remuneration of Public Office Bearers Act, 1998 (Act No 20 of 1998) (hereafter referred to as “the Act”), I hereby determine that the annual salaries and allowances of the various grades of office-bearers in Column 1 of Schedule 1 and Schedule 2 shall be as set out in Columns 2, 3 and 4 of Schedule 1 with effect from 1 April 2005 subject to section 4(2)-(7) of the Act.
 2. Column 4 of Schedule 1 (Notch 3) applies to a re-elected member who has occupied his or her current office, or an office in the same or a higher grade according to Column 1 of Schedule 2, for a period of at least 24 months in total, whether before or after 14 April 2004.
 3. Column 3 of Schedule 1 (Notch 2) applies to all re-elected members other than those referred to in paragraph (2). When a re-elected member to whom Column 3 applies has held his or her current office, or an office in the same or a higher grade according to Column 1, for a period of 24 months in total, Column 4 becomes applicable to that member.
 4. Column 2 of Schedule 1 applies to all members of the National Executive Authority who are not re-elected members.
 5. For the purpose of calculating the period of 24 months referred to in paragraphs (2) and (3), a re-elected member who-
 - (ii) was a Minister, Deputy Minister or a member of Parliament or of a Provincial Legislature on 13 April 2004, and
 - (iii) pursuant to the election of 14 April 2004 was, in the case of a Minister or Deputy Minister, appointed by the President as a Minister or Deputy Minister in terms of section 91(3)(c) or section 93(b), respectively, of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996) , or in the case of a member of the National Assembly or a Provincial Legislature, was designated by the Electoral Commission as a member of the National Assembly or of a Provincial Legislature, or, in the Case of a Permanent Delegate to the National Council of Provinces, was designated by the Electoral Commission as such in terms of section 61(2)(b) of the Constitution,is regarded to have continued to occupy the position occupied by him or her on 13 April 2004 until so designated or appointed.
 6. In this Proclamation-
 - (i) “Member of Parliament” means a member of the National Assembly or a permanent delegate to the National Council of Provinces,
 - (ii) “Re-elected member” means a person –
 - (a) who at any time before 14 April 2004 occupied an office in Column 2 of Schedule 2 and
 - (b) whose service in any one or more of those offices has not been interrupted in any time for a continuous period of more than 24 months.
 - (iii) The appointment of a person by the President as a Minister or Deputy Minister from outside the National Assembly shall deemed to be the election of such a person for purposes of this Proclamation.
 7. In terms of section 4(3) of the Remuneration of Public Office Bearers Act, I further determine the amount of R40 000, 00 per annum as that portion of the remuneration of the Deputy President, Ministers and Deputy Ministers to which section 8(1)(d) of the Income Tax Act, 1962 (Act No 58 of 1962) , applies
 8. Proclamation No.56 of 2004, published in the Government Gazette No. 26968 of 5 November 2004, is repealed.
- Given under my Hand at Pretoria on this Twenty-second day of August, Two thousand and five.



PRESIDENT

APPENDIX B - SCHEDULE 1

GRADING STRUCTURE, REMUNERATION AND ALLOWANCES FOR THE DEPUTY PRESIDENT, MINISTERS, DEPUTY MINISTERS (NATIONAL EXECUTIVE AUTHORITY) WITH EFFECT FROM 1 APRIL 2005

COLUMN 1		COLUMN 2 (NOTCH 1)			COLUMN 3 (NOTCH 2)			COLUMN 4 (NOTCH 3)		
Grade	Office	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration
Grade G	Deputy President	736 410	184 102	920 512						
Grade F	Minister	608 595	152 149	760 744	639 036	159 759	798 795	669 462	167 365	836 827
Grade E1	Deputy Minister	494 661	123 665	618 326	519 399	129 849	649 248	544 123	136 030	680 153

APPENDIX B - SCHEDULE 2

Grade	Office
Grade F	Minister (National Executive Authority) Premier of a Province Speaker: National Assembly Chairperson: National Council of Provinces (NCOP)
Grade E1	Deputy Minister (National Executive Authority) Deputy Speaker: National Assembly Deputy Chairperson: NCOP Member of the Executive Council of a Province Speaker: Provincial Legislature
Grade E2	Parliamentary Councilor: President Chief Whip: Majority Party in National Assembly Chief Whip of NCOP Leader of the Opposition in terms of section 57(2)(d) of the Constitution.
Grade D	Parliamentary Councilor: Deputy President Deputy Speaker: Provincial Legislature
Grade C1	Chairperson of a Committee of a House of Parliament or a Joint Committee Chairperson of a Committee of a House of Parliament Chief Whip of Majority Party: Provincial Legislature
Grade C2	Chief Whip: Official Opposition/Largest Minority Party in a House of Parliament Deputy Chief Whip: Majority Party in a House of Parliament Deputy Chairperson of Committees of House of Parliament Leader of Opposition in terms of section 116(2)(d) of the Constitution: Provincial Legislature Chairperson of a Committee of a Provincial Legislature Chairperson of Committees: Provincial Legislature
Grade B	Leader of a House of Parliament Whip in a House of Parliament Leader of a Minority Party other than the Official Opposition where that Leader is a member of the National Assembly or a permanent delegate to the NCOP Chief Whip of Official Opposition/Largest Minority Party: Provincial Legislature Deputy Chief Whip of Majority Party: Provincial Legislature Deputy Chairperson of Committees: Provincial Legislature
Grade A1	Member of the National Assembly Permanent Delegate to the NCOP Leader of Provincial Legislature Whip: Provincial Legislature Leader of Minority Party in a Provincial Legislature other than the Official Opposition
Grade A2	Member of a Provincial Legislature

APPENDIX B - CONTINUED

PROCLAMATIONS BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE NO. 27959, 24 AUGUST 2005

PROCLAMATION NO. 43, 2005

SALARIES AND ALLOWANCES OF MEMBERS OF THE NATIONAL ASSEMBLY AND PERMANENT DELEGATES TO THE NATIONAL COUNCIL OF PROVINCES (COLLECTIVELY REFERRED TO AS 'MEMBERS OF PARLIAMENT')

1. In terms of section 3(1) of the Remuneration of Public Office Bearers Act, 1998 (Act No 20 of 1998) (hereafter referred to as "the Act"), I hereby determine that the annual salaries and allowances of the various grades of office-bearers in Column 1 of Schedule 1 and Schedule 2 shall be as set out in Columns 2, 3 and 4 of Schedule 1 with effect from 1 April 2005 subject to section 4(2)-(7) of the Act.
2. Column 4 of Schedule 1 (Notch 3) applies to a re-elected member who has occupied his or her current office, or an office in the same or a higher grade according to Column 1 of Schedule 2, for a period of at least 24 months in total, whether before or after 14 April 2004.
3. Column 3 of Schedule 1 (Notch 2) applies to all re-elected members other than those referred to in paragraph (2). When a re-elected member to whom Column 3 applies has held his or her current office, or an office in the same or a higher grade according to Column 1, for a period of 24 months in total, Column 4 becomes applicable to that member.
4. Column 2 of Schedule 1 applies to all members of Parliament who are not re-elected members.
5. For the purpose of calculating the period of 24 months referred to in paragraphs (2) and (3), a re-elected member who-
 - (ii) was a Minister, Deputy Minister or a member of Parliament or of a Provincial Legislature on 13 April 2004, and
 - (iii) pursuant to the election of 14 April 2004 was, in the case of a Minister or Deputy Minister, appointed by the President as a Minister or Deputy Minister in terms of section 91(3)(c) or section 93(b), respectively, of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996) , or in the case of a member of the National Assembly or a Provincial Legislature, was designated by the Electoral Commission as a member of the National Assembly or of a Provincial Legislature, or, in the case of a permanent delegate to the National Council of Provinces, was designated by the Electoral Commission as such in terms of section 61(2)(b) of the Constitution,is regarded to have continued to occupy the position occupied by him or her on 13 April 2004 until so designated or appointed.
6. In this Proclamation-
 - (i) "Member of Parliament" means a member of the National Assembly or a permanent delegate to the National Council of Provinces,
 - (ii) "Re-elected member" means a person –
 - (a) who at any time before 14 April 2004 occupied an office in Column 2 of Schedule 2 and
 - (b) whose service in any one or more of those offices has not been interrupted in any time for a continuous period of more than 24 months.
 - (iii) The appointment of a person by the President as a Minister or Deputy Minister from outside the National Assembly shall deemed to be the election of such a person for purposes of this Proclamation.
7. In terms of section 4(3) of the Remuneration of Public Office Bearers Act, I further determine the amount of R40 000, 00 per annum as that portion of the remuneration of the members of Parliament to which section 8(1)(d) of the Income Tax Act, 1962 (Act No 58 of 1962) , applies.
8. Proclamation No.55 of 2004, published in the Government Gazette No. 26968 of 5 November 2004, is hereby repealed.

Given under my Hand at Pretoria on this Twenty-second day of August, Two thousand and five.



PRESIDENT

APPENDIX B - SCHEDULE 1

GRADING STRUCTURE, REMUNERATION AND ALLOWANCES OF MEMBERS OF THE NATIONAL ASSEMBLY AND PERMANENT DELEGATES TO THE NATIONAL COUNCIL OF PROVINCES WITH EFFECT FROM 01 APRIL 2005

COLUMN 1		COLUMN 2(NOTCH1)			COLUMN 3(NOTCH2)			COLUMN 4 (NOTCH3)		
Grade	Office	Basic Salary	Motor Vehicle Allowance	Total Remuneration	Basic Salary	Motor Vehicle Allowance	Total Remuneration	Basic Salary	Motor Vehicle Allowance	Total Remuneration
Grade F	Speaker: National Assembly (NA)	608 595	152 149	760 744	639 036	159 759	798 795	669 462	167 365	836 827
Grade E1	Deputy Speaker: NA Deputy Chairperson: NCOP	494 661	123 665	618 326	519 399	129 849	649 248	544 123	136 030	680 153
Grade E2	Parliamentary Councillor (PC): President Chief Whip Majority Party in NA Chief Whip (CW): NCOP Leader of the Opposition i.t.o section 57(2)(d) of the Constitution	407 497	101 874	509 371	427 875	106 969	534 844	448 267	112 067	560 334
Grade D	PC: Deputy President House Chairperson:NA	387 171	96 792	483 963	414 276	103 569	517 845	425 884	106 471	532 355
Grade C1	Chairperson of a Committee of a House or a Joint Committee Chairperson of Committees	375 173	93 792	468 965	401 430	100 357	501 787	412 675	103 168	515 843
Grade C2	CW:Official Opposition/Largest	363 591	90 897	454 488	389 041	97 260	486 301	399 950	99 987	499 937
Grade B	Leader of a House Whip in a House Leader of a Minority Party other than the official opposition where that leader is a member of the NA or a permanent delegate to the NCOP	348 969	87 242	436 211	366 416	91 603	458 019	383 862	95 988	479 828
Grade A1	Member of NA Permanent Delegates	310 404	77 601	388 005	332 141	83 035	415 176	341 449	85 362	426 811

All amounts reflected under the "Total remuneration" columns include an amount of R40 000 per annum determined in this Proclamation as the amount to which section 8(1)(d) of the Income Tax Act, 1962, applies.

APPENDIX B - SCHEDULE 2

Grade	Office
Grade F	Minister (National Executive Authority) Premier of a Province Speaker: National Assembly Chairperson: National Council of Provinces (NCOP)
Grade E1	Deputy Minister (National Executive Authority) Deputy Speaker: National Assembly Deputy Chairperson: NCOP Member of the Executive Council of a Province Speaker: Provincial Legislature
Grade E2	Parliamentary Councilor: President Chief Whip: Majority Party in National Assembly Chief Whip of NCOP Leader of the Opposition in terms of section 57(2)(d) of the Constitution.
Grade D	Parliamentary Councilor: Deputy President Deputy Speaker: Provincial Legislature
Grade C1	Chairperson of a Committee of a House of Parliament or a Joint Committee Chairperson of a Committee of a House of Parliament Chief Whip of Majority Party: Provincial Legislature
Grade C2	Chief Whip: Official Opposition/Largest Minority Party in a House of Parliament Deputy Chief Whip: Majority Party in a House of Parliament Deputy Chairperson of Committees of House of Parliament Leader of Opposition in terms of section 116(2)(d) of the Constitutional: Provincial Legislature Chairperson of a Committee of a Provincial Legislature Chairperson of Committees: Provincial Legislature
Grade B	Leader of a House of Parliament Whip in a House of Parliament Leader of a Minority Party other than the Official Opposition where that Leader is a member of the National Assembly or a permanent delegate to the NCOP Chief Whip of Official Opposition/Largest Minority Party: Provincial Legislature Deputy Chief Whip of Majority Party: Provincial Legislature Deputy Chairperson of Committees: Provincial Legislature
Grade A1	Member of the National Assembly Permanent Delegate to the NCOP Leader of Provincial Legislature Whip: Provincial Legislature Leader of Minority Party in a Provincial Legislature other than the Official Opposition
Grade A2	Member of a Provincial Legislature

APPENDIX B - CONTINUED

PROCLAMATIONS BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

PROCLAMATION NO. 44, 2005

UPPER LIMITS OF THE SALARIES AND ALLOWANCES OF PREMIERS, MEMBERS OF THE EXECUTIVE COUNCILS AND MEMBERS OF PROVINCIAL LEGISLATURES

1. In terms of section 6(1) of the Remuneration of Public Office Bearers Act, 1998 (Act No 20 of 1998) (hereafter referred to as “the Act”), I hereby determine that the annual salaries and allowances of the various grades of office-bearers in Column 1 of Schedule 1, and in Schedule 2 shall be as set out in Columns 2, 3 and 4 of Schedule 1 with effect from 1 April 2005 subject to sections 6 (2) to (9) of the Act.
 2. Column 4 of Schedule 1 (Notch 3) applies to a re-elected member who has occupied his or her current office, or an office in the same or a higher grade according to Column 1 of Schedule 2, for a period of at least 24 months in total, whether before or after 14 April 2004.
 3. Column 3 of Schedule 1 (Notch 2) applies to all re-elected members other than those referred to in paragraph (2) above. When a re-elected member to whom Column 3 applies has held his or her current office, or an office in the same or a higher grade according to Column 1, for a period of 24 months in total, Column 4 becomes applicable to that member.
 4. Column 2 of Schedule 1 applies to all Premiers, Members of Executive Councils and Members of the Provincial Legislatures who are not re-elected members.
 5. For the purpose of calculating the period of 24 months referred to in paragraphs (2) and (3), a re-elected member who-
 - (i) was a Minister, Deputy Minister or a member of Parliament or of a Provincial Legislature on 13 April 2004, and
 - (ii) pursuant to the elections of 14 April 2004 was, in the case of a Minister or Deputy Minister, appointed by the President as a Minister or Deputy Minister in terms of section 91(3)(b) or (c) or section 93(b), respectively, of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996) (hereafter referred to as “the Constitution”), or in the case of a member of the National Assembly or a Provincial Legislature, was designated by the Electoral Commission as a member of the National Assembly or of a Provincial Legislature, or, in the case of a permanent delegate to the National Council of Provinces, was designated by the Electoral Commission as such in terms of section 61(2)(b) of the Constitution,is regarded to have continued to occupy the position occupied by him or her on 13 April 2004 until so designated or appointed.
 6. In this Proclamation-
 - (i) “Member of Parliament” means a member of the National Assembly or a permanent delegate to the National Council of Provinces,
 - (ii) “Re-elected member” means a person –
 - (a) who at any time before 14 April 2004 occupied an office in Column 2 of Schedule 2 and
 - (b) whose service in any one or more of those offices has not been interrupted in any time for a continuous period of more than 24 months.
 - (iii) The appointment of a person by the President as a Minister or Deputy Minister from outside the National Assembly shall be deemed to be the election of such a person for purposes of this Proclamation.
 7. In terms of section 6(4) of the Remuneration of Public Office Bearers Act, I further determine the amount of R40 000, 00 per annum as that portion of the remuneration of Premiers, Members of Executive Councils and Members of the Provincial Legislatures to which section 8(1)(d) of the Income Tax Act, 1962 (Act No 58 of 1962) , applies
 8. Proclamation No.44 of 2005, published in the Government Gazette No. 27959 of 24 August 2005, is hereby revoked.
- Given under my Hand at Pretoria on this Twenty-second day of August, Two thousand and five.
- 
PRESIDENT

APPENDIX B - SCHEDULE 1

UPPER LIMIT OF THE SALARIES AND ALLOWANCES OF PREMIERS, MEMBERS OF EXECUTIVE COUNCILS AND MEMBERS OF PROVINCIAL LEGISLATURES WITH EFFECT FROM 1 APRIL 2005

COLUMN 1		COLUMN 2 (NOTCH 1)			COLUMN 3 (NOTCH 2)			COLUMN 4 (NOTCH 3)		
Grade	Office	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration
Grade F	Premier	608 595	157 426	766 021	639 035	159 758	798 793	669 463	167 365	836 828
Grade E1	Executive Council member Speaker	494 661	123 665	618 326	519 398	129 849	649 247	544 122	136 030	680 152
Grade D	Deputy Speaker	378 171	96 792	474 963	414 276	103 569	517 845	425 884	106 471	532 355
Grade C1	Chief Whip:Majority Party	375 173	93 792	468 965	401 430	100 375	501 805	412 675	103 168	515 843
Grade C2	Leader of Opposition i.t.o section 116(2)(d)of the Constitution Chairperson of a Committee of a Legislature Chairperson of Committees	363 591	90 897	454 488	389 041	97 260	486 301	399 950	99 987	499 937
Grade B	Chief Whip:Official Opposition Largest Minority Party Deputy Chief Whip: Majority Party Deputy Chief Whip: Majority Party Deputy Chairperson of Committees	348 969	87 242	436 211	366 416	91 603	458 019	383 862	95 966	479 828
Grade A1	Parliamentary Counsellor to the King Whip Leader of a Minority Party in a Legislature other than the Official Opposition	310 404	77 601	388 005	332 141	83 035	415 176	341 449	85 362	426 811
Grade A2	Member of a Legislature	298 943	74 735	373 678	307 916	76 978	384 894	328 846	82 211	411 057

All amounts reflected under the "Total remuneration" columns include an amount of R40 000 per annum determined in this Proclamation as the amount to which section 8(1)(d) of the Income Tax Act, 1962, applies.

APPENDIX B - SCHEDULE 2

Grade	Office
Grade F	Minister (National Executive Authority) Premier of a Province Speaker: National Assembly Chairperson: National Council of Provinces (NCOP)
Grade E1	Deputy Minister (National Executive Authority) Deputy Speaker: National Assembly Deputy Chairperson: NCOP Member of the Executive Council of a Province Speaker: Provincial Legislature
Grade E2	Parliamentary Councilor: President Chief Whip: Majority Party in National Assembly Chief Whip of NCOP Leader of the Opposition in terms of section 57(2)(d) of the Constitution.
Grade D	Parliamentary Councilor: Deputy President Deputy Speaker: Provincial Legislature
Grade C1	Chairperson of a Committee of a House of Parliament or a Joint Committee Chairperson of a Committee of a House of Parliament Chief Whip of Majority Party: Provincial Legislature
Grade C2	Chief Whip: Official Opposition/Largest Minority Party in a House of Parliament Deputy Chief Whip: Majority Party in a House of Parliament Deputy Chairperson of Committees of House of Parliament Leader of Opposition in terms of section 116(2)(d) of the Constitution: Provincial Legislature Chairperson of a Committee of a Provincial Legislature Chairperson of Committees: Provincial Legislature
Grade B	Leader of a House of Parliament Whip in a House of Parliament Leader of a Minority Party other than the Official Opposition where that Leader is a member of the National Assembly or a permanent delegate to the NCOP Chief Whip of Official Opposition/Largest Minority Party: Provincial Legislature Deputy Chief Whip of Majority Party: Provincial Legislature Deputy Chairperson of Committees: Provincial Legislature
Grade A1	Member of the National Assembly Permanent Delegate to the NCOP Leader of Provincial Legislature Whip: Provincial Legislature Leader of Minority Party in a Provincial Legislature other than the Official Opposition
Grade A2	Member of a Provincial Legislature

APPENDIX B - CONTINUED

PROCLAMATIONS BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE NO. 27959, 24 AUGUST 2005

PROCLAMATION NO. 45, 2005

REMUNERATION OF CONSTITUTIONAL COURT JUDGES AND JUDGES

- 1 In terms of section 2 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No 47 2001) (hereinafter referred to as the Judges' Remuneration Act); I hereby determine the rate, as contained in the attached Schedule, at which salaries are payable to Constitutional Court Judges and Judges annually, with effect from 1 April 2005.
- 2 In terms of section 2(1) of the Judges Remuneration Act, I further determine that an annual allowance of

R3 500.00 shall be payable to Constitutional Court Judges and Judges.

- 3 Proclamation No. 57 of 2004, published in Government Gazette No 26968 of 5 November 2004, is hereby repealed.

Given under my Hand at Pretoria on this Twenty-second day of August, Two thousand and five.

PRESIDENT

SCHEDULE

REMUNERATION OF CONSTITUTIONAL COURT JUDGES AND JUDGES WITH EFFECT FROM 1 APRIL 2005

DESIGNATION OF OFFICE	SALARY PER ANNUM (R)
Chief Justice of South Africa	728 128
Deputy Chief Justice	715 853
President of the Supreme Court of Appeal	715 853
Deputy President of the Supreme Court of Appeal	704 375
Judge of the Constitutional Court	670 270
Judge of the Supreme Court of Appeal	670 270
Judge President of the High Court	666 170
Judge President of the Labour Court	666 170
Deputy Judge President of the High Court	655 450
Deputy Judge President of Labour Court	655 450
Judge of the High Court	650 500
Judge of the Labour Court	650 500

APPENDIX B - CONTINUED

PROCLAMATIONS BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE NO. 27959, 24 AUGUST 2005

PROCLAMATION NO. 46, 2005

SALARIES, ALLOWANCES AND BENEFITS OF MAGISTRATES

- 1 In terms of section 12 of the Magistrates Act, 1993, (Act No 90 of 1993); I hereby determine the rate, as contained in the attached Schedule, at which salaries and allowances are payable to Magistrates annually, with effect from 1 April 2005.
- 2 The benefits and allowances payable in terms of this Proclamation shall be subject to the Conditions Applicable To All ranks of Magistrates In Respect of Allowances and Benefits attached hereto.

- 3 Proclamation No. 53 of 2004, published in Government Gazette No 26968 of 5 November 2004, is hereby repealed.

Given under my Hand at Pretoria on this day of August,
Two thousand and five.



PRESIDENT

SCHEDULE

REMUNERATION OF MAGISTRATES WITH EFFECT FROM 1 APRIL 2005

DESIGNATION OF OFFICE	SALARY PER ANNUM (R)	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERATION
Special Grade Chief Magistrate	411 305	126 736	538 041
Regional Court President	411 305	126 736	538 041
Chief Magistrate	332 226	103 484	435 710
Regional Magistrate	332 226	103 484	435 710
Senior Magistrate	300 589	75 147	375 736
Magistrate	273 444	68 361	341 805

APPENDIX B - CONTINUED

CONDITIONS APPLICABLE TO ALL RANKS OF MAGISTRATES IN RESPECT OF ALLOWANCES AND BENEFITS

1. ANNUAL SERVICE BONUS

The service bonus of a magistrate is the service bonus, including the requirements, conditions and circumstances, which are applicable to a deputy director in the Public Service: Provided that the basis of calculation shall be on the magistrate's annual basic salary at the date on which he or she qualifies for payment.

2. MOTOR VEHICLE FINANCING BENEFIT FOR ALL GRADES OF MAGISTRATES

The annual motor vehicle financing benefit of a chief or regional magistrate and a regional court president or special grade chief magistrate is R 103 484 and R126 736, respectively, payable in twelve monthly instalments on the date on which he or she qualifies for payment of salary, subject to the following conditions:

- a. The motor vehicle financing benefit shall not apply to any magistrate who is not permanently appointed.
- b. A maximum of seventy percent of the motor vehicle financing benefit may be utilized to fund the capital and interest for the purchase or lease of a reliable motor vehicle.
- c. A magistrate shall maintain a reliable motor vehicle to be utilized for official journeys.
- d. A magistrate shall at all times have his or her motor vehicle (or a reliable substitute) available for official journeys.
- e. (e) A chief magistrate or regional court president, or his or her delegate, as the case may be, shall decide whether a magistrate may utilize his or her motor vehicle for any specific official journey(s) or make use of the provisions of public or official transport, taking into account practical implications, cost effectiveness, road conditions etc.
- f. A magistrate shall secure his or her own financing of loans for the purchase or lease of a reliable motor vehicle. Should a magistrate not be able to successfully secure a loan or lease, he or she may through the Department apply for a guarantee from the National Treasury in order to secure a loan or lease.
- g. A magistrate shall at his or her own expense obtain and maintain comprehensive insurance on the motor

vehicle, and is fully responsible for all running and maintenance costs and the cost of registration and licensing of the motor vehicle.

- h. A magistrate shall not simultaneously participate in any other Motor Finance Scheme or subsidised motor transport scheme.
- i. A magistrate who participates in the subsidised motor transport scheme shall not receive the motor vehicle financing benefit until such time that his or her contract under the subsidised motor transport scheme has been terminated at his or her request with the approval of and subject to the conditions that the Director-General: Justice and Constitutional Development may stipulate.
- j. A magistrate receiving the Motor Car Finance Benefit in terms of Government Notice R.1416 dated 22 December 2000 shall receive the motor vehicle financing benefit as from 1 July 2001 provided that he or she repays to the Department all basic and supplementary allowances received under the Motor Car Financing Benefit since 1 July 2001.
- k. If a magistrate utilizes his or her motor vehicle to travel for official purposes away from his or her usual place of work, the Department shall reimburse toll fees, and parking fees in excess of R10 per month. The member is responsible for parking fees (if levied) at his or her usual place of work.
- l. If a magistrate uses his or her motor vehicle to carry out official duties, the Department will compensate the magistrate for kilometres travelled in excess of 500 kilometres per month, according to the tariffs payable for privately owned motor vehicles as prescribed by the Department of Transport.
- m. Any journey between a magistrate's home and usual place to work constitutes a private journey.

3. HOME OWNER'S AND MEDICAL AID ALLOWANCE

The home owner's and medical aid allowance of a magistrate is the allowance, including the requirements, conditions, circumstances, and basis of calculations, which is applicable to a deputy director in the Public Service as amended from time to time.

APPENDIX C

COMMUNICATION ROAD SHOW DETAILS

No	Stakeholder group	Date & Time	Venue
1	Representatives from the Chief Whips Forum in the National Assembly	26 April 2005 14:00 – 15:00	Union Building Pretoria
2	Speaker of the National Assembly and Chairperson of the National Council of Provinces	26 April 2005 15:00 – 16:00	Union Building Pretoria
3	Magistrates	22 June 2005 12:00 – 13:30	Constitutional Court Johannesburg
4	Traditional Leaders	24 June 2005 10:00 – 11:30	Union Building Pretoria
5	Provincial Legislatures and Local Government	27 June 2005 10:00 – 11:30	Union Building Pretoria
6	Constitutional Court Judges and Judges	28 June 2005 11:00 – 12:30	Constitutional Court Johannesburg
7	Constitutional Court Judges and Judges	05 December 2005 10:00 – 12:00	Constitutional Court Johannesburg
8	Magistrates	05 December 2005 12:00 – 14:00	Constitutional Court Johannesburg
9	Provincial Legislatures	06 December 2005 10:00 – 12:00	Union Building Pretoria
10	SALGA	06 December 2005 12:00 – 14:00	Union Building Pretoria
11	Traditional Leaders	13 December 2005 08:00 – 10:00	Union Building Pretoria
12	National Council of Provinces	14 December 2005 08:00 – 10:00	Parliament Cape Town
13	House Chairpersons in the National Assembly	14 December 2005 10:00 – 12:00	Parliament Cape Town
14	National Assembly	14 December 2005 12:00 – 13:30	Parliament Cape Town
15	Constitutional Court Judges and Judges	14 December 2005 14:00 – 15:30	Tuynhuis Cape Town

APPENDIX D

COMMISSION PROGRAMME FOR 2005

Date	Time	Activity	Venue
22 February 2005	*	Submission of Consultants' 1st Report for the 2005/06 Annual Review	Pretoria
04 March 2005	11:00 - 13:00	Commission meeting with consultants to discuss 1st Report	Johannesburg
07 March – 29 April 2005	*	Weekly meetings between Secretariat and consultants to track Report progress	Pretoria / Woodmead
22 April 2005	*	Consultants submit completed role profiles	Pretoria
26 April 2005	*	Consultants submit completed grading structure for all posts	Pretoria
26 April 2005	14:00 – 15:00	Commission meeting with Chief Whips Forum of the National Assembly	Pretoria
26 April 2005	15:00 – 16:00	Commission meeting with Speaker of Parliament and Chairperson of the NCOP	Pretoria

Date	Time	Activity	Venue
04 May 2005	*	Consultants submit completed bench markings in respect of all posts, and step by step "Total cost" implementation framework and recommendations	Pretoria
09 May 2005	08:00 – 12:00	Commission meeting to consider consultants' performance	Pretoria
10 May 2005	*	Consultants submit Second Report	Pretoria
26 May 2005	14:00 – 15:30	Commission meeting to consider annual recommendations	Cape Town
26 May 2005	15:30 – 17:00	Commission's statutory meeting with the Minister of Finance	Cape Town
30 May 2005	10:00 – 11:30	Commission's statutory meeting with the Minister of Justice and Constitutional Development	Pretoria
09 June 2005	*	Submission of Final Report of Consultants	Pretoria
14 June 2005	12:30 – 13:30	Commission meeting with consultants to discuss their performance	Johannesburg
15 June 2005	*	Distribution of Final Draft Annual Recommendations to Commission members	Email
20 June 2005	09:00 – 12:00	Commission meeting to finalise Annual Recommendations	Pretoria
22 June 2005	12:00 – 13:30	Communication road show with Magistrates	Johannesburg
24 June 2005	10:00 – 11:30	Communication road show with Traditional Leaders	Pretoria
27 June 2005	10:00 – 11:30	Communication road show with officials from Provincial and Local Government	Pretoria
28 June 2005	11:00 – 12:30	Statutory meeting with Chief Justice	Johannesburg
28 June 2005	13:00 – 14:00	Commission meeting with consultants to receive submission on completion of their Report	Johannesburg
29 June 2005	*	Submission of Commission's Recommendations to the President	Pretoria
29 June 2005	*	Submission of Commission's Recommendations to Parliament	Pretoria
08 July 2005	*	Publication of Recommendations in the Gazette	Pretoria
12 September 2005	*	Consultants complete all role profiles and submit to stakeholder groups for comment	Email
30 September 2005	*	Final acceptance of role profiles by all stakeholder groups	Email
14 October 2005	*	Consultants complete all role profiles and grading, except National Executive	Email
05 December 2005	10:00 – 12:00	Commission meeting with Judiciary to discuss grading proposals	Johannesburg
05 December 2005	12:00 – 14:00	Commission meeting with Magistracy to discuss grading proposals	Johannesburg
06 December 2005	10:00 – 12:00	Commission meeting with Provincial Legislatures to discuss grading proposals	Pretoria
06 December 2005	12:00 – 14:00	Commission meeting with SALGA to discuss grading proposals	Pretoria
07 December 2005	15:00 – 18:30	Commission meeting to discuss review progress	Pretoria
08 December 2005	09:00 – 14:00	Commission workshop with consultants to discuss benchmarking proposals	Centurion
13 December 2005	08:00 – 10:00	Commission meeting with Traditional Leaders to discuss grading proposals	Pretoria
14 December 2005	08:00 – 10:00	Commission meeting with NCOP to discuss grading proposals	Cape Town
14 December 2005	10:00 – 13:30	Commission meetings (2) with National Assembly to discuss grading proposals	Cape Town
14 December 2005	14:00 – 15:30	Commission meeting with Judiciary to follow up on grading proposals	Cape Town

*These are not meeting dates

APPENDIX E

MEETING ATTENDANCE REGISTERS COMMISSION MEETINGS

Name	Meetings attended in 2005					
	09 May	26 May	20 Jun	02 Sept	07 Dec	08 Dec
Mr Justice DE Moseneke	X	X	X	X	X	X
Mr E Molobi	X	X	Apology	Apology		
Dr A Mokgokong	X	Apology	X	X	X	X
Mr ML Ndlovu	X	X	X	X	Apology	X
Mr D Smith	X	X	Apology	X	X	X
Dr F Sonn	X	X	X	X	X	X
Mr R Martin					Apology	Apology
Ms T Mokgabudi					X	X
Dr SM Motsuenyane					X	Apology
Mr N Ulrich	X	X	X	X	X	X

Shaded areas indicate periods during which members were not appointed to the Commission

REMUNERATION OF MAGISTRATES WITH EFFECT FROM 1 APRIL 2005

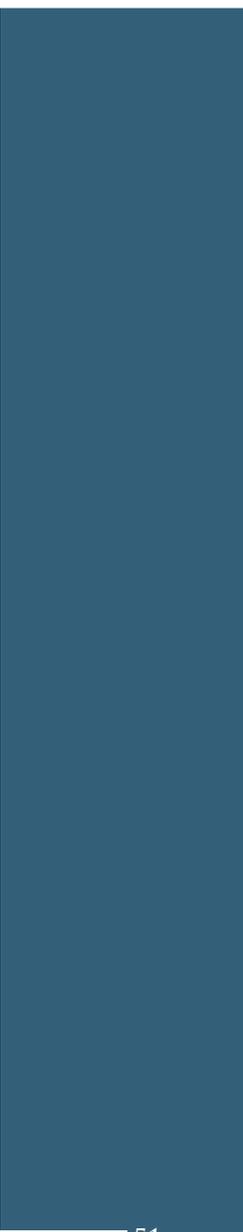
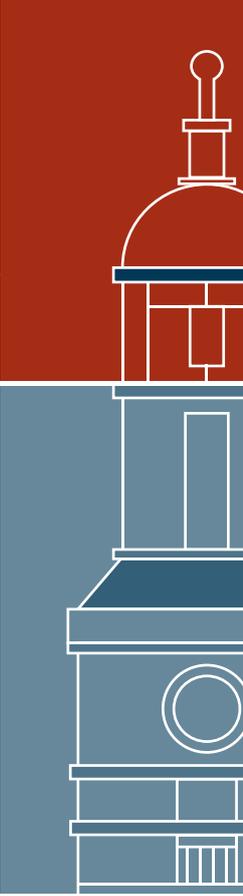
Name	Meetings attended in 2005																			
	28 Jun	04 Mar	26 Apr	26 Apr	26 May	30 May	14 Jun	22 Jun	24 Jun	27 Jun	28 Jun	05 Dec	05 Dec	06 Dec	06 Dec	13 Dec	14 Dec	14 Dec	14 Dec	14 Dec
Mr Justice D Moseneke	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Mr E Molobi					X	X														
Dr A Mokgokong		X					X	X										X	X	X
Mr L Ndlovu		X			X	X														
Mr D Smith					X															
Dr F Sonn					X												X	X	X	X
Mr R Martin																				
Ms T Mokgabudi																				
Dr SM Motsuenyane																				
Mr N Ulrich	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

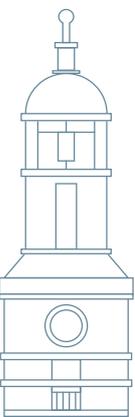
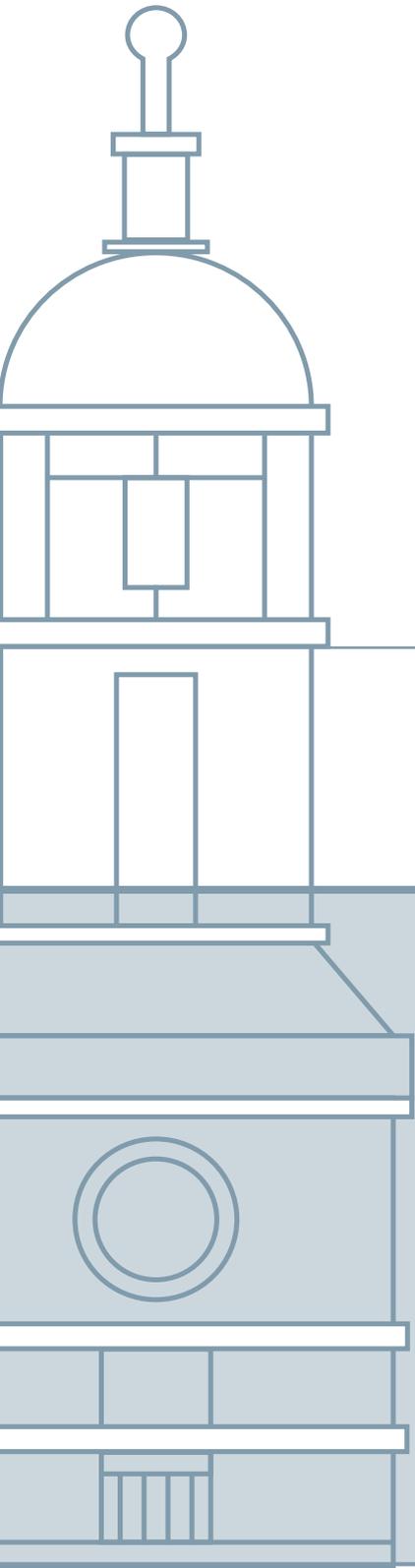
Commission members were not obliged to attend the above meetings. The Commission is however thankful to those members who indeed attended the meetings where they were available to do so.

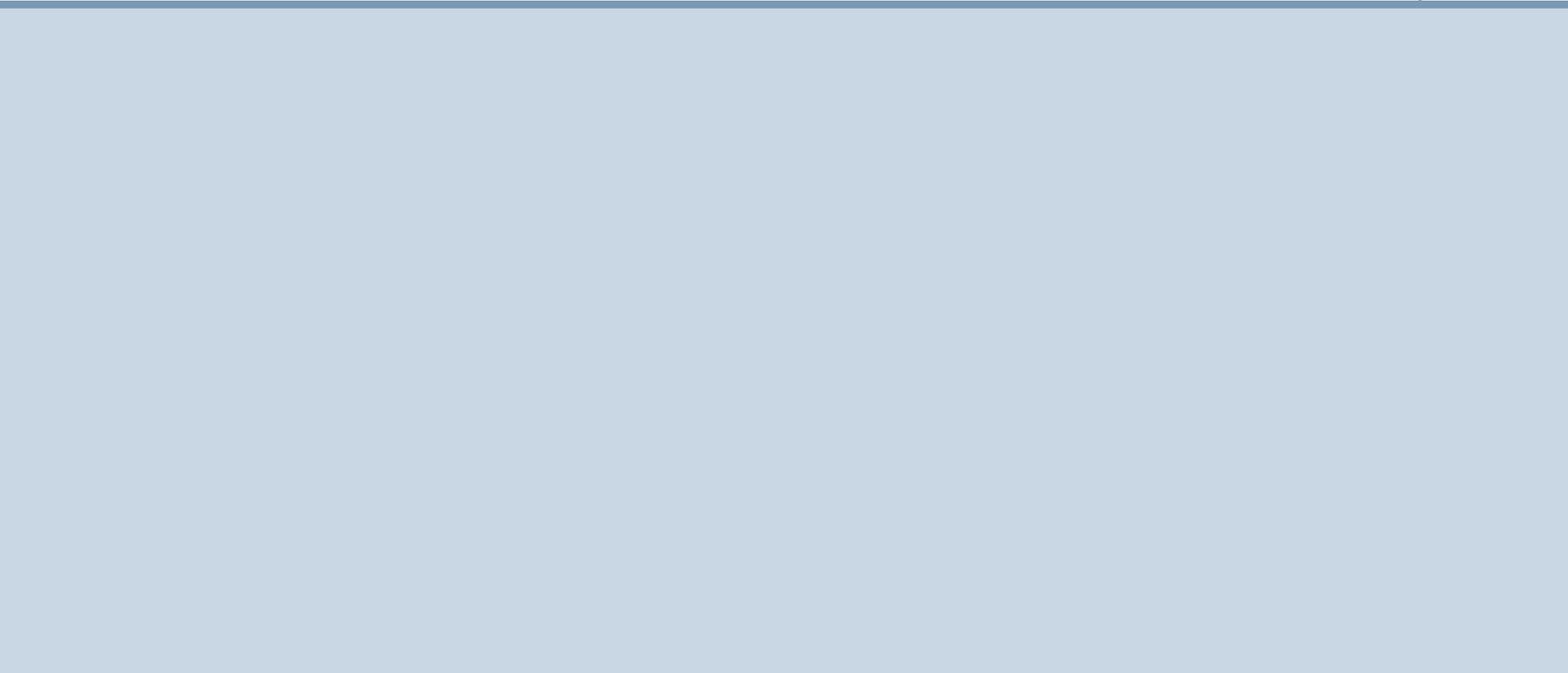
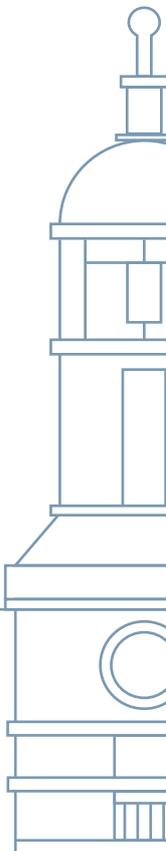
Shaded areas indicate periods during which members were not appointed to the Commission

NOTES

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ANNUAL REPORT 2005

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