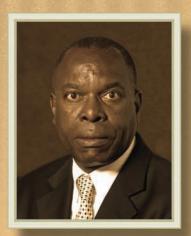
THE INDEPENDENT COMMISSION FOR THE REMUNERATION OF PUBLIC OFFICE BEARERS

ANNUAL REPORT 2009





Judge LW Seriti (Chairperson)



Ms AM Mokgabudi (Deputy Chairperson)



Dr HMR Bussin



Dr P Sithole



Ms N Newton-King



Mr R Martin



Mr BK Mosley-Lefatola



Ms P Buthelezi

TO: THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

I have the honour, in terms of section 10(1) of the Independent Commission for the Remuneration of Public Office Bearers Act, 1997 (Act No. 92 of 1997), to present the Annual Report which covers the activities of the Commission for the period 01 January 2009 to 31 December 2009.

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

Yours sincerely

JAV.

Judge Legoabe Willie Seriti

Chairperson

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

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I ACKNOWLEDGEMENTS

The Commission wishes to acknowledge the following individuals and institutions, and thank them for their contributions towards the functioning of the Commission during 2009, and in generating this Annual Report:

- 1. The Presidency, for administrative support to the Commission;
- 2. All public office bearers and other stakeholders who actively participated in productive consultation and communication with the Commission in the execution of its responsibilities;
- 3. All Commissioners during the reporting period, for their diligence, dedication and commitment to the Commission's activities;
- 4. The Commission's Secretariat for its commitment to utmost performance and quality; and
- 5. Shereno Printers, for the design and publication of this Report.



2 PREFACE

The Annual Report provides an overview of the activities of the Independent Commission for the Remuneration of Public Office Bearers (Commission) for the period 01 January 2009 to 31 December 2009.

It also provides amongst other things, an understanding of the Commission, its mandate, roles and functions and the context within which the Commission operates.

2009 marked the political transition, the establishment of the fourth parliament and the appointment of a new President of the country. During 2009, the Commission operated with 38% of its Commissioners until a new Chairperson, Deputy Chairperson and three members to the Commission were appointed between July 2009 to September 2009. The economic challenges experienced globally lead to difficult decisions being taken regarding the Commission's annual determinations.

The Commission's first and second major review reports were endorsed by the President and implemented by public office bearer institutions during 2008/2009. The Commission provided stakeholders and institutions with advice and assistance on implementation of the President's determinations when requested to do so.

The Commission continued with its research on tools of trade of public office bearers and conducted an African study, desktop research of international countries and provincial visits. The purpose of the African study and desktop research on international countries was to draw a comparison of how tools of trade are being provided and managed for office bearers in Africa and internationally.

The purpose of the provincial visits were to engage stakeholders from different provinces on tools of trade and to collate source documents that relate to tools of trade as well as to receive comments on tools of trade required by different public office bearer positions in order for them to perform their respective duties effectively. The engagement with stakeholders on tools of trade is still ongoing. It is envisaged that tools of trade will constitute the Third major Review Report which the Commission is in the process of finalizing.

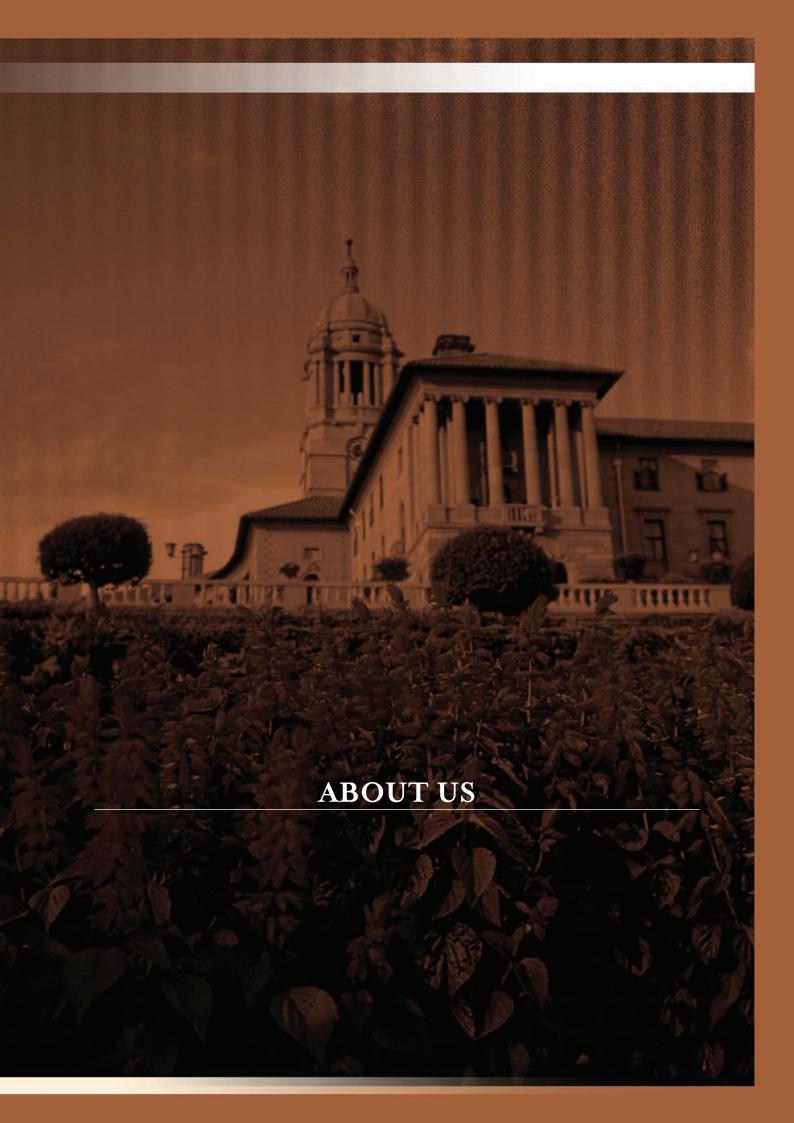


The Commission published recommendations on the cost of living adjustments for all public office bearers on 12 November 2009 after receiving the views expressed by the relevant parties involved in terms of its statutory consultations. The President, after taking into consideration the recommendations of the Commission adjusted the cost of living adjustments at 7% effective from 01 April 2009 for all public office bearers.

The Commission continues to advance greater co-operation and a strengthening of relationships with public office-bearers and other stakeholders.

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

A full copy of the Annual Report 2009 is available on the Commission's website at http://www.remcommission.gov.za.



3 ABOUT US

3.1 History

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



Schlebusch Commission of Enquiry

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

Melamet Commission

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

Section 207 of the Interim Constitution, 1993

Section 207 promulgated a Commission to make recommendations to Parliament, the provincial legislatures and local governments regarding the nature, extent and conditions of the remuneration and allowances of the members of all elected legislative bodies of the national, provincial and local governments, and members of provincial houses and the Council of Traditional Leaders.

Commission on the Remuneration of Representatives

The Commission was instituted in terms of the Commission on Remuneration of Representatives Act, 1994. The Commission functioned from 21 April 1995 to 05 April 1998. The first Chairperson of this Commission was Justice HW Levy, who was succeeded from 06 March 1996 by Justice JH Steyn.

Section 219 of the Constitution

Section 219 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.

Independent Commission for the Remuneration of Public Office Bearers

As a consequence of section 219 of the Constitution, the Independent Commission for the Remuneration of Public Office Bearers Act, 1997, established the current Commission to make recommendations concerning the salaries, allowances and benefits of defined 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 Deputy Chief Justice Dikgang Moseneke who served as Chairperson until 31 March 2008.

Deputy Chief Justice Dikgang Moseneke is succeeded by the current Chairperson of the Commission Judge Willie Seriti since 01 September 2009.

3.2 Overview

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

The Commission obtains its *mandate* mainly from:

- The Constitution of the Republic of South Africa;
- The Independent Commission for the Remuneration of Public Office-Bearers Act, 1997;
- The Remuneration of Public Office Bearers Act, 1998.

During the reporting period, Deputy Chief Justice Dikgang Moseneke and Dr ATM Mokgokong were the Chairperson and Deputy Chairperson of the Commission respectively from January 2009 until the expiry of their terms in March 2009. The terms of other Commissioners that include Dr SM Motsuenyane, Dr FA Sonn and Mr Lot Ndlovu also expired during or about March 2009. The contributions of these Commissioners have been valued and vital during their term with the Commission. The Commission wishes them well in their future endeavours.

The Commission did not operate in full strength during the reporting period from April 2009 to July 2009. The three remaining Commissioners during the reporting period were Ms AM Mokgabudi, Ms N Newton-King and Mr R Martin, who collectively with the Secretariat managed Commission matters on behalf of the Commission until the President made new appointments between July 2009 and September 2009. The current and existing appointments are congratulated and it is anticipated that the Commission will be steered by a crew that will achieve many goals and fulfil the vision and mandate of the Commission.

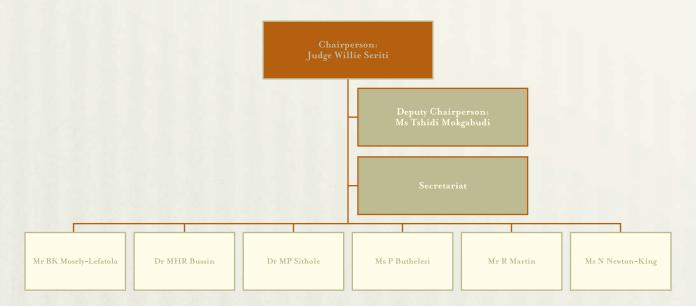
3.3 Structure and new appointments

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

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

The President appointed the following persons as members of the Commission:

The resident appointed the following persons as members of the commission.					
Name	Designation	Appointment Date			
Judge Willie Seriti	Chairperson	01 September 2009			
Ms Tshidi Mokgabudi	Deputy Chairperson Member	27 July 2009 24 November 2005			
Mr Raphael Martin	Member	24 November 2005			
Ms Nicky Newton-King	Member	10 March 2006			
Dr Mpilenhle Pearl Sithole	Member	27 July 2009			
Dr Mark Hebert Raymond Bussin	Member	27 July 2009			
Ms Philisiwe Buthelezi	Member	27 July 2009			
Mr Blake Keith Mosley-Lefatola	Member	01 September 2009			





3.4 Vision

THE COMMISSION ENVISAGES TRANSPARENT DETERMINATIONS OF EQUITABLE AND ACCOUNTABLE TOTAL REMUNERATION FOR ALL PUBLIC OFFICE BEARER POSITIONS IN THE REPUBLIC OF SOUTH AFRICA.

3.5 Mission

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.

THE COMMISSION IS EQUALLY COMMITTED TO MAKING ANNUAL RECOMMENDATIONS IN RESPECT OF THE REMUNERATION OF PUBLIC OFFICE BEARERS TO MAINTAIN THEIR FINANCIAL POSITIONS IN THE MEANTIME AND BEYOND.

3.6 Roles and functions

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

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

- the powers and duties conferred to the Commission by section 219 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.

3.7 Secretariat

Legislation requires that the administration of the Commission be conducted by such officers in the Presidency as designated by the Director-General: Office of the President after consultation with the Commission.

The Secretariat performs the work incidental to the exercise or performance of the Commission's powers and duties.

Mr Peter Makapan is congratulated on his appointment as Head of Secretariat since 1 June 2009.



Head of SecretariatMr Peter Makapan



Remuneration SpecialistMr Deon van der Vyver



Remuneration SpecialistAdvocate Nasreen Dawood



Secretary to Head of Secretariat Ms Marietjie Lansdell



Senior Administration
Officer
Mrs Durinda Franks-Swart

Commission Chairperson, Deputy Chairperson, 6 Commissioners

> Head of Secretarait Mr PM Makapan

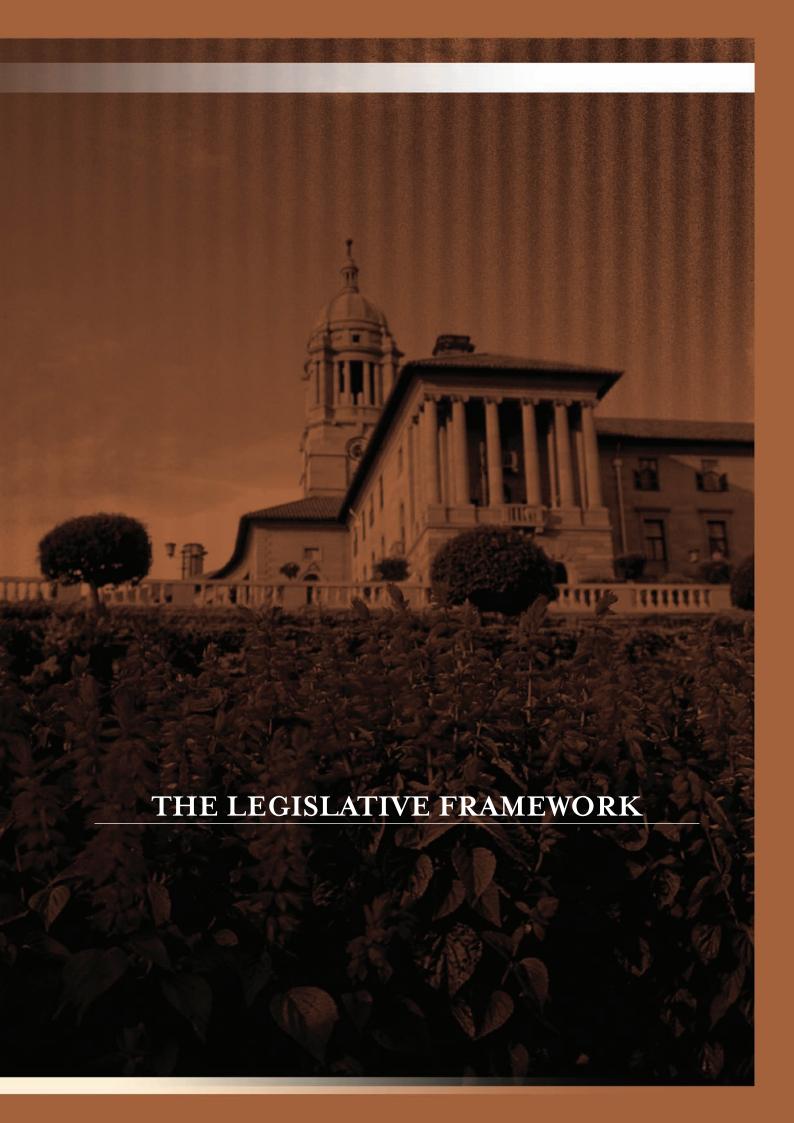
Secretary: Ms M Lansdell

SAO: Mrs D Franks-Swart

Remuneration Specialist: Mr D van der Vyer Remuneration Specialist: Adv N Dawood Remuneration Specialist: Vacant



SECRETARIAT TEAM BUILDING HELD AT BELA BELA IN OCTOBER 2009



4.1. Who is a public office bearer?

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

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

Section 1 of the Remuneration of Public Office Bearers Act, 1998 defines a Traditional leader as -

"a traditional leader as defined in section 1 of the Traditional Leadership and Governance Framework Act, 2003."

4.2 What must the Commission recommend?

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

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

4.3 Publication of recommendations – when and where?

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

Table 2 below sets out briefly the legislative framework within which the Commission and its predecessor operated since 1993, and indicates, where applicable, which Acts have been repealed.

Table 2: Legislative framework

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

Act	Act No.	Relevance	Repealed by Act
Judicial Officers (Amendment of Conditions of Service) Act	28/2003	Includes all judicial office bearers in the scope and definition of office-bearers	N/A
Traditional Leadership and Governance Framework Act	41/2003	Changes the structure of traditional leadership office-bearer positions	N/A
Traditional Leadership and Governance Framework Amendment Act	23/2009	Provides for the recognintion of more traditional leadership posts	N/A

4.4 Section 219 of the Constitution

Section 219 provides Constitutional acknowledgement and recognition for the need for ongoing impartial adjudication of appropriate levels of remuneration for all Public Office Bearers. It acknowledges that public trust of and confidence in South African public office-bearers could only be achieved and maintained at acceptable levels if this task is conducted with scrupulous objectivity. It was with this objective in mind that the Independent Commission for the Remuneration of Public Office Bearers Act, 1997 was enacted to give effect to the Constitutional prescripts of Section 219.

Section 219 of the Constitution stipulates that –

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

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

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

Section 2 of the Act 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) (i) The Commission may conduct an inquiry into any matter in respect of which it is authorized by this Act, section 219 of the Constitution or any other law to perform any function.
 - (ii) For the purposes of the inquiry, the Commission shall have the powers contemplated in section 3 of the Commission Act, 1947, and the provisions of subsections (3) and (4) of the said section 3 shall apply in respect of a person who gives evidence before the Commission or who has been summoned to attend any meeting of the Commission as a witness or to produce any book, document or object.
- (3) The Commission may conduct or cause to be conducted such research or obtain such information from the Secretary to Parliament, the secretary to any provincial legislature, the secretary to the National House of Traditional Leaders, the secretary to any provincial house of traditional leaders, the chief executive officer of any municipality, the Chief Justice or any person designated for that purpose by the Chief Justice, or any functionary or body as may be necessary for the performance of the functions of the Commission under this Act, section 219 of the Constitution or any other law.
- (3A) Whenever the Commission performs any function in terms of this Act relating to the remuneration of any office-bearer as defined-
 - (a) in paragraph (d)(i) of the definition of 'office-bearer' in section 1, it must have regard to the provisions of the Judges' Remuneration and Conditions of Employment Act, 2001 and in particular to section 2 of that Act; or

- (b) in paragraph (d)(ii) of the definition of 'office-bearer' in section 1, it must have regard to the provisions of the Magistrates Act, 1993 (Act 90 of 1993), and in particular to section 12 of that Act.
- (3B) (a) If the chairperson of the Commission is an office-bearer as defined in paragraph (d)(i) of the definition of 'office-bearer' in section 1, that member must refrain from participating in any of the Commission's deliberations relating to the remuneration of any office-bearer as defined in paragraph (d) of the said definition.
 - (b) Any member of the Commission who may directly or indirectly derive any benefit from the acceptance by the President of any recommendations by the Commission must refrain from participating in any of the Commission's deliberations relating to such recommendations.
- (4) The Commission shall, after taking into consideration the factors referred to in subsection (6), publish in the Gazette recommendations concerning-
 - (a) the salary, allowances and benefits of any office-bearer as defined in paragraphs (a), (d) and (e) of the definition of 'office-bearer' in section 1;
 - (b) the upper limits of the salary, allowances or benefits of any office-bearer as defined in paragraphs (b) and (c) of the definition of 'office-bearer' in section 1; and
 - (c) the resources which are necessary to enable an office-bearer as defined in paragraphs (a), (b), (c) and (e) of the definition of 'office-bearer' in section 1 to perform the office-bearer's functions effectively.
- (5) Recommendations referred to in subsection (4) must be published in the *Gazette* at least once a year in respect of each category of office-bearers and must be submitted to Parliament before publication.
- (6) Subsection 6 provides for the factors the Commission must take into account when making recommendations in subsection (4).

4.6 The Remuneration of Public Office Bearers Act, 1998

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

(i) The President

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

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

The National Assembly determines the salary **of the President** after considering:

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

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

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

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

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

- the recommendations of the Commission;
- the different roles, status, duties, functions and 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' allowances in terms of section 8(1)(d) of the Income Tax Act, 1962.

(iii) Premiers, Members of Executive Committees and Members of Provincial Legislatures

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

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

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

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

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

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

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

- the recommendations of the Commission;
- the roles, status, duties, functions and responsibilities of traditional leaders, members of the National House of Traditional Leaders, and members of the Provincial Houses of Traditional Leaders;
- the current principles and levels of remuneration in society generally;
- the need for the promotion of equality and uniformity of salaries and allowances for equal work performed;
- the enhancement of co-operation, unity and understanding between traditional communities nationally;
- the extent of the role and functions of traditional leaders across provincial borders; and
- inflationary trends and figures.

(v) Members of Municipal Councils

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

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

• the recommendations of the Commission;

- the respective role, status, duties, functions and responsibilities of the different members of Municipal Councils;
- the different categories or types of municipalities, having regard to their respective powers, duties and functions;
- the gross income, the area of jurisdiction and the nature of settlement of each municipality;
- the affordability of different levels of remuneration of public office bearers;
- the current principles and levels of remuneration in society generally;
- the need for the promotion of equality and uniformity of salaries, benefits and allowances for equal work performed;
- the provision of uniform norms and standards nationally to address disparities; and
- inflationary trends and figures.

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

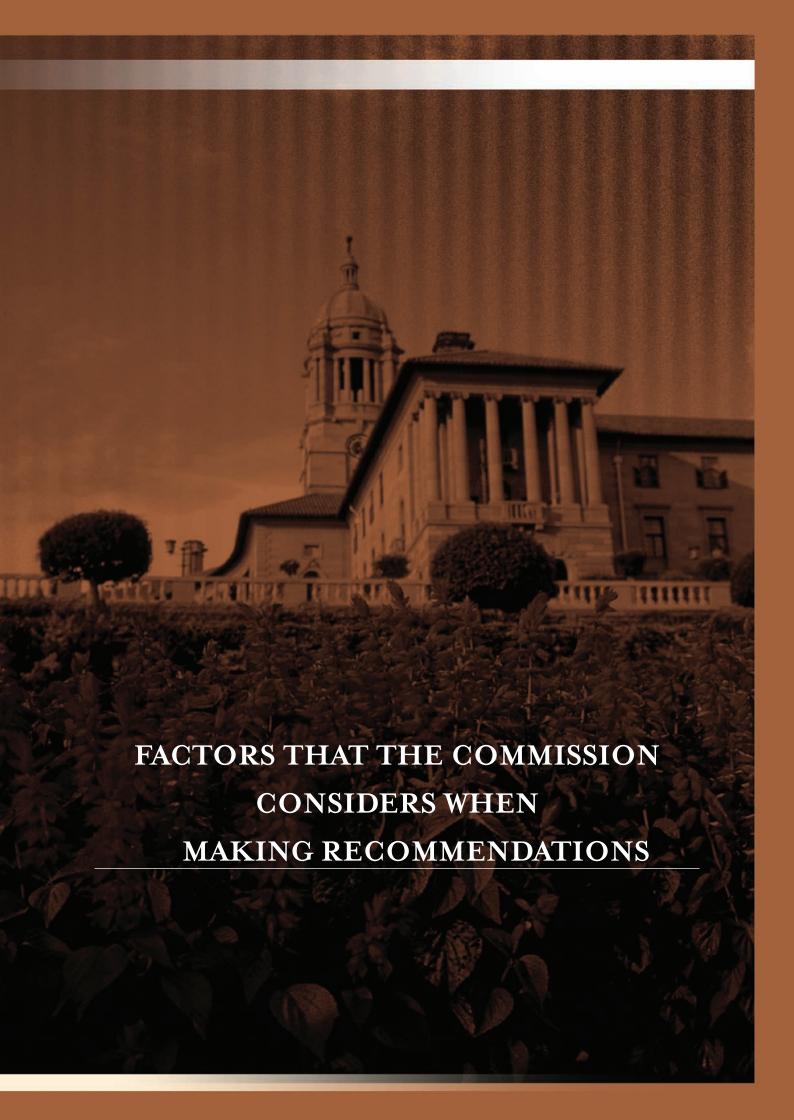
(vi) Constitutional Court Judges, Judges and Magistrates

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

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

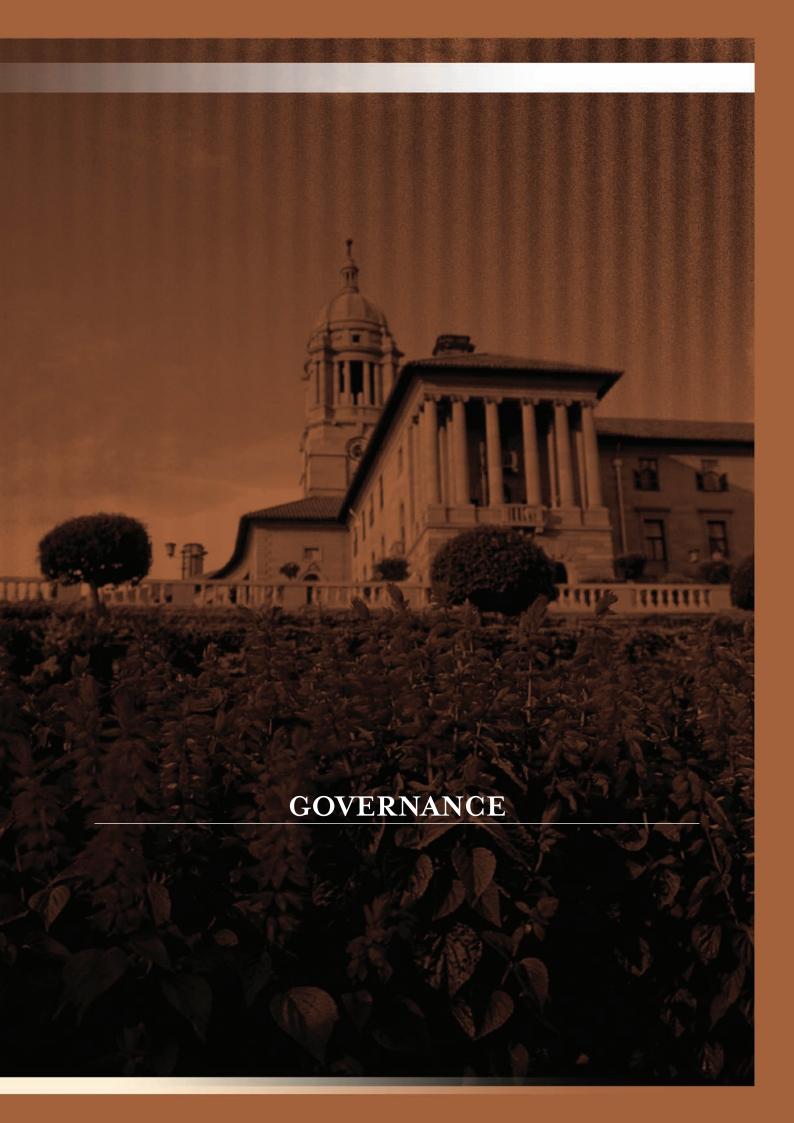
The President determines the salaries, benefits and allowances by means of a notice in the *Gazette* after Parliament considered, and approved the draft notice.





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

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



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

When should the Commission meet and how are decisions taken?

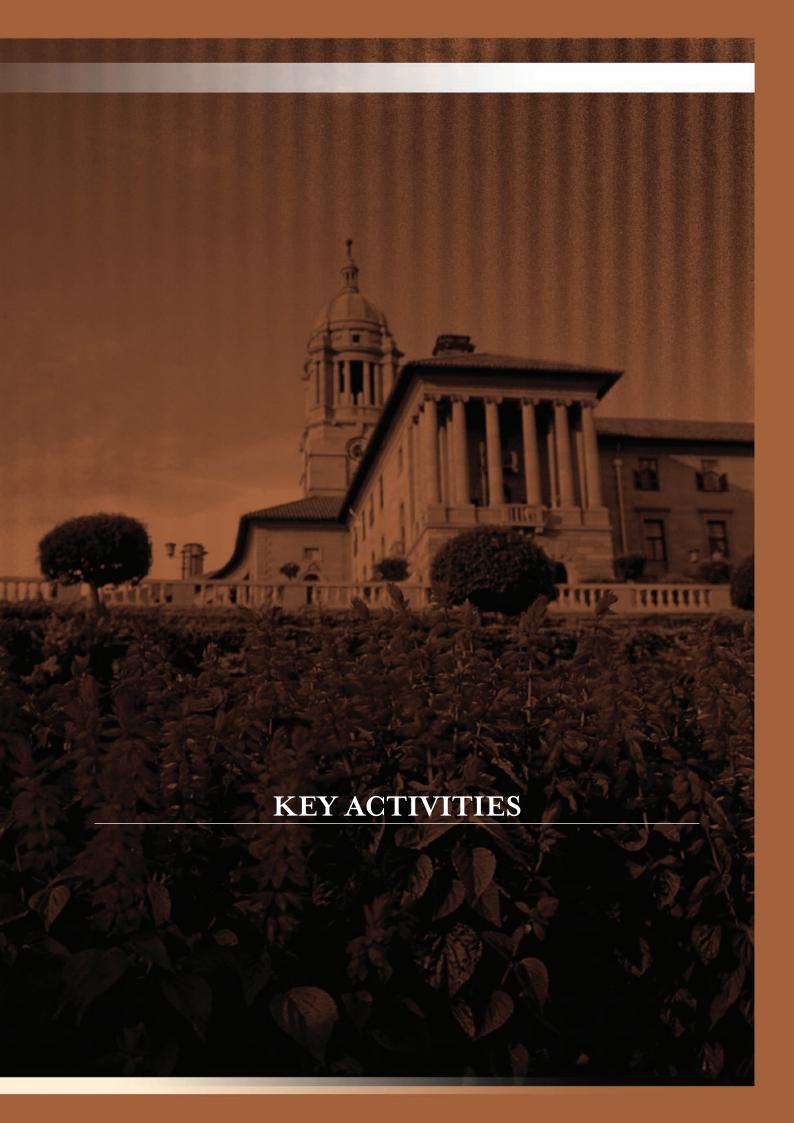
The Commission is required by law to meet at least once per year, at a time and place determined by the Chairperson of the Commission. The Commission in fact meets far more often than this, as set out more fully in Annexure C. The Act also sets out that five members of the Commission shall constitute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

The Commission's budget

The expenditure incidental to the exercise or performance of the powers and duties of the Commission is defrayed from money appropriated by Parliament for that purpose.

Administration of the Commission

The Commission is assisted by the Secretariat as discussed in Chapter 3 of this Annual Report.



7.1 Key outputs

7.1.1 Implementation of the Major review on public office bearer remuneration

In this review the Commission assisted with queries received from the stakeholders regarding the implementation of the major review that was determined by the President in his proclamations during 2008 and 2009. Implementation of the determinations is ongoing and certain amendments to legislation and regulations need to take place.

7.1.2 Tools of Trade

The Commission is thoroughly investigating the resources used by public office bearers in order to perform their duties effectively. Provincial visits to public officer bearers as well as African and international research on tools of trade have been conducted by the Commission through its Secretariat. The Commission envisages finalizing its review on tools of trade soon.

7.1.3 Annual Cost of Living Adjustments

The Commission after taking all relevant factors into consideration recommended an annual cost of living adjustment of 8% for all public office bearers. The President, after taking into consideration the recommendations of the Commission adjusted the annual cost of living adjustments to 7% for all public office bearers.

7.2 Key Priorities

The Commission identified key priorities listed below toward the fulfillment of its mandate. Some of the priorities listed will be achieved in 2009/2010 and some of the priorities will direct the Commission's activities beyond 2010. The Priorities of the Commission are as follows:

- Effective communication with public office bearers.
- Supplement existing remuneration research to address any shortcomings.
- Complete annual cost-of-living remuneration adjustments for 2009/2010.
- Complete the 2009 Annual Report.
- Assisting with the implementation of the major review reports on salaries, pension and medical aid benefits of public office-bearers.
- The updating of Presidential and Ministerial Handbooks.
- The updating of the pension rules of pension fund benefits for certain public office bearers.
- Complete a major review of the resources necessary to enable an office-bearer in each of the institutions to perform his or her functions effectively.

- Comprehensive African and International benchmarking.
- Closer liaison with similar Remuneration Tribunals in SADC countries and host a conference inviting the Commission's counterparts in SADC countries for the sharing of knowledge and mutual gain regarding remuneration issues, practices and trends.
- Recommend a remuneration system for all public office bearers, based on performance measurement,
 management and reward.
- Knowledge sharing with other public service institutions to eliminate inequities in remuneration practices across the entire public service.
- Advise on appropriate remuneration of senior executives in public service institutions, Chapter 9 institutions and other relevant public office-bearers not included under the statutory definition.

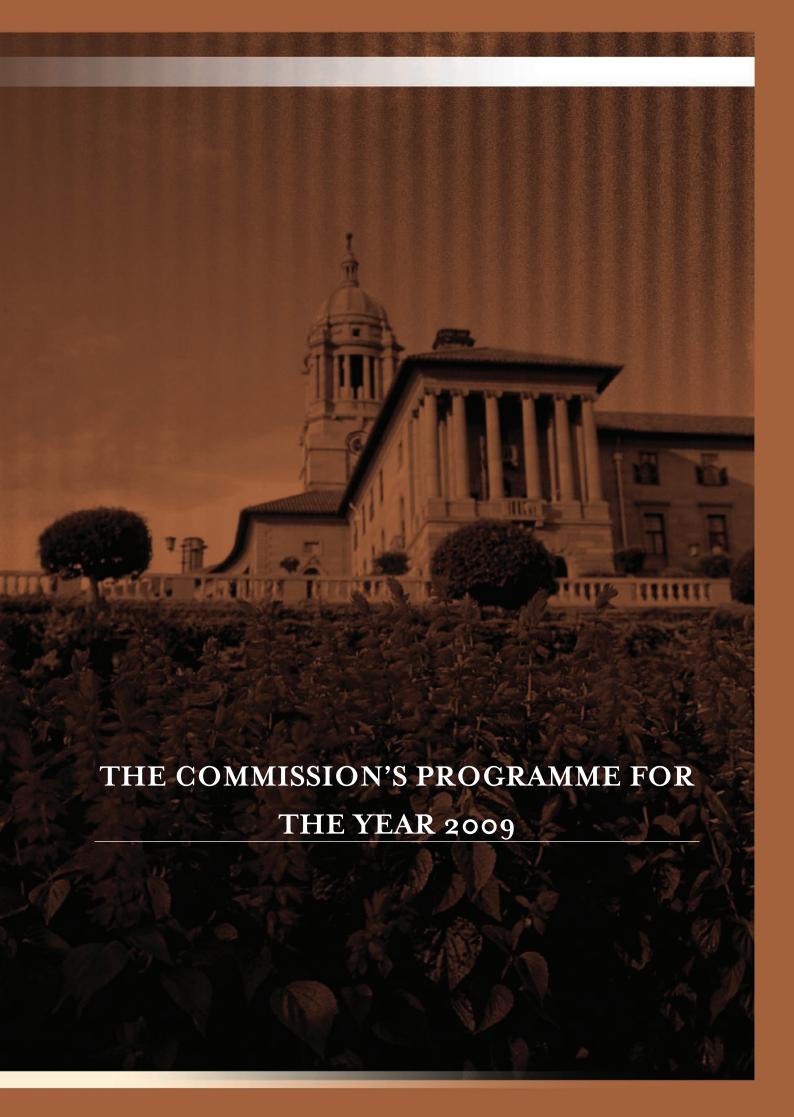
7.3 Short Term Objectives

- Completion of the review on tools of trade
- Annual Recommendations for 2009/2010
- Communication with Public Office Bearers
- Hosting SADC Remuneration Tribunals/Secretariats conference

7.4 Long Term Objectives

- Determination of a Performance Based remunerative structure for all Public Office Bearers underpinned by fairness and transparency
- Developing certain internal policies and procedures that ensure the smooth functioning of the Commission
- Fostering the independence of the Commission

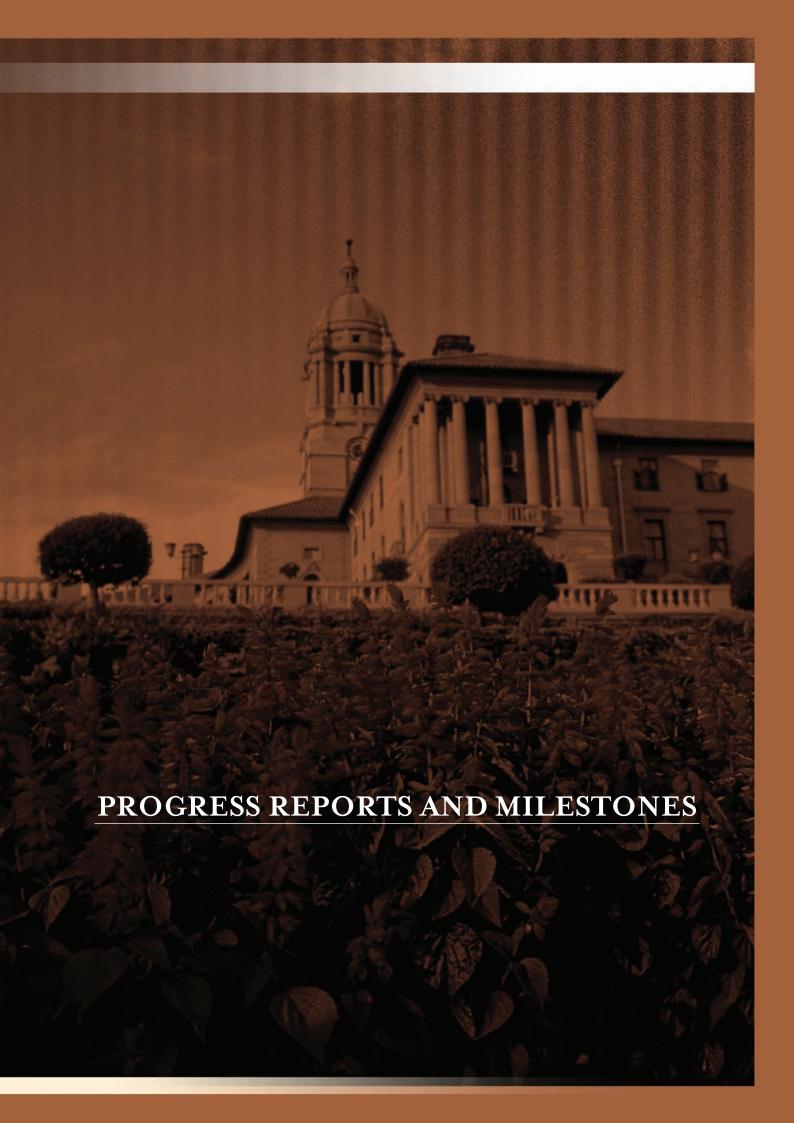




A schedule of the Commission's programme of meetings for 2009 is set out in Annexure C hereto. The schedule distinguishes between:

- Commission meetings;
- Statutory meetings with officials;
- Meetings with stakeholders; and
- Deadlines for delivery of reports.

The meeting attendance of members of the Commission in 2009 is reflected in the register attached as Annexure D.



9.1 Major review of the resources which enable public office-bearers to perform their functions effectively

The Commission's Secretariat conducted the required research on tools of trade and consulted with stakeholders in all provinces. The purpose of the consultations was to obtain information on tools of trade currently used and tools of trade required by stakeholders. This information was collated and presented to the Commission to consider the core and peripheral tools of trade for stakeholders.

Benchmarking against African and international countries will inform the Commission further on its research.

Tools of trade will be the subject matter of the third review report and will complete the major review on public office-bearer remuneration.

9.2 African and International liaison and comparative studies

The Commission sought to determine what could be regarded as international best practice, and to copy and apply such principles and practice into the South African scenario, with the necessary changes. The Commission acknowledged that closer liaison was also required with its African counterparts and contacted various African countries for input and information on how tools of trade and other remuneration issues were being managed in these countries.

The Commission with its Secretariat undertook visits during 2009 to Kenya and Tanzania. Meetings were held with the Permanent Public Service Remuneration Review Board in Kenya and the President's Office Ministry of Public Service Management in Tanzania.

The Commission was able to learn from the strengths and weaknesses of Kenya and Tanzania during these visits, and established meaningful relations with its counterparts who operate in a similar field as the Commission.

The Commission endeavours to benchmark against further African and international comparators on tools of trade and is currently researching the applicability of certain countries that would be suitable comparators.

The Commission intends liaising with similar remuneration bodies in SADC countries for mutual benefit including sharing of information and is currently identifying as well as adding such countries to its database.

9.3 Annual cost-of-living remuneration adjustment recommendations 2009/2010

The Commission considered the relevant factors as follows:

- The link between labour costs and inflation;
- Annual month to month CPIX figures. The month to month CPIX for April 2009 was 8.4%;
- Economic downturn globally and in South Africa;
- Average of inflation and the impact of the trend in wage settlements;
- Senior Management Service increases and the economic realities of the country;
- Independence of the Commission from the public service salary negotiations;
- Statutory and courtesy consultations; and
- The views of the Minister of Finance which had been previously discussed and debated by the Commission.

The Commission recommended an annual cost of living adjustment of 8% effective from 01 April 2009.

The President after considering the recommendations of the Commission adjusted the annual cost of living adjustment to **7%** effective from 01 April 2009. The President's determinations published in the *Government Gazettes* are listed below. Copies of these Proclamations are attached hereto as Annexure B.

9.4 Communication with stakeholders

The Commission continued its initiative to communicate directly and widely with public office bearer groups and other stakeholders. Apart from the direct interactions as set out in Annexure C hereto, the Commission maintained an open door communication policy through its Secretariat.

In order to strengthen stakeholder relations and increase the consultation between the Commission and stakeholders, the Commission formed subcommittees which comprise of Commissioners and the Secretariat. This will enable the Commission to consult with stakeholders directly by being represented by the relevant Commissioners who will manage certain issues of conflict and displeasure between the Commission and stakeholders and issues of concern that stakeholders may have.

The Commission through its website broadcasts relevant information to its stakeholders and the general public.

This enables the Commission to operate more transparently.

The Commission's website contains the following relevant information:

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

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

Table 3

Gazette No.	Date	Proclamation No.	Contents
32730	19 Nov 2009	75 Remuneration of Magistrates	
		76	Remuneration of Judges
		Determination of salaries, benefits and allowances of the Deputy President, Ministers and Deputy Ministers	
			Determination of salaries, allowances and benefits of Members of the National Assembly and Permanent Delegates of the National Council of Provinces
		79	Determination of upper limit of salaries, allowances and the contribution to be made to the pension fund of which Premiers, Members of Executive Councils and Members of Provincial Legislatures
		80	Amendment of Proclamation No. 52 of 12 November 2009
32770	02 Dec 2009	85	Determination of salaries and benefits of Traditional Leaders, Members of National House and Provincial House of Traditional Leaders
32833	21 Dec 2009	R. 1225	Determination of upper limits of salaries, allowances and benefits of different members of Municipal Councils (as amended by GN R. 1242 of GG 32817 dated 22 December 2009)

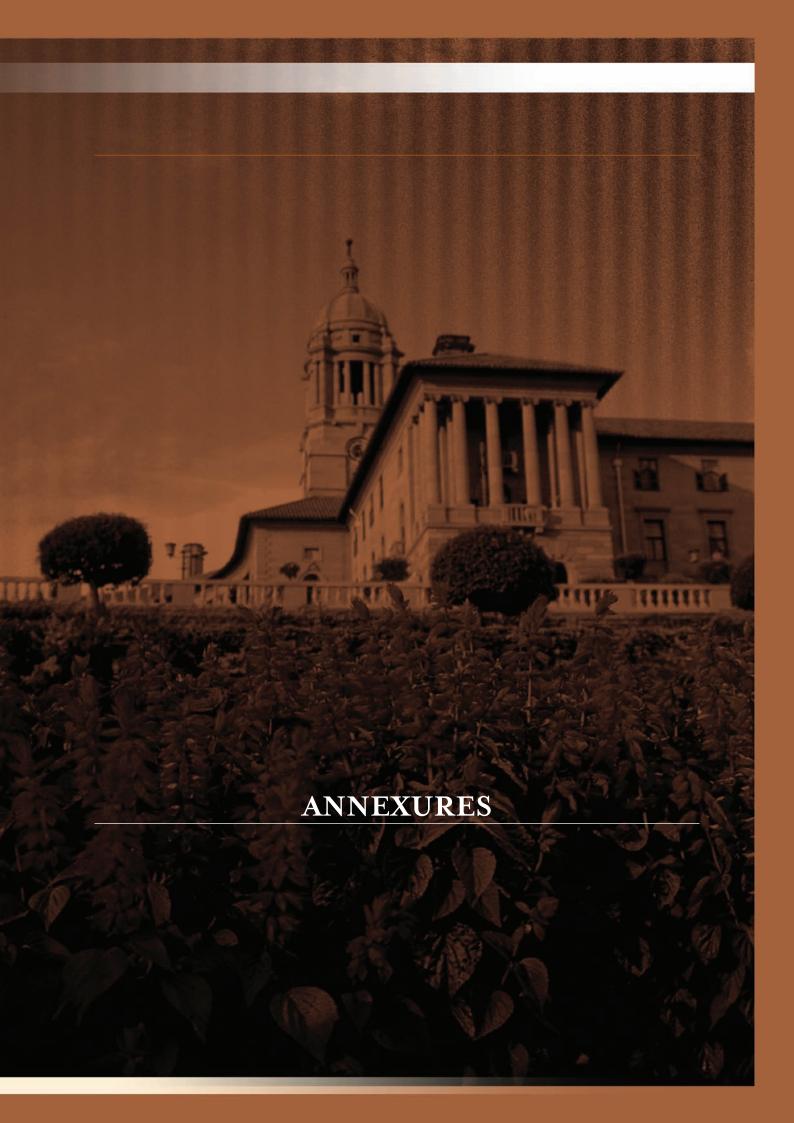


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ANNEXURE A: REMUNERATION RECOMMENDATIONS FOR 2009/2010

GOVERNMENT NOTICE

No. 1078

12 November 2009

RECOMMENDATIONS ON SALARIES, ALLOWANCES AND BENEFITS OF PUBLIC OFFICE BEARERS FOR THE FISCAL YEAR COMMENCING 1 APRIL 2009

- 1. The Independent Commission for the Remuneration of Public Office Bearers (Commission) is statutorily obliged by virtue of section 8 (4) and (5) of the Independent Commission for the Remuneration of Public Office Bearers Act, 1997, to make annual recommendations relating to the salaries, benefits and allowances, and the resources required by public office bearers to enable them to perform their respective duties effectively.
- 2. On 27 February 2009, the Commission met and resolved to recommend the 2009/2010 annual remuneration for public office bearers. The Commission considered, amongst others, the following factors to be relevant which formed the basis for its recommendations:
- 3. A link between labour costs and inflation is what was regarded as a sound basis for making salary adjustments.
- 4. The Commission considered the relevant annual and month-on-month CPIX figures, as well as the percentage of remuneration increases for executives, mid management and public office bearers for each year since 2005.
- 5. The most recent central forecast of inflation by the Reserve Bank indicated that the inflation declined at average of 7.5% in the first quarter of 2009, and further declined to below the upper end of the inflation target range during the third quarter of the year by an average 5,2%. The inflation is then forecast to increase again and to breach the upper end of the target range in the first quarter of 2010. The month-on-month CPIX for April 2008 was 10.4% and for April 2009 was 8.4%.
- 6. The Commission acknowledges the fact that South Africa like other countries is facing the effects of global economic downturn. Slowing revenue growth, contracted GDP by 6.4% and 3.3% in first quarter and second

- quarter 2009 respectively. Revenue collections are expected to decline by approximately R 70 billion for 2009/10 fiscal year. However, economists predict that the upturn in the economy should reach South Africa by the 4th quarter of 2009.
- 7. The Reuters consensus survey conducted in December indicates that analysts expect inflation to average 6,4% in 2009 and 5,8% in 2010, and the trend of wage settlements still poses an upside risk to the inflation outlook.
- 8. According to Andrew Levy Employment Publications, the average level of wage settlements amounted to 9,4% in the first nine months of 2009 compared with 9,6% in the corresponding period of 2008. These increases are consistent with the Quarterly Employment Survey (QES) of Statistics South Africa, which reported that growth in average nominal remuneration per worker in the formal non-agricultural sector of the economy moderated from 11,5% in the first quarter of 2009 to 8,7% in the second quarter. Unit labour cost increases declined from 11,3% in the first quarter to 9,3% in the second quarter.
- 9. In 2008/2009 the public office bearers' remuneration packages were increased by 11%. In light of the Senior Management Service's increase, world economic difficulties and the decreasing CPIX, it would be justifiable for the Commission to consider the economic realities that the country is facing in determining 2009/2010 remuneration for public office bearers.
- 10. It is imperative for the Commission to maintain independence from the public service salary negotiations and other potential distractions in making its recommendations.
- 11. The Commission duly consulted, as it is statutorily mandated to do, with the Ministers of Finance and Justice and Constitutional Development, as well as with the Chief Justice of South Africa, before compiling its annual recommendations.
- 12. The Commission further made courtesy consultations with the Minister of Public Service and Administration and the Minister of Cooperative Governance and Traditional Affairs and received support from both Ministers for the Commission's proposal.
- 13. The Commission considered the responses received by the relevant Ministers and the Chief Justice in terms of the consultations conducted. All responses received supported the Commission's proposal of 8% cost of living adjustment except for the response received by the Minister of Finance.
- 14. The Commission considered the views expressed in the response by the Minister of Finance and resolved that the issues raised were previously considered and debated by the Commission.

- 15. In view of the above the Commission attaches schedules <u>1,2,3,4,5</u> and <u>6</u> which reflect the general percentile increase of total recommended remuneration packages of **8%** per annum for all Public Office Bearers effective from 1 April 2009.
- 16. The recommended total remuneration reflected in schedules <u>1, 2, and 3</u> include the following elements:
 - 16.1 A basic salary component equal to 60% of the total package, which constitutes the pensionable salary;
 - 16.2 An amount of R 120 000 per annum determined as the amount to which section 8(1)(d) of the Income Tax Act, 1962, applies. This amount is included in the basic salary component;
 - 16.3 An employer's pension benefit contribution equal to 22.5% of pensionable salary. The remaining 32% of the recommended employer pension benefit contribution will not form part of the total remuneration package. The state will be liable to inject the cash on an annual basis into the pension fund (item 16.3 is not applicable to the position of the President); and
 - 16.4 A flexible portion of the remaining amount of the total remuneration.
- 17. The recommended total remuneration reflected in <u>schedule 4</u> includes the following elements:
 - 17.1 A basic salary component equal to 60% of the total package, which constitutes the pensionable salary.
 - 17.2 An amount of R 120 000 per annum determined as the amount to which section 8 (1)(d) of the Income Tax Act, 1962, applies. This amount is included in the basic salary component.
 - 17.3 A flexible portion of the remaining amount of the total remuneration.
- 18. The recommended total remuneration reflected in <u>schedule 5</u> includes the following elements:
 - 18.1 A cash annual salary component representing 72.24%; and
 - 18.2 A non-cash component of 27.76% (which includes motor allowance and employer medical aid contribution).
 - 18.3 The total remuneration structure does not include pension benefits which are separately regulated by the Judges' Remuneration and Conditions of Employment Act, 2001.
- 19. The recommended total remuneration reflected in <u>schedule 6</u> includes the following elements:
 - 19.1 A basic salary component equal to 60% of the total package, which constitutes the pensionable salary;
 - 19.2 An employees pension benefit contribution to the applicable pension fund;
 - 19.3 A flexible portion of the remaining amount of the total remuneration.

20. In addition to the recommended total remuneration reflected in <u>schedule 7</u> the following benefits are recommended to the Traditional Leaders:

20.1 Pension benefits

Traditional Leaders who are full time members of the National House and Provincial House of Traditional Leaders be allowed to join the Political Office Bearers Pension Fund.

20.2 Risk Benefits

Traditional Leaders who are not full time members of the National House and Provincial House of Traditional Leaders who are currently receiving a basic salary are offered additional monthly benefits as follows:

- A Death Benefit with Government contribution of 5% on members monthly premium, and
- A Funeral Benefit with Government contribution of 5% on member monthly premium.

Signed at Pretoria on 12 November 2009.

Judge LW Seriti

Chairperson

	SCHEDULE 1				
REVISE	ED REMUNERATION LEVE	LS ADJUSTED BY 8%	WITH EFFECT FROM 1 AP	RIL 2009	
	NATIONAL E	XECUTIVE AND DEPU	TY MINISTERS		
GRADE PAYLEVEL POSITION REMUNERATION 1 TOTAL				REMUNERATION 1	
EA	1	President	2,107,224	2,275,802	
EB	1	Deputy President	1,896,546	2,048,270	
EC	1	Minister	1,612,053	1,741,017	
ED	1	Deputy Minister	1,327,560	1,433,765	

	SCHEDULE 2					
	REVISI	ED REMUNERATION LEVELS ADJUSTED BY 8%	WITH EFFECT FROM 1 AP	RIL 2009		
	NATIONAL PARLIAMENT					
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION 1 APRIL 2008	RECOMMENDED TOTAL REMUNERATION 1 APRIL 2009		
PA	1	Speaker: National Assembly	1,896,546	2,048,270		
		Chairperson: NCOP	1,896,546	2,048,270		
РВ	1	Deputy Speaker: National Assembly	1,327,560	1,433,765		
		Deputy Chairperson: NCOP	1,327,560	1,433,765		
	2	House Chairperson	1,232,766	1,331,387		
PC	1	Chief Whip: Majority Party	1,043,067	1,126,512		
		Chief Whip: NCOP	1,043,067	1,126,512		
		Parliamentary Counsellor: President	1,043,067	1,126,512		
		Parliamentary Counsellor: Deputy President	1,043,067	1,126,512		
		Leader of Opposition	1,043,067	1,126,512		
304	2	Chairperson of a Committee	948,273	1,024,135		
PD	1	Deputy Chief Whip: Majority Party	853,479	921,757		
100		Chief Whip: Largest Minority Party	853,479	921,757		
		Leader of a Minority Party	853,479	921,757		
	2	Whip	791,985	855,344		
PE	1	Member: National Assembly	714,618	771,787		
		Permanent Delegate: NCOP	714,618	771,787		

REVISED REMUNERATION LEVELS ADJUSTED BY 8% WITH EFFECT FROM 1 APRIL 2009

PROVINCIAL EXECUTIVES AND LEGISLATURES

GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION 1 APRIL 2008	RECOMMENDED TOTAL REMUNERATION 1 APRIL 2009
LA	1	Premier	1,517,259	1,638,640
LB	1	Member of Executive Council	1,327,560	1,433,765
	+ 71	Speaker	1,327,560	1,433,765
LC	1	Deputy Speaker	1,043,067	1,126,512
		Chief Whip: Majority Party	948,273	1,024,135
	2	Chairperson of Committees	853,479	921,757
		Leader of Opposition	853,479	921,757
		Chairperson of a Committee	853,479	921,757
	3	Deputy Chairperson of Committees	802,974	867,212
		Deputy Chief Whip: Majority Party	802,974	867,212
		Chief Whip: Largest Minority Party	802,974	867,212
		Leader of a Minority Party	802,974	867,212
LD	1	Parliamentary Counsellor to a King	714,618	771,787
		Whip	714,618	771,787
	2	Member of Provincial Legislature	691,641	746,972

SCHEDULE 4

REVISED REMUNERATION LEVELS ADJUSTED BY 8% WITH EFFECT FROM 1 APRIL 2009

LOCAL GOVERNMENT

GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION 1 APRIL 2008	RECOMMENDED TOTAL REMUNERATION 1 APRIL 2009
MA	1	Executive Mayor	840,159	907,372
		Mayor	840,159	907,372
MB	1	Deputy Executive Mayor	680,985	735,464
		Speaker/Chairperson	680,985	735,464
		Deputy Mayor	680,985	735,464
MC	2	Member of Executive Council	641,247	692,547
		Member of Municipal Council	641,247	692,547
		Chairperson of a Sub-council	641,247	692,547
		Whip	641,247	692,547
MD	1	Municipal Councillor	322,899	348,731

	SCHEDULE 5				
	REVISE	ED REMUNERATION LEVELS ADJUSTED BY 8%	WITH EFFECT FROM 1 AP	RIL 2009	
		JUDGES			
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION 1 APRIL 2008	RECOMMENDED TOTAL REMUNERATION 1 APRIL 2009	
JA	1	Chief Justice	1,896,546	2,048,270	
JB	1	Deputy Chief Justice	1,706,847	1,843,395	
		President: Supreme Court of Appeal	1,706,847	1,843,395	
JC	1	Deputy President: Supreme Court of Appeal	1,612,053	1,741,017	
	2	Judge: Constitutional Court	1,517,259	1,638,640	
		Judge: Supreme Court of Appeal	1,517,259	1,638,640	
	3	Judge President: High/Labour Court	1,422,465	1,536,262	
	4	Deputy Judge President: High/Labour Court	1,327,560	1,433,765	
	5	Judge: High/Labour Court	1,232,766	1.331,387	

	SCHEDULE 6			
	REVISE	ED REMUNERATION LEVELS ADJUSTED BY 8% V	WITH EFFECT FROM 1 AP	PRIL 2009
		MAGISTRATES		
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION 1 APRIL 2008	RECOMMENDED TOTAL REMUNERATION 1 APRIL 2009
JD	1	Special Grade Chief Magistrate	853,479	921,757
		Regional Court President	853,479	921,757
		President: Divorce Court	853,479	921,757
JE	1	Regional Magistrate	758,574	819,260
		Chief Magistrate	758,574	819,260
		Presiding Officer: Divorce Court	758,574	819,260
JF	1	Senior Magistrate	625,818	675,883
JG	1	Magistrate	568,986	614,505



REVISED REMUNERATION LEVELS ADJUSTED BY 8% WITH EFFECT FROM 1 APRIL 2009

TRADITIONAL LEADERS

GRADE	PAY LEVEL	FULL TIME POSITIONS	TOTAL REMUNERATION 1 APRIL 2008	RECOMMENDED TOTAL REMUNERATION 1 APRIL 2009
TA	1	King	786,080	848,966
ТВ	1	Chairperson: NHTL	556,998	601,558
	2	Full time Chairperson: PHTL	458,763	495,464
	3	Deputy Chairperson: NHTL	426,018	460,099
	4	Full time Deputy Chairperson: PHTL	393,162	424,615
TC	1	Full time Member: NHTL	229,326	247,672
	2	Full time Member: PHTL	196,581	212,307
TD	1	Senior Traditional Leader	144,189	155,724
		PART TIME POSITIONS*	SITTING ALLOWANCE 1 APRIL 2008 (Per Day)	RECOMMENDED TOTAL REMUNERATION 1 APRIL 2007 (Per Day)
		Part time Member: NHTL	826	892
		Part time Chairperson: PHTL	982	1,061
		Part time Deputy Chairperson: PHTL	884	954
		Part time Member: PHTL	685	740

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

ANNEXURE B: 2009 PRESIDENTIAL PROCLAMATIONS AND PARLIAMENTARY MOTION

PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

NO 77 OF 2009

DETERMINATION OF THE TOTAL REMUNERATION OF THE DEPUTY PRESIDENT, MINISTERS AND DEPUTY MINISTERS

- 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 total remuneration of the positions of office bearers in Column 3 of Schedule 1 shall be as set out in Column 4 of Schedule 1 with effect from 1 April 2009, subject to the provisions of sections 4(2)-(7) of the Act, and terms and conditions set out herein.
- **2.** The total remuneration packages should include the following elements:
 - **2.1** A basic salary component equal to 60% of total package, which constitutes the pensionable salary;
 - An amount of R120 000 per annum, which is an amount which section 8 (1) (d) of the Income Tax Act, 1962, applies. This amount is included in the basic salary component;
 - 2.3 An employer's pension benefit contribution equal to 22.5% of pensionable salary, and
 - **2.4** A flexible portion for the remaining amount of the total remuneration.
- The remaining 32% of the recommended employers pension benefit contribution will not form part of the total remuneration package. The state will be liable to eject the cash on an annual basis into the pension fund.

Given under my Hand at Pretoria on this 19th day of November , Two thousand and nine.





SCHEDULE 1 REMUNERATION LEVELS OF DEPUTY PRESIDENT, MINISTERS AND DEPUTY MINISTERS AS ADJUSTED BY 7% WITH EFFECT FROM 1 APRIL 2009 Column Column Column 4 Column 3 1 2 **TOTAL REMUNERATION AS FROM 1 APRIL** PAY **GRADE POSITION LEVEL** 2008 ΕB 1 Deputy President 2,029,304 1,724,897 EC 1 Minister ED 1 Deputy Minister 1,420,489

NO 78 OF 2009

DETERMINATION OF SALARIES OF MEMBERS OF THE NATIONAL ASSEMBLY AND PERMANENT DELEGATES TO THE NATIONAL COUNCIL OF PROVINCES

- In terms of section 3(1) of the Remuneration of Public Office Bearers Act, 1998 (Act No 20 of 1998) (hereafter 1. referred to as "the Act"), I hereby determine that the total remuneration of the positions of office bearers in Column 3 of Schedule 1 shall be as set out in Column 4 of Schedule 1 with effect from 1 April 2009, subject to the provisions of sections 3(2)-(7) of the Act, and terms and conditions set out herein.
- 2. The total remuneration packages should include the following elements:
 - 2.1 A basic salary component equal to 60% of total package, which constitutes the pensionable salary;
 - 2.2 An amount of R120 000 per annum, which is an amount which section 8 (1) (d) of the Income Tax Act, 1962, applies. This amount is included in the basic salary component;
 - An employer's pension benefit contribution equal to 22.5% of pensionable salary, and 2.3
 - A flexible portion for the remaining amount of the total remuneration. 2.4
- 3. The remaining 32% of the recommended employers pension benefit contribution will not form part of the total remuneration package. The state will be liable to eject the cash on an annual basis into the pension fund.

Given under my Hand at Pretoria on this 19th day of November, Two thousand and nine.



PRESIDENT



REMUNERATION OF MEMBERS OF NATIONAL ASSEMBLY AND PERMANENT DELEGATES OF THE NATIONAL COUNCIL OF PROVINCES AS ADJUSTED BY 7% WITH EFFECT FROM 01 APRIL 2009

Column 1	Column 2	Column 3	Column 4	
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION AS FROM 1 APRIL 2009	
PA	1	Speaker: National Assembly	2,029,304	
		Chairperson: NCOP	2,029,304	
РВ	1	Deputy Speaker: National Assembly	1,420,489	
		Deputy Chairperson: NCOP	1,420,489	
	2	House Chairperson	1,319,060	
PC	1	Chief Whip: Majority Party	1.116,082	
		Chief Whip: NCOP	1.116,082	
		Parliamentary Council: President	1.116,082	
		Parliamentary Council: Deputy President	1.116,082	
		Leader of Opposition	1.116,082	
	2	Chairperson of a Committee	1,014,652	
PD	1	Deputy Chief Whip: Majority Party	913,223	
		Chief Whip: Largest Minority Party	913,223	
		Leader of a Minority Party	913,223	
	2	Whip	847,424	
PE	1	Member: National Assembly	764,641	
		Permanent Delegate: NCOP	764,641	

NO 79 OF 2009

DETERMINATION OF UPPER LIMIT OF SALARIES OF PREMIERS, MEMBERS OF EXECUTIVE COUNCILS AND MEMBERS OF THE 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 the upper limit of salaries of the positions of office bearers in Column 3 of Schedule 1 shall be as set out in Column 4 of Schedule 1 with effect from 1 April 2009, subject to the provisions of sections 6(2)-(7) of the Act, and terms and conditions set out herein.
- 2. The total remuneration packages should include the following elements:
 - 2.1. A basic salary component equal to 60% of total package, which constitutes the pensionable salary;
 - 2.2. An amount of R120 000 per annum, which is an amount which section 8 (1) (d) of the Income Tax Act, 1962, applies. This amount is included in the basic salary component,
 - 2.3. An employer's pension benefit contribution equal to 22.5% of pensionable salary; and
 - 2.4. A flexible portion for the remaining amount of the total remuneration.
- 3. The remaining 32% of the recommended employers pension benefit contribution will not form part of the total remuneration package. The state will be liable to eject the cash on an annual basis into the pension fund.

Given under my Hand at Pretoria on this 19th day of November, Two thousand and nine.





UPPER LIMIT OF SALARIES OF PREMIERS, MEMBERS OF EXECUTIVE COUNCILSAND MEMBERS OF THE PROVINCIAL LEGISLATURES AS ADJUSTED BY 7% WITH EFFECT FROM 1 APRIL 2009

Column 1	Column 2 Column 3		Column 4
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION AS FROM 1 APRIL 2009
LA	1	Premier	1,623,467
LB	1	Member of Executive Council	1,420,489
		Speaker	1,420,489
LC	1	Deputy Speaker	1,116,082
		Chief Whip: Majority Party	1,014,652
	2	Chairperson of Committees	913,223
		Leader of Opposition	913,223
		Chairperson of a Committee	913,223
	3	Deputy Chairperson of Committees	859,182
		Deputy Chief Whip: Majority Party	859,182
		Chief Whip: Largest Minority Party	859,182
		Leader of a Minority Party	859,182
LD	1	Parliamentary Counsel to a King	764,641
		Whip	764,641
	2	Member of Provincial Legislature	740,056

NO 80 OF 2009

To amend Proclamation No. 52 published in the Government Gazette No. 31597 of 12 November 2008,

so as to determine the upper limit of the salaries of the Chief whip: Majority Party (Legislature) an the

Chairperson of a Committee (Legislature)

No.....2009

AMENDMENT OF PROCLAMATION NO. 52 OF 12 NOVEMBER 2008

Whereas the total remuneration packages for Premiers, members of the executive Councils and members of the

Provincial Legislatures were determined in terms of Proclamation No. 52 published in the Government Gazette No.

31597 of 12 November 2008 (the Proclamation),

And whereas the Independent Commission for the Remuneration of Public Office Bearers (Commission) received

submissions from certain Provincial Legislatures in relation to the discrepancies of the remuneration of the Chief

whip: Majority Party (Legislature) an the Chairperson of a Committee (Legislature);

And whereas the Commission acknowledged that the remuneration of the Chief whip: Majority Party (Legislature)

an the Chairperson of a Committee (Legislature) as reflected in the Commission's recommendations published in

the Government Gazette No. 31513 of 15 October 2008, is incorrect;

And whereas the upper limit of salaries of the Chief whip: Majority Party (Legislature) an the Chairperson of a

Committee (Legislature) was incorrectly determined in Column 4 of Schedule 1 of the Proclamation;

And whereas the Commission recommend that Schedule 1 of the Proclamation, be amended so as to reflect

the correct total remuneration packages of the Chief whip: Majority Party (Legislature) an the Chairperson of a

Committee (Legislature) with effect 01 April 2008;

61

Now therefore in terms of section 6(1) of the Remuneration of Public Office Bearers Act, 1998 (Act No 20 of 1998) (the Act), I hereby determine that with effect from 1 April 2008, the upper limit of the total remuneration packages of the Chief whip: Majority Party (Legislature) and the Chairperson of a Committee (Legislature) shall be set out in the attached Schedule.

Proclamation 52 published in the Government Gazette No. 31597 of 12 November 2008 is hereby amended by substituting Schedule 1 by the attached Schedule.

Given under my Hand at Pretoria on this 30th day of November, Two thousand and nine.



PRESIDENT

UPPER LIMIT OF SALARIES OF PREMIERS, MEMBERS OF EXECUTIVE COUNCILSAND MEMBERS OF THE PROVINCIAL LEGISLATURES WITH EFFECT FROM 1 APRIL 2009

Column 1	Column 2	Column 3	Column 4
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION AS FROM 1 APRIL 2008
LA	1	Premier	1,517,259
LB	1	Member of Executive Council	1,327,560
		Speaker	1,327,560
LC	1	Deputy Speaker	1,043,067
	2	Chief Whip: Majority Party	948,273
	3	Chairperson of Committees	853,479
		Leader of Opposition	853,479
		Chairperson of a Committee	853,479
	4	Deputy Chairperson of Committees	802,974
		Deputy Chief Whip: Majority Party	802,974
		Chief Whip: Largest Minority Party	802,974
		Leader of a Minority Party	802,974
LD	1	Parliamentary Counsel to a King	714,618
		Whip	714,618
	2	Member of Provincial Legislature	691,641



NO 85 OF 2009

DETERMINATION OF SALARIES AND BENEFITS OF TRADITIONAL LEADERS, MEMBERS OF THE NATIONAL AND PROVINCIAL HOUSES OF TRADITIONAL LEADERS

- In terms of section 5(1) of the Remuneration of Public Office Bearers Act, 1998, (Act No 20 of 1998) (hereafter referred to as "the Act"), I hereby determine after consultation with Premiers concerned, that salaries of office bearers in Column 3 of Schedule 1 shall be set out in Column 4 of Schedule 1 with effect from 1 April 2009.
- In terms of section 5(3)(a) of the Act, I further determine after consultation with the Minister and Premiers concerned, subject to terms and conditions set out herein, that office bearers mentioned herein shall be entitled to the following benefits:

2.1 Risk Benefits

Traditional Leaders in the attached Schedule who are not full time members of National House of Traditional Leaders or the Provincial House are offered monthly benefits as follows:

- A death Benefit with Government contribution of 5% on member monthly premium; and
- A funeral Benefit with Government contribution of 5% on member monthly premium.

2.2 Pension benefits

Traditional Leaders in the attached Schedule who are full time members of the National House of Traditional Leaders or the Provincial House of Traditional Leaders should be allowed to join the Political Office Bearers Fund.

2.3 Medical Aid

Traditional Leaders in the attached Schedule should be members of a government medical aid fund (GEMS).

The guidelines and contribution rates applicable to public servants should be followed in this regard.

3. Proclamation No. 53, published in the Government Gazette No. 31597 of 12 November 2008, is hereby repealed.

Given under my Hand at Pretoria on this 30th day of November, Two thousand and nine.



REMUNERATION OF TRADITIONAL LEADERS, MEMBERS OF THE NATIONAL HOUSE OF TRADITIONAL LEADERS AND MEMBERS OF THE PROVINCIAL HOUSE OF TRADITIONAL LEADERS AS ADJUSTED BY 7% WITH EFFECT FROM 1 APRIL 2009

Column 1	Column 2	Column 3	Column 4
GRADE	PAY LEVEL	FULL TIME POSITIONS	REMUNERATION 1 APRIL AS FROM 2009
TA	1	King	841,105
ТВ	1	Chairperson: NHTL	595,988
	2	Full time Chairperson: PHTL	490,876
	3	Deputy Chairperson: NHTL	455,839
	4	Full time Deputy Chairperson: PHTL	420,683
TC	1	Full time Member: NHTL	245,379
	2	Full time Member: PHTL	210,342
TD	1	Senior Traditional Leader	154,282
		PART TIME POSITIONS*	REMUNERATION AS FROM 1 APRIL 2009(Per Day)
		Part time Member: NHTL	884
		Part time Chairperson: PHTL	1,051
		Part time Deputy Chairperson: PHTL	945
		Part time Member: PHTL	733

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



NO 75 OF 2009

REMUNERATION OF MAGISTRATES

- 1. In terms of section 12 of the Magistrates Act, 1993, (Act No 90 of 1993), I hereby determine that, the total remuneration of the positions of office bearers in Column 3 of Schedule 1 shall be set out in Column 4 Schedule 1 with effect from 1 April 2009, subject to terms and conditions set out herein.
- 2. The total remuneration structure should include the following elements:
 - A basic salary component equal to 60% of the total package; which constitutes the pensionable salary; 2.1.
 - 2.2. An employees pension benefit contribution to the applicable pension fund;
 - 2.3 A Flexible portion for the remaining amount of the total package.
- 3. Notice No. 48, published in the Government Gazette No. 31546 of 27 October 2008, is hereby repealed.

Given under my Hand at Cape Town on this 12th day of November, Two thousand and nine.

PRESIDENT

	SCHEDULE 1						
REMUNERATION OF MAGISTRATES AS ADJUSTED BY 7% WITH EFFECT FROM 1 APRIL 2009							
Column 1	Column 2	Column 3	Column 4				
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION 1 APRIL 2009				
JD	1	Special Grade Chief Magistrate	913,223				
		Regional Court President	913,223				
JE	1	Regional Magistrate	811,674				
		Chief Magistrate	811,674				
JF	1	Senior Magistrate	669,625				
JG	1	Magistrate	608,815				

APPLICATION

Any reference to "magistrates" in the Proclamation, refers to all ranks of magistrates who have been permanently appointed in terms of section 9(1) of the Magistrates Court Act, 1944 (Act No. 32 of 1944), read with section 10 of the Magistrates Act, 1993 (Act No. 90 of 1993), including a magistrate serving his or her probationary period. The total remuneration package shall therefore not be applicable to any magistrate who is not permanently appointed.



No. 76,2009 19 November 2009

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 of 2001), I hereby determine that, the total remuneration structure of the positions of office bearers in Column 3 of Schedule 1 shall be as set out in Column 4 of Schedule 1 with effect from 1 April 2009, subject to terms and conditions set out herein.
- 2 The total remuneration package should include the following elements:
 - 2.1 A cash annual salary component of 72.24%; and
 - 2.2 A non-cash component of 27.76% (which includes motor vehicle allowance and employer medical aid contribution).
- 3 The total remuneration structure does not include pension benefits that are separately regulated by the Judges' Remuneration and Conditions of Employment Act, 2001.
- 4 Notice No. 47, published in the Government Gazette No. 31546 of 27 October 2008, is hereby repealed.

Given under my Hand at Cape Town on this 12th day of November, Two thousand and nine.

PRESIDENT

SCHEDULE 1							
REMUNERATION OF CONSTITUTIONAL COURT JUDGES AND JUDGES AS ADJUSTED BY 7% WITH EFFECT FROM 1 APRIL 2009							
Column I	Column 2	Column 3	Column 4				
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION WITH EFFECT FROM 1 APRIL 2009				
JA	1	Chief Justice	2,029,304				
JB	1	Deputy Chief Justice	1,826,326				
		President: Supreme Court of Appeal	1,826,326				
JC	1	Deputy President: Supreme Court of Appeal	1,724,897				
	2	Judge: Constitutional Court	1,623,467				
		Judge: Supreme Court of Appeal	1,623,467				
	3	Judge President: High/Labour Court	1,522,038				
	4	Deputy Judge President: High/Labour Court	1,420,489				
	5	Judge: High/Labour Court	1,319,060				



SUMMARY OF THE RESOLUTION TAKEN BY PARLIAMENT FOR THE PRESIDENT'S REMUNERATION

12 NOVEMBER 2009

The Chief Whip of the Majority Party moved without notice: That the House-

- in terms of section 2(1) of the Remuneration of Public Office Bearers Act, 1998 (Act No 20 of 1998) and having due regard to the criteria listed in that subsection, determines the remuneration payable to the President of the Republic of South Africa at two million two hundred and fifty four thousand seven hundred and thirty rand (R2 254 730,00) per annum, with effect from 1 April 2009; and
- 2. resolves that the total remuneration package mentioned above shall include the following elements:
 - (a) A basic salary component equal to 60 per cent of the total package, which constitutes the pensionable salary;
 - (b) An amount of one hundred and twenty thousand rand (R120 000,00) per annum, which is an amount to which section 8(1)(d) of the Income Tax Act, 1962, applies; and
 - (c) A flexible portion for the remaining amount of the total remuneration.

Agreed to.

GOVERNMENT NOTICE

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

No. R. 1225 21 December 2009

REMUNERATION OF PUBLIC OFFICE BAERERS ACT, 1998 (ACT NO. 20 OF 1998)

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), I, Sicelo Shiceka, Minister for Cooperative Governance and Traditional Affairs, hereby(a) after consultation with the Member of Executive Council responsible for local government in each province; and
(b) after taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,
determine the upper limits of the salaries, allowances and benefits of the different members of municipal councils
as set out in the Schedule with effect from 1 July 2009 in respect of that municipal council, and repeal Government
Notice No. R. 1319 of 8 December 2008 with effect from the same date.



MR SICELO SHICEKA, MP

MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS



PREAMBLE

The salary and allowances of a member of a municipal council is determined by that municipal council by resolution of a supporting vote of a majority of its members, in consultation with the member of the Executive Council responsible for local government in the province concerned, having regard to the upper limits as set out hereunder, the financial year of municipal councils, and the affordability of municipal councils to pay within different levels of remuneration to councillors.

For purposes of implementing this Government Notice, "in consultation with" means that municipalities will require the concurrence of the member of the Executive Council responsible for local government in the province concerned.

Definitions

1. In this Schedule, unless the context otherwise indicates, a word or phrase to which a meaning has been assigned in the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) (hereafter "the Act") and the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) (hereafter "the Structures Act"), has that meaning and –

"basic salary" means the component of the salary that excludes a housing allowance as provided in terms of 6(b) and 9(b), the municipal contribution to a pension fund as provided on item 11(a) and the municipal contribution to a medical aid scheme as provided in item 11(b);

"full-time councillor" means a councillor who has been elected or appointed to an office which has been designated as full-time in terms of section 18(4) of the Structures Act;

"grade" means the grade of municipal council as determined in terms of item 4;

"total municipal income" means in respect of a metropolitan, local or district municipality the sum total of the revenue income for the 2008/2009 financial year of the municipality concerned, including rates on property, fees for services rendered by the municipality, or on its behalf by a municipal entity, together with surcharges, other authorized taxes, levies and duties, income from fines for traffic offences and contravention of municipal by-laws

or legislation assigned to the local sphere of government, regional services and regional establishment levies (or its replacement) referred to in section 93(6) of the Structures Act, interest earned on invested funds, rental for the use of municipal movable or immovable property, amounts received as agent for other spheres of government, but excluding transfers and/or grants from the national fiscus;

"out of pocket expenses" means actual and necessary expenses incurred by a councillor which have been specifically authorized or which are provided for in terms of the municipality's policy, in connection with a specific official or ceremonial duty which has been delegated to the councillor in question;

"part-time councillor" means a councillor other than a full-time councillor;

"total population" means the latest available statistics of the population residing in the area of jurisdiction of a metropolitan, local district municipality, as determined by the Statistician-General in terms of the Statistics Act, 1999 (Act No. 6 of 1999);

"salary" includes a basic salary component, a housing allowance as provided in items 6(b) and 9(b), the municipal contribution to a pension fund as provided in item 11(a) and the municipal contribution to a medical aid scheme as provided in item 11(b); and

"total remuneration package" is the total cost to a municipality of a basic salary component, a travelling allowance as provided in terms of items 6(a) and 9(a), a housing allowance as provided in terms of items 6(b) and 9(b), the municipal contribution to a pension fund as provided in item 11(a) and the municipal contribution to a medical aid scheme as provided in item 11(b) to a councillor in a municipal financial year.

Allocation of a number of points for total municipal income

2. The number of points allocated for the total municipal income of a municipality is as follows:

TOTAL MUNICIPAL INCOME	NUMBER OF POINTS
R 0 - R 10,000,000	8.33
R 10,000,001 - R 50,000,000	16.67
R 50,000,001 - R 200,000,000	25.00
R 200,000,001 - R 1,500,000,000	33.33
R 1,500,000,001 - R 2,000,000,000	41.67
More than R 2,000,000,000	50.00



Allocation of number of points for total population

3. The number of points allocated for the total population within a municipality, is as follows:

TOTAL POPULATION	NUMBER OF POINTS
0 - 50,000	8.33
50,001 - 100,000	16.67
100,001 - 250,000	25.00
250,001 - 550,000	33.33
550,001 - 1,800,000	41.67
More than R 1,800,000	50.00

Determination of grade of municipal council

4. (a) The sum of the number of points allocated to a municipal council, other than a municipal council referred to in paragraph (b), in terms of items 2 and 3 respectively., determines the grade of such municipal council in accordance with the following table:

GRADE OF MUNICIPAL COUNCIL	POINTS
11	0 to 16.66
2	16.67 to 33.33
3	33.34 to 50.00
4	50.01 to 66.67
5	66.68 to 83.35
6	83.36 and above

(b) A council that does not have any municipal income is a grade 1 municipal council as envisaged in paragraph (a).

Upper limits of the annual total remuneration packages of full-time councillors

5. The upper limit of the annual total remuneration package of a full-time councillor is as follows:

GRADE	MAYOR	MAYOR OR EXECUTIVE MAYOR	MAYOR	SPEAKER, I	SPEAKER, DEPUTY MAYOR OR DEPUTY EXECUTIVE MAYOR	OR DEPUTY R	MEMBER OF OR MAYOR CHAIRPE	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	COMMITTEE ;, WHIP OR COUNCIL
	SALARY	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERATION PACKAGE	SALARY	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERATION PACKAGE	SALARY	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERATION PACKAGE
9	688,753	229,585	918,338	551,002	183,667	734,669	516,565	172,188	688,753
5	506,258	168,753	675,011	405,006	135,002	540,008	379,694	126,564	506,258
4	432,206	144,069	576,275	345,765	115,255	461,020	324,154	108,052	432,206
3	416,256	138,752	555,008	333,004	111,001	444,005	312,191	104,064	416,255
2	389,761	129,920	519,681	311,808	103,936	415,744	292,320	97,440	389,760
	378,402	126,134	504,536	302,722	100,907	403,629	283,801	94,600	378,401

"salary" includes a basic salary component, a housing allowance as provided in item 6(b), the municipal contribution to a pension fund as provided in item 11(a) and the municipal contribution to a medical aid scheme as provided in item 11(b).



Upper limits of the allowances of full-time councillors

6. The upper limits of the allowances of a full-time councillor, which form part of the total remuneration package, are as follows:

(a) Motor vehicle allowance:

- (i) An allowance of not more that 25% of the annual total remuneration package of a councillor concerned as determined in terms of item 5, and which allowance includes running and maintenance costs incurred on official business up to 500 kilometres per month;
- (ii) In addition to the allowance referred to in subparagraph (i), and in addition to the annual total remuneration package of a councillor as determined in terms of item 5, official distances travelled in excess of 500 kilometres in a particular month may be claimed in accordance with the applicable tariffs prescribed by the Department of Transport for the use of privately owned vehicles;
- (iii) For the purposes of claiming running and maintenance allowances, a logbook acceptable to the South

 African Revenue Service reflecting the official and private kilometres travelled per month must be

 kept;
- (iv) Where a municipal council makes a vehicle available to a councillor, other than an executive mayor or mayor where applicable, for use on official business, the councillor would not be entiltled to the motor vehicle allowance as provided for in paragraphs (i) and (ii), and as determined in terms of item 5; and
- (v) Nothing herein contained shall prevent a councillor from making use of a council owned vehicle for attendance at a specific function which that councillor has been delegated to attend.

(b) Housing allowance:

A councillor may structure their salary to include a housing allowance.

(c) Out of pocket expenses:

In addition to the total remuneration package, a councillor must be reimbursed for actual out of pocket expenses incurred during the execution of official and ceremonial duties.

Upper limit of remuneration or allowance in respect of appointed councillors

- 7. The upper limit of the allowance of a councillor who has been appointed to a district council in terms of section 23(1)(b) of the Structures Act, is as follows:
 - (a) If such councillor is elected or appointed as speaker, mayor, executive mayor, member of mayoral committee, member of an executive committee or part-time member of a district council, the upper limit of the remuneration to which such councillor is entitled, is equal to the difference between the total remuneration package he or she is receiving as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10 and 11 as the case may be.
 - (b) If the upper limit of the total remuneration package which a councillor is receiving as a member of a local council is equal to or higher than the upper limit of the total remuneration package to which he or she is entitled to as an appointed councillor to the district council, such councillor is entitled to receive, in addition to the total remuneration package, an allowance of not more than R702 per sitting of the district council or any committee of that council: Provided that this allowance is limited to R702 per day, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.
 - (c) A district council is responsible for-
 - (i) the payment of the remuneration or the allowance referred to in paragraphs (a) and (b) respectively; and
 - (ii) the reimbursement of travel expenditure incurred by a councillor during the performance of official functions on behalf of that district municipality, in terms of that district council's policy, and not exceeding the applicable tariffs prescribed by the Department of Transport for the use of privatelyowned vehicles.



Upper limits of the annual total remuneration packages of part-time councillors

8. (1) The upper limit of the annual total remuneration package of a part-time councillor is as follows:

GRADE	MAYOR	MAYOR / EXECUTIVE MAYOR	MAYOR	SPEAKER DEPUTY	SPEAKER, DEPUTY MAYOR OR DEPUTY EXECUTIVE MAYOR	AYOR OR MAYOR	MEMBER COMMI COMI CHA	MEMBER OF THE EXECUTIVE COMMITTEE OR MAYORAL COMMITTEE, WHIP OR CHAIRPERSON OF A SUBCOUNCIL	ECUTIVE WORAL P OR PF A	ОТНЕКР	OTHER PART-TIME MEMBERS	EMBERS
	SALARY	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERA- TION PACKAGE	SALARY	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERA- TION PACKAGE	SALARY	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERA- TION PACKAGE	SALARY	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERA- TION PACKAGE
9	378,814	126,271	580'505	303,050	101,017	404,067	284,110	94,703	378,813	241,063	80,354	321,417
5	278,441	92,814	371,255	222,752	74,251	297,003	208,831	019'69	278,441	151,877	50,626	202,503
4	237,713	79,238	316,951	190,170	068'890	253,560	178,285	59,428	237,713	129,661	43,220	172,881
3	228,941	76,313	305,254	183,152	150'19	244,203	171,705	57,235	228,940	124,876	41,625	166,501
2	214,368	71,456	285,824	171,494	57,165	228,659	160,775	53,592	214,367	116,927	38,976	155,903
1	208,121	69,374	277,495	166,496	55,499	221,995	156,090	52,030	208,120	113,520	37,840	151,360
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"salary" includes a basic salary component, a housing allowance as provided in item 9(b), the municipal contribution to a pension fund as provided in item 11(a) and the municipal contribution to a medical aid scheme as provided in item 11(b). Speakers of a Plenary type municipalities who are called Mayors should be remunerated in accordance with the relevant grade of the total remuneration package of a Mayor/Executive Mayor.

Upper limits of the allowances of part-time councillors

9. The upper limits of the allowances of a part-time councillor, which forms part of the total remuneration package, are as follows:

(a) Motor vehicle allowance:

- (i) An allowance not more than 25% of the annual total remuneration package of a councilor concerned as determined in terms of item 8, and which allowance includes running and maintenance costs incurred on official business up to 500 kilometres per month;
- (ii) In addition to the allowance referred to in subparagraph (i), and in addition to the annual total remuneration package of a councillor as determined in terms of item 8, official distances travelled in excess of 500 kilometres in a particular month may be claimed in accordance with the applicable tariffs prescribed by the Department of Transport for the use of privately owned vehicles;
- (iii) For the purposes of claiming running and maintenance allowances, a logbook acceptable to the South African Revenue Service reflecting the official and private kilometres travelled per month must be kept;
- (iv) Where a municipal council makes a vehicle available to a councillor, other than an executive mayor or mayor where applicable, for use on official business, the councillor would not be entitled to the motor vehicle allowance as provided for in paragraphs (i) and (ii), and as determined in terms of item 8; and
- (v) Nothing herein contained shall prevent a councillor from making use of a council owned vehicle for attendance at a specific function which that councillor has been delegated to attend.

(b) Housing allowance:

A councillor may structure their salary to include a housing allowance.



(c) Out of pocket expenses:

In addition to the total remuneration package, a councillor must be reimbursed for reasonable and actual out of pocket expenses incurred during the execution of official and ceremonial duties.

Upper limits of cellphone allowances of councillors

- 10. In addition to the annual total remuneration packages provided for in items 5 and 8 respectively, a councillor may obtain a fixed allowance of not more than the following amounts in respect of cellphones:
 - (a) R2854 per month may be paid to a full-time executive mayor or mayor of a grade 6 municipal council;
 - (b) R1425 per month may be paid to a full-time councillor, other than an executive mayor or mayor of a grade 6 municipal council; or
 - (c) R889 per month may be paid to a part-time councillor.

Upper limits of pension fund contributions and medical aid benefits of councillors

- 11. (a) The upper limit of the contribution to be made by a municipal council to the pension fund of which a councillor of that council is a member, is 15% of the basic salary of such councillor.
 - (b) The upper limit of the contribution to be made by a municipal council to the medical aid scheme of which a councillor of that council is a member, is 2/3 of the membership fee to a maximum of R1440 per month: Provided that a part-time councillor is not a member of a medical aid scheme by virtue of his or her employment in a capacity other than councillor.

ANNEXURE C: COMMISSION PROGRAMME FOR 2009

DATE	TIME	ACTIVITY	VENUE
17 February		Meeting with the President	Pretoria
18 February		Meeting with Consultants	Pretoria
27 February	09:00 – 12:00	Commission meeting	Pretoria
5 March		Statutory consultation with Minister of Finance – Annual cost of living adjustments	Pretoria
*		Statutory consultation with Chief Justice – Annual cost of living adjustments	Pretoria
*		Statutory consultation with Justice and Constitutional Development – Annual cost of living adjustments	Pretoria
26 March	09:00 – 10:00	Meeting with Consultants	Pretoria
4 May	11:00 – 12:00	Meeting with the Department of Justice and Constitutional Development	Pretoria
22 May	09:00 – 10:00	Commission Meeting	Sandton
29 June	10:00 – 11:30	Meeting with Magistrates - ARMSA	Pretoria
13 July	10:30 – 12:00	Meeting with Magistrates - JOASA	Pretoria
21 July	09:00 – 12:00	Commission meeting	Sandton
31 August	09:00 – 12:00	Induction	Johannesburg
04 September	09:00 – 12:00	Commission meeting	Sandton
19 October	09:00 – 10:30	Meeting with Deputy Chairperson of the Commission – Commission projects	Johannesburg
20 October	09:00 – 12:00	Meeting/workshop with COGTA – Traditional Leaders	Pretoria
21 October	09:00 – 10:00	Meeting with National Treasury	Pretoria
23 October	09:00 – 12:00	Commission Meeting	Pretoria
06 November		Meeting with Legal Services unit: The Presidency	Pretoria
06 November		Meeting with member of the advisory committee National Health Insurance Fund	Pretoria
06 November		Meeting with representative on behalf of the Board of Healthcare Funders of South Africa	Pretoria
06 NOVEMBER	15:00 – 16:00	Meeting with Magistrates - ARMSA	Pretoria
October/November		Statutory consultation with Minister of Finance – Annual cost of living adjustments	Pretoria
*		Statutory consultation with Chief Justice – Annual cost of living adjustments	Pretoria
*		Statutory consultation with Justice and Constitutional Development – Annual cost of living adjustments	Pretoria
11 November		Meeting with President – Annual cost of living adjustments	Pretoria
11 November		Meeting with National Parliament – Annual cost of living adjustments	Cape Town

DATE	TIME	ACTIVITY	VENUE
12 November	10:00 – 12:00	Media briefing – Annual cost of living adjustments	Pretoria
12 November		Publication of Annual cost of living adjustments	Pretoria
13 November	10:00 – 11:00	Meeting with Parliament of Zimbabwe	Pretoria
13 November	14:00 – 15:00	Meeting with Magistrates - JOASA	Pretoria
27 November	09:00 – 14:00	Commission meeting and Commission Farewell Function	Pretoria
08 December	09:00 – 10:30	Meeting with Deputy Chairperson of the Commission – Commission projects	Johannesburg

^{*}These were not actual meeting dates

ANNEXURE D. MEETING ATTENDANCE REGISTERS

COMMISSION MEETINGS ATTENDED IN 2009

Name				in 2009			
	27 Feb	22 May	21 Jul	31 Aug - induction	04 Sep	23 Oct	27 Nov
			Commissioners	iers			
Justice Dikgang Moseneke	Ь	N/A; P	N/A	A/N	N/A	N/A	N/A
Judge LW Seriti	N/A	N/A	N/A	A/A	N/A	А	А
Dr A Mokgokong	А	N/A	N/A	N/A	N/A	N/A	N/A
Ms T Mokgabudi	A	Д	A	А	Д	۵	А
Dr SM Motsuenyane	А	N/A	N/A	A/A	N/A	N/A	N/A
Dr F Sonn	۵	N/A	N/A	N/A	N/A	N/A	N/A
Mr ML Ndlovu	۵	N/A	N/A	N/A	N/A	N/A	N/A
Ms N Newton-King	ط	۵	А	ZZ	۵	۵	А
Mr R Martin	А	А	Ь	NN	А	A	А
Dr HMR Bussin	N/A	N/A	N/A	۵	Д	۵	А
Dr P Sithole	N/A	N/A	N/A	۵	Д	۵	А
Ms P Buthelezi	N/A	N/A	N/A	۵	Д	A	А
Mr K Blake-Lefatola	N/A	N/A	N/A	N/A	N/A	Ф	А
			Secretariat	ıt			
Mr P Makapan	А	А	Ь	d	Ь	А	А
Mr D van der Vyver	ط	А	A	۵	Д	Д	А
Adv NB Dawood	А	V	A	А	Д	А	4

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

CMEETINGS WITH STAKEHOLDERS AND INDIVIDUAL COMMISSION MEMBERS 2009

	17 Feb	18 Feb 26 Mar	26 Mar	04 May	29 Jun	20 Mar	13 Jul	19 Oct	20 Oct	21 Oct	06 Nov (3 separate meetings)	13 Nov	13 Nov	08 Dec
Justice LW Seriti	N/A	N/A	N/A	N/A	N/A	N/A	N/A	NR	NR	NR	Ь		Ь	NR
Mr R Martin	NR	Р	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Ms T Mokgabudi	NR	NR	NR	NR	NR	NR	NR	А	NR	NR	NR	NR	NR	А
Dr A Mokgokong	Ь	Ь	NR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ms N Newton-King	NR	Р	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Mr P Makapan	Ь	Р	Д	Ь	Ь	Ь	Ь	Ь		Ь	Ь	Ь	Ь	А
Mr D van der Vyver	NR	NR	А	NR	NR	NR	Ь		Ь	Ь		Ь	NR	NR
Adv NB Dawood	NR	NR	Ь	Ь	Ь	Ь	Ь	Ь	Ь	Ь	Ь	Ь	Ь	Д

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