

OFFICE OF THE PRESIDENT

No. 2089 7 December 1994

NO. 37 OF 1994: COMMISSION ON THE REMUNERATION OF REPRESENTATIVES ACT, 1994.

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

ACT

To establish the Commission on Remuneration of Representatives, which shall make recommendations regarding the nature, extent and conditions of the remuneration and allowances, firstly of members of elected legislative bodies of the national government and of provincial and local governments, including members of the Provincial Houses of Traditional Leaders and the Council of Traditional Leaders, and secondly of the Executive Deputy Presidents, Ministers, the Premiers of provinces and members of the Executive Councils of provinces; and to provide for matters connected therewith.

(English text signed by the President.) (Assented to 23 November 1994.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Definitions

1. In this Act, unless the context indicates otherwise- "commission" means the Commission on Remuneration of Representatives established by section 2; "judge" means a judge as defined in section 1(1) of the Judges' Remuneration and Conditions of Employment Act, 1989 (Act No. 88 of 1989), and includes a judge who has been discharged from active service or a retired judge. "representative" means-

(a) a member of the National Assembly, the Senate, any provincial legislature, any elected local government body, a Provincial House of Traditional Leaders or the Council of Traditional Leaders;

(b) an Executive Deputy President;

(c) a Minister;

(d) a Deputy Minister;

(e) a Premier of a province;

(f) a member of the Executive Council of a province.

Establishment and objects of commission

2. (1) There is hereby established a commission to be called the Commission on Remuneration of Representatives.

(2) The objects of the commission shall be to make recommendations regarding the remuneration, allowances and other benefits, including pension and medical aid benefits, of representatives.

Constitution and structure of commission

3. (1) The commission shall consist of seven members appointed by the President by proclamation in the Gazette, namely-

- (a) a judge, who shall be the chairperson;
- (b) one person who holds a leadership position in the manufacturing or mining industry or in commerce;
- (c) one person who holds a leadership position in the provision of financial services;
- (d) one person who holds a leadership position in the trade union movement; and
- (e) three persons who are fit for such appointment on account of any qualification, knowledge or experience relating to the functions of the commission.

(2) A member of the commission shall be appointed for a period not exceeding three years, but may be reappointed at the expiry of such period.

(3) A member of the commission shall serve in a part-time capacity.

(4) A representative shall be disqualified from being a member of the commission.

(5) The President may terminate any appointment made under subsection (1) if the member concerned-

- (a) becomes disqualified within the meaning of subsection (4); or
- (b) resigns by giving notice in writing to the President.

(6) A vacancy in the commission shall be filled in accordance with subsection (1) for the unexpired part of the vacating member's term of office.

Remuneration of members of commission

4. The remuneration and allowances of members of the commission shall be determined by the Minister responsible for state expenditure.

Powers and functions of commission

5. (1) The commission may exercise the powers and shall perform the functions conferred upon or assigned to it by this Act or any other law. (2) The commission shall annually-

- (a) publish in the Gazette recommendations on -

(i) the remuneration, allowances and other benefits, including pension and medical aid benefits, of all representatives;

(ii) the resources necessary to enable a representative to perform his or her functions effectively; and

(b) compile a report on its activities, and submit copies of such report to

the Speaker of the National Assembly, the President of the Senate and the Speaker of each provincial legislature, for tabling in the House or provincial legislature concerned.

(3) The commission may-

(a) request from the Secretary to Parliament or the secretary of any provincial legislature, or from any representative any information which it may require in order to exercise its powers or perform its functions; and

(b) conduct or cause to be conducted such research as it may deem necessary to achieve its objects.

(4) The commission shall, for the purpose of exercising its powers and performing its functions in terms of this Act, have the powers referred to in section 3 of the Commissions Act, 1947 (Act No 8 of 1947), and the provisions of subsections (3) a d (4) of that section 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.

(5) The commission shall be assisted in the performance of its functions by a secretariat provided, after consultation with the commission, by the Public Service Commission.

Meetings and procedure of commission

6. (1) The commission shall meet at least three times in every year at such time and place as the chairperson may determine.

(2) The quorum for a meeting of the commission shall be five members.

(3) A decision of four members present at a meeting of the commission shall constitute a decision of the commission.

(4) The chairperson shall determine the procedure at meetings of the commission.

Expenditure of commission

7. The expenditure in connection with the exercise of the powers and the performance of the functions of the commission shall be defrayed from money appropriated by Parliament for that purpose.

Powers of President

8. The President may at any time request the commission to investigate and report on any matter pertaining to the remuneration, allowances and other benefits, including pension and medical aid benefits, of representatives.

Short title and commencement

9. This Act shall be called the *Commission on the Remuneration of Representatives Act, 1994*, and shall come into operation on a date determined by the President by proclamation in the Gazette.
