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REPUBLIEK VAN SUID-AFRIKA

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No. 37711

## THE PRESIDENCY

No. 446

2 June 2014

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

**Act No. 22 of 2014: Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014**

## DIE PRESIDENSIE

No. 446

2 Junie 2014

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**Wet No 22 van 2014: Wysigingswet op Wette Rakende Bepaling van Besoldiging van Ampsbekleërs van Onafhanklike Grondwetlike Instellings, 2014**

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**GENERAL EXPLANATORY NOTE:**

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with a solid line indicate insertions in existing enactments.

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*(English text signed by the President)  
(Assented to 30 May 2014)*

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# ACT

**To amend—**

- the Public Protector Act, 1994, so as to substitute a definition, to insert a definition and to further regulate the determination of the salary, allowances and benefits of the Public Protector and Deputy Public Protector;
- the Commission for Gender Equality Act, 1996, so as to insert a definition and to further regulate the determination of the salary, allowances and benefits of members of the Commission for Gender Equality;
- the Electoral Commission Act, 1996, so as to insert a definition and to further regulate the determination of the salary, allowances and benefits of members of the Electoral Commission;
- the Independent Commission for the Remuneration of Public Office-bearers Act, 1997, so as to substitute definitions, to insert a definition and to further regulate the functions of the Independent Commission for the Remuneration of Public Office-bearers;
- the Independent Communications Authority of South Africa Act, 2000, so as to insert a definition and to further regulate the determination of the salary, allowances and benefits of councillors of the Council;
- the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002, so as to insert a definition and to further regulate the determination of the salary, allowances and benefits of the members of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities;
- the Public Audit Act, 2004, so as to insert a definition and to further regulate the determination of the salary, allowances and benefits of the Auditor-General; and
- the South African Human Rights Commission Act, 2013, so as to insert a definition and to further regulate the determination of the salary, allowances and benefits of commissioners of the South African Human Rights Commission,

and to provide for matters connected therewith.

## PREAMBLE

SINCE section 219(5) of the Constitution of the Republic of South Africa, 1996 (the Constitution), provides that 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 of the Constitution;

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- \_\_\_\_\_ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordeningen aan.
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*(Engelse teks deur die President geteken)  
(Goedgekeur op 30 Mei 2014)*

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# WET

**Tot wysiging van—**

- die Wet op die Openbare Beskermer, 1994, ten einde 'n omskrywing te vervang, 'n omskrywing in te voeg en die bepaling van die salaris, toelaes en voordele van die Openbare Beskermer en Adjunk Openbare Beskermer verder te reël;
- die Wet op die Kommissie vir Geslagsgelykheid, 1996, ten einde 'n omskrywing in te voeg en die bepaling van die salaris, toelaes en voordele van lede van die Kommissie vir Geslagsgelykheid verder te reël;
- die Wet op die Verkiesingskommissie, 1996, ten einde 'n omskrywing in te voeg en die bepaling van die salaris, toelaes en voordele van lede van die Verkiesingskommissie verder te reël;
- die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997, ten einde omskrywings te vervang, 'n omskrywing in te voeg en die werksaamhede van die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs verder te reël;
- die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000, ten einde 'n omskrywing in te voeg en die bepaling van die salaris, toelaes en voordele van raadslede van die Raad verder te reël;
- die Wet op die Kommissie vir die Bevordering en Beskerming van die Regte van Kultuur-, Godsdiens- en Taalgemeenskappe, 2002, ten einde 'n omskrywing in te voeg en die bepaling van die salaris, toelaes en voordele van die lede van die Kommissie vir die Bevordering en Beskerming van die Regte van Kultuur-, Godsdiens- en Taalgemeenskappe verder te reël;
- die Wet op Openbare Oudit, 2004, ten einde 'n omskrywing in te voeg en die bepaling van die salaris, toelaes en voordele van die Ouditeur-generaal verder te reël; en
- die Wet op die Suid-Afrikaanse Menseregtekommisie, 2013, ten einde 'n omskrywing in te voeg en die bepaling van die salaris, toelaes en voordele van kommissarisse van die Suid-Afrikaanse Menseregtekommisie verder te reël,

en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

## AANHEF

**AANGESIEN** artikel 219(5) van die Grondwet van die Republiek van Suid-Afrika, 1996 (die Grondwet) bepaal dat nasionale wetgewing raamwerke moet voorskryf vir die bepaling van die salaris, toelaes en voordele van regters, die Openbare Beskermer, die Ouditeur-generaal en lede van enige kommissie waarvoor die Grondwet voorsiening maak, met inbegrip van die uitsaaiowerheid in artikel 192 van die Grondwet genoem;

**AND SINCE** it is recognised that no uniformity exists in the procedures for determining the salaries, allowances and benefits of the Public Protector, the Auditor-General and members of Commissions established by the Constitution, including the broadcasting authority referred to in section 192 of the Constitution,

**P**ARLIAMENT of the Republic of South Africa therefore enacts, as follows:—

**Amendment of section 1 of Act 23 of 1994, as amended by section 35 of Act 47 of 1997, section 3 of Act 113 of 1998 and section 1 of Act 22 of 2003**

1. Section 1 of the Public Protector Act, 1994, is hereby amended—
  - (a) by the substitution for the definition of “Constitution” of the following definition:
 

**“(iA) ‘Constitution’ means the Constitution of the Republic of South Africa, 1996 [(Act No. 108 of 1996)]; (iiA)”;** and
  - (b) by the insertion of the following definition after the definition of “Deputy Public Protector”:
 

**“(iiA) ‘Independent Commission’ means the Independent Commission for the Remuneration of Public Office-bearers established by section 2 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997); (ivB)”.**

**Amendment of section 2 of Act 23 of 1994, as amended by section 5 of Act 113 of 1998 and section 3 of Act 22 of 2003**

2. Section 2 of the Public Protector Act, 1994, is hereby amended—
  - (a) by the substitution for the heading of the following heading:
 

**“[Remuneration, vacancies in office] Salary, allowances and [other terms and conditions of employment] benefits and vacancies in office of Public Protector”;**
  - (b) by the substitution for subsection (2) of the following subsection:
 

**“(2) The [remuneration and other terms and conditions of employment of the Public Protector shall from time to time be determined by the National Assembly upon the advice of the committee] Public Protector shall be entitled to such salary, allowances and benefits—**

    - (a) as determined by the President, from time to time, by notice in the *Gazette*, after taking into consideration the recommendations of the Independent Commission; and
    - (b) approved by the National Assembly in terms of subsection (2C):  
Provided that such [remuneration] salary—
      - (a) shall not be less than that of a judge of a High Court; and
      - (b) shall not be reduced, nor shall the [terms and conditions of employment] allowances and benefits be adversely altered, during his or her term of office.”; and
  - (c) by the insertion of the following subsections after subsection (2):
 

**“(2A) The Independent Commission shall, when investigating or considering the salary, allowances and benefits of the Public Protector, consult with the Minister and the Cabinet member responsible for finance.**

**“(2B) A notice in terms of subsection (2)(a) or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of the notice.**

**“(2C) (a) A notice issued under subsection (2)(a) shall be submitted to the National Assembly for approval before publication thereof.**

**(b) The National Assembly shall, by resolution—**

    - (i) approve the notice, whether in whole or in part; or
    - (ii) disapprove the notice.”.

**EN AANGESIEN** dit erken word dat geen eenvormigheid bestaan in die procedures vir die bepaling van die salaris, toelaes en voordele van die Openbare Beskermer, die Ouditeur-generaal en lede van Kommissies by die Grondwet ingestel, met inbegrip van die uitsaaiowerheid in artikel 192 van die Grondwet genoem,

**B**EPAAL die Parlement van die Republiek van Suid-Afrika derhalwe, soos volg:—

**Wysiging van artikel 1 van Wet 23 van 1994, soos gewysig deur artikel 35 van Wet 47 van 1997, artikel 3 van Wet 113 van 1998 en artikel 1 van Wet 22 van 2003**

1. Artikel 1 van die Wet op die Openbare Beskermer, 1994, word hierby gewysig—
  - (a) deur die omskrywing van “Grondwet” deur die volgende omskrywing te vervang:
 

“(iiA) ‘Grondwet’ die Grondwet van die Republiek van Suid-Afrika, 1996 [(Wet No. 108 van 1996)]; (iA)”;
  - (b) deur die volgende omskrywing na die omskrywing van “Minister” in te voeg:
 

“(ivB) ‘Onafhanklike Kommissie’ die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs ingestel by artikel 2 van die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997 (Wet No. 92 van 1997); (iiA)”.

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**Wysiging van artikel 2 van Wet 23 van 1994, soos gewysig deur artikel 5 van Wet 113 van 1998 en artikel 3 van Wet 22 van 2003**

2. Artikel 2 van die Wet op die Openbare Beskermer, 1994, word hierby gewysig—
  - (a) deur die opskrif deur die volgende opskrif te vervang:
 

“[Vergoeding, ampsontruimings] Salaris, toelaes en [ander bedinge en voorwaarde van diens] voordele en ampsontruimings van Openbare Beskermer”;
  - (b) deur subartikel (2) deur die volgende subartikel te vervang:
 

“(2) Die [besoldiging en ander bedinge en voorwaarde van diens van die Openbare Beskermer word, van tyd tot tyd deur die Nasionale Vergadering op advies van die komitee bepaal] Openbare Beskermer is geregtig op sodanige salaris, toelaes en voordele—
 
    - (a) van tyd tot tyd deur die President by kennisgewing in die Staatskoerant bepaal, na inagneming van die aanbevelings van die Onafhanklike Kommissie; en
    - (b) ingevolge subartikel (2C) deur die Nasionale Vergadering goedgekeur: Met dien verstande dat so ’n [besoldiging] salaris [—
      - (a) nie minder as die salaris van ’n regter van ’n Hoë Hof mag wees nie; en
      - (b) word] nie verminder word nie en die [bedinge en voorwaarde van diens word] toelaes en voordele nie nadelig verander word gedurende sy of haar ampstermyne.”; en
  - (c) deur die volgende subartikels na subartikel (2) in te voeg:
 

“(2A) Die Onafhanklike Kommissie moet, wanneer die salaris, toelaes en voordele van die Openbare Beskermer ondersoek of oorweeg word, oorleg pleeg met die Minister en die Kabinetslid verantwoordelik vir finansies.

(2B) ’n Kennisgewing ingevolge subartikel (2)(a) of enige bepaling daarvan kan van krag word met ingang van ’n datum in die kennisgewing vermeld, welke datum nie meer as een jaar vroeër as die datum van publikasie van die kennisgewing mag wees nie.

(2C) (a) ’n Kennisgewing kragtens subartikel (2)(a) uitgereik, moet vir goedkeuring aan die Nasionale Vergadering voorgelê word voor publikasie daarvan.

(b) Die Nasionale Vergadering moet by besluit—
 
    - (i) die kennisgewing goedkeur, hetsy in die geheel of gedeeltelik; of
    - (ii) die kennisgewing afkeur.”.

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**Amendment of section 2A of Act 23 of 1994, as inserted by section 4 of Act 22 of 2003**

**3.** Section 2A of the Public Protector Act, 1994, is hereby amended—

(a) by the substitution for the heading of the following heading:

**“Appointment, [remuneration] salary, allowances and [other terms and conditions of employment] benefits, vacancies in office and removal from office of Deputy Public Protector”;**

(b) by the substitution for subsection (5) of the following subsection:

**“(5) The [remuneration and other terms and conditions of employment of the Deputy Public Protector shall from time to time be determined by the National Assembly upon the advice of the committee] Deputy Public Protector shall be entitled to such salary, allowances and benefits—**

**(a) as determined by the President, from time to time, by notice in the Gazette, after taking into consideration the recommendations of the Independent Commission; and**

**(b) approved by the National Assembly in terms of subsection (5C): Provided that such salary shall not be reduced, nor shall the allowances and benefits be adversely altered, during his or her term of office.”;**

(c) by the insertion of the following subsections after subsection (5):

**“(5A) The Independent Commission shall, when investigating or considering the salary, allowances and benefits of the Deputy Public Protector, consult with the Minister and the Cabinet member responsible for finance.**

**(5B) A notice in terms of subsection (5)(a) or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of the notice.**

**(5C) (a) A notice issued under subsection (5)(a) shall be submitted to the National Assembly for approval before publication thereof.**

**(b) The National Assembly shall, by resolution—**

**(i) approve the notice, whether in whole or in part; or  
(ii) disapprove the notice.”.**

**Amendment of section 1 of Act 39 of 1996, as amended by section 35 of Act 47 of 1997 and section 2 of Act 17 of 2013**

**4.** Section 1 of the Commission for Gender Equality Act, 1996, is hereby amended by the insertion of the following definition after the definition of “committee”:

**“(iiiA) ‘Independent Commission’ means the Independent Commission for the Remuneration of Public Office-bearers established by section 2 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997); (ivA)”.**

**Substitution of section 8 of Act 39 of 1996**

**5.** The following section is hereby substituted for section 8 of the Commission for Gender Equality Act, 1996:

**“[Remuneration and] Salary, allowances and benefits of members of Commission**

**8. (1) The full-time and part-time members of the Commission shall be entitled to such [remuneration] salary, allowances and [other terms and conditions of office and service] benefits [of the full-time and part-time members of the Commission shall be determined by the President]—**

**(a) as determined by the President, from time to time, by notice in the Gazette, after taking into consideration the recommendations of the Independent Commission; and**

**(b) approved by the National Assembly in terms of subsection (5).**

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**Wysiging van artikel 2A van Wet 23 van 1994, soos ingevoeg deur artikel 4 van Wet 22 van 2003**

3. Artikel 2A van die Wet op die Openbare Beskermer, 1994, word hierby gewysig—

(a) deur die oopskrif deur die volgende oopskrif te vervang:

“**Aanstelling, [vergoeding] salaris, toelaes en [ander bedinge en voorwaardes van diens] voordele, ampsontruimings en ampsont-heffings van Adjunk Openbare Beskermer**”;

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die [besoldiging en ander bedinge en voorwaardes van diens van die Adjunk Openbare Beskermer word van tyd tot tyd deur die Nasionale Vergadering op advies van die komitee bepaal] Adjunk Openbare Beskermer is geregtig op sodanige salaris, toelaes en voordele—

(a) van tyd tot tyd deur die President by kennisgewing in die *Staatskoerant* bepaal, na inagneming van die aanbevelings van die Onafhanklike Kommissie; en

(b) ingevolge subartikel (5C) deur die Nasionale Vergadering goedgekeur: Met dien verstande dat so 'n salaris nie verminder word nie en die toelaes en voordele nie nadelig verander word gedurende sy of haar ampstermyn nie.”; en

(c) deur die volgende subartikels na subartikel (5) in te voeg:

“(5A) Die Onafhanklike Kommissie moet, wanneer die salaris, toelaes en voordele van die Adjunk Openbare Beskermer ondersoek of oorweeg word, oorleg pleeg met die Minister en die Kabinetslid verantwoordelik vir finansies.

(5B) 'n Kennisgewing ingevolge subartikel (5)(a) of enige bepaling daarvan kan van krag word met ingang van 'n datum in die kennisgewing vermeld, welke datum nie meer as een jaar vroeër as die datum van publikasie van die kennisgewing mag wees nie.

(5C) (a) 'n Kennisgewing kragtens subartikel (5)(a) uitgereik, moet vir goedkeuring aan die Nasionale Vergadering voorgelê word voor publikasie daarvan.

(b) Die Nasionale Vergadering moet by besluit—

(i) die kennisgewing goedkeur, hetsy in die geheel of gedeeltelik; of  
(ii) die kennisgewing afkeur.”.

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**Wysiging van artikel 1 van Wet 39 van 1996, soos gewysig deur artikel 35 van Wet 47 van 1997 en artikel 2 van Wet 17 van 2013**

4. Artikel 1 van die Wet op die Kommissie vir Geslagsgelykheid, 1996, word hierby gewysig deur die volgende omskrywing na die omskrywing van "Minister" in te voeg:

“(ivA) **'Onafhanklike Kommissie'** die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs ingestel by artikel 2 van die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997 (Wet No. 92 van 1997); (iiiA)”.

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**Vervanging van artikel 8 van Wet 39 van 1996**

5. Artikel 8 van die Wet op die Kommissie vir Geslagsgelykheid, 1996, word hierby deur die volgende artikel vervang:

**“[Vergoeding en] Salaris, toelaes en voordele van lede van Kommissie**

8. (1) Die [vergoeding] heeltydse en deeltydse lede van die Kommissie is geregtig op sodanige salaris, toelaes en [ander bedinge en voorwaardes van amp en diensvoordele van die heeltydse lede van die Kommissie word deur die President bepaal] voordele—

(a) van tyd tot tyd deur die President by kennisgewing in die *Staatskoerant* bepaal, na inagneming van die aanbevelings van die Onafhanklike Kommissie; en

(b) ingevolge subartikel (5) deur die Nasionale Vergadering goedgekeur.

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(2) The [remuneration] salary of the members of the Commission shall not be reduced, nor shall the allowances and benefits be adversely altered, during their term of office.

(3) [A part-time member of the Commission may, for any period during which that member, with the approval of the Commission, performs additional duties and functions, be paid such additional remuneration as may be determined by the President] The Independent Commission shall, when investigating or considering the salary, allowances and benefits of the members of the Commission, consult with the Minister and the Cabinet member responsible for finance.

(4) A notice in terms of subsection (1)(a) or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of the notice.

(5) (a) A notice issued under subsection (1)(a) shall be submitted to the National Assembly for approval before publication thereof.

(b) The National Assembly shall, by resolution—

(i) approve the notice, whether in whole or in part; or

(ii) disapprove the notice.

**[(4) The provisions of section 7(3) shall apply, with the necessary changes, in respect of the tabling in Parliament of a document setting out the remuneration, allowances and other terms and conditions of office and service benefits of the full-time and part-time members of the Commission.]**

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#### Amendment of section 1 of Act 51 of 1996

6. Section 1 of the Electoral Commission Act, 1996, is hereby amended by the insertion of the following definition after the definition of “Electoral Court”:

**“(vA) ‘Independent Commission’ means the Independent Commission for the Remuneration of Public Office-bearers established by section 2 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997); (ivA)”.**

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#### Amendment of section 7 of Act 51 of 1996, as amended by section 1 of Act 14 of 2004

7. Section 7 of the Electoral Commission Act, 1996, is hereby amended—

(a) by the substitution for the heading of the following heading:

**“Terms of office, [conditions of service] salary, allowances and benefits, removal from office and suspension of commissioners”;**

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(b) by the substitution for subsection (2) of the following subsection:

**“(2) [The conditions of service, remuneration, allowances and other benefits of commissioners shall from time to time be determined by the President after consultation with the Commission on Remuneration of Representatives established by section 2 of the Commission on the Remuneration of Representatives Act, 1994 (Act No. 37 of 1994), and a distinction may be made between commissioners appointed in a full-time and part-time capacity] The full-time and part-time members of the Commission shall be entitled to such salary, allowances and benefits—**

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**(a) as determined by the President, from time to time, by notice in the Gazette, after taking into consideration the recommendations of the Independent Commission; and**

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**(b) approved by the National Assembly in terms of subsection (2C): Provided that a distinction may be made between commissioners appointed in a full-time and part-time capacity: Provided further that such salary shall not be reduced, nor shall the allowances and benefits be adversely altered, during their term of office.”; and**

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(2) Die **[vergoeding]** salaris van die lede van die Kommissie mag nie gedurende hul ampstermyn verminder word nie en die toelaes en voordele mag nie nadelig verander word nie.

(3) **[’n Deeltydse lid van die Kommissie kan, vir enige tydperk wat daardie lid addisionele pligte en werksaamhede met die goedkeuring van die Kommissie verrig, die addisionele vergoeding betaal word wat die President bepaal]** Die Onafhanklike Kommissie moet, wanneer die salaris, toelaes en voordele van lede van die Kommissie ondersoek of oorweeg word, oorleg pleeg met die Minister en die Kabinetslid verantwoordelik vir finansies.

(4) ’n Kennisgewing ingevolge subartikel (1)(a) of enige bepaling daarvan kan van krag word met ingang van ’n datum in die kennisgewing vermeld, welke datum nie meer as een jaar vroeër as die datum van publikasie van die kennisgewing mag wees nie.

(5) (a) ’n Kennisgewing kragtens subartikel (1)(a) uitgereik, moet vir goedkeuring aan die Nasionale Vergadering voorgelê word voor publikasie daarvan.

(b) Die Nasionale Vergadering moet by besluit—

- (i) die kennisgewing goedkeur, hetsy in die geheel of gedeeltelik; of
- (ii) die kennisgewing afkeur.

**[(4) Die bepalings van artikel 7(3) is, met die nodige aanpassings, van toepassing met betrekking tot die tertiafellegging in die Parlement van ’n dokument wat die besoldiging, toelaes en ander bedinge en voorwaarde van amp en diensvoordele van die heeltydse en deeltydse lede van die Kommissie uiteensit.]’.**

#### Wysiging van artikel 1 van Wet 51 van 1996

6. Artikel 1 van die Wet op die Verkiesingskommissie, 1996, word hierby gewysig deur die volgende omskrywing na die omskrywing van “Kommissie” in te voeg:

**“(ivA) ‘Onafhanklike Kommissie’ die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs ingestel by artikel 2 van die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997 (Wet No. 92 van 1997); (vA)”.**

#### Wysiging van artikel 7 van Wet 51 van 1996, soos gewysig deur artikel 1 van Wet 14 van 2004

7. Artikel 7 van die Wet op die Verkiesingskommissie, 1996, word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

**“Ampstermyne, [diensvoordele] salaris, toelaes en voordele, ontheffing van amp en skorsing van kommissarisse”;**

(b) deur subartikel (2) deur die volgende subartikel te vervang:

**“(2) [Die diensvoordele, besoldiging, toelaes en ander voordele van kommissaris word van tyd tot tyd deur die President na oorleg met die Kommissie op Besoldiging van Verteenwoordigers ingestel by artikel 2 van die Wet op die Kommissie op Besoldiging van Verteenwoordigers, 1994 (Wet No. 37 van 1994), bepaal, en ’n onderskeid kan tussen kommissaris wat in ’n voltydse en deeltydse hoedanigheid aangestel word, getref word] Die heeltydse en deeltydse lede van die Kommissie is geregtig op sodanige salaris, toelaes en voordele—**

**(a) van tyd tot tyd deur die President by kennisgewing in die Staatskoerant bepaal, na inagneming van die aanbevelings van die Onafhanklike Kommissie; en**

**(b) ingevolge subartikel (2C) deur die Nasionale Vergadering goedkeur: Met dien verstande dat ’n onderskeid tussen kommissaris wat in ’n heeltydse en deeltydse hoedanigheid aangestel is, getref kan word: Met dien verstande verder dat so ’n salaris nie gedurende hul ampstermyn verminder mag word nie en hul toelaes en voordele ook nie nadelig verander mag word nie.”; en**

(c) by the insertion of the following subsections after subsection (2):

“(2A) The Independent Commission shall, when investigating or considering the salary, allowances and benefits of the members of the Commission, consult with the Cabinet members responsible for home affairs and for finance.

(2B) A notice in terms of subsection (2)(a) or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of the notice.

(2C) (a) A notice issued under subsection (2)(a) shall be submitted to the National Assembly for approval before publication thereof.

(b) The National Assembly shall, by resolution—

- (i) approve the notice, whether in whole or in part; or
- (ii) disapprove the notice.”.

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**Amendment of section 1 of Act 92 of 1997, as amended by section 7 of Act 28 of 2003** 15

**8.** Section 1 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997, is hereby amended—

(a) by the substitution for the definition of “Constitution” of the following definition:

“(ii) ‘Constitution’ means the Constitution of the Republic of South Africa, 1996 [(Act No. 108 of 1996)]; (ii)”;

(b) by the insertion of the following definition after the definition of “Constitution”:

“(iiA) ‘constitutional institution’ means the Public Protector, the Auditor-General and any commission established by Chapter 9 of the Constitution, including the Independent Communications Authority of South Africa referred to in section 192 of the Constitution; (iiA)”;

(c) by the substitution for paragraphs (d) and (e) of the definition of “office-bearer” of the following paragraphs:

“(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; and

(f) any member of an independent constitutional institution, including the Deputy Public Protector.”.

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**Amendment of section 8 of Act 92 of 1997, as amended by section 11 of Act 28 of 2003**

**9.** Section 8 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(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 constitutional institution, 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

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(c) deur die volgende subartikels na subartikel (2) in te voeg:

“(2A) Die Onafhanklike Kommissie moet, wanneer die salaris, toelaes en voordele van die lede van die Kommissie ondersoek of oorweeg word, oorleg pleeg met die Kabinetslede verantwoordelik vir binnelandse sake en finansies.

(2B) ’n Kennisgewing ingevolge subartikel (2)(a) of enige bepaling daarvan kan van krag word met ingang van ’n datum in die kennisgewing vermeld, welke datum nie meer as een jaar vroeër as die datum van publikasie van die kennisgewing mag wees nie.

(2C) (a) ’n Kennisgewing kragtens subartikel (2)(a) uitgereik, moet vir goedkeuring aan die Nasionale Vergadering voorgelê word voor publikasie daarvan.

(b) Die Nasionale Vergadering moet by besluit—

(i) die kennisgewing goedkeur, hetsy in die geheel of gedeeltelik; of  
(ii) die kennisgewing afkeur.”.

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### Wysiging van artikel 1 van Wet 92 van 1997, soos gewysig deur artikel 7 van Wet 28 van 2003

**8.** Artikel 1 van die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997, word hierby gewysig—

(a) deur paragrawe (d) en (e) van die omskrywing van “ampsbekleer” deur die volgende paragrawe te vervang:

“(d) ’n persoon wat die amp beklee van—

(i) Konstitusionele Hof regter of ’n regter soos omskryf in artikel 1 van die Wet op Besoldiging en Diensvoorraad van Regters, 2001 (Wet No. 47 van 2001); en

(ii) landdros wat aangestel is kragtens artikel 9 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), saamgelees met artikel 10 van die Wet op Landdroste, 1993 (Wet No. 90 van 1993); [en]

(e) ’n lid van die Nasionale Huis van Tradisionele Leiers, ’n lid van enige provinsiale huis van tradisionele leiers of enige tradisionele leier; en

(f) ’n lid van ’n onafhanklike grondwetlike instelling, met inbegrip van die Adjunk Openbare Beskermer.”;

(b) deur die omskrywing van “Grondwet” deur die volgende omskrywing te vervang:

“(ii) ‘**Grondwet**’ die Grondwet van die Republiek van Suid-Afrika, 1996 [(Wet No. 108 van 1996)]; (ii)”; en

(c) deur die volgende omskrywing na die omskrywing van “Grondwet” in te voeg:

“(iiA) ‘**grondwetlike instelling**’ die Openbare Beskermer, die Ouditeur-generaal en enige kommissie by Hoofstuk 9 van die Grondwet ingestel, met inbegrip van die Onafhanklike Kommunikasie-owerheid van Suid-Afrika in artikel 192 van die Grondwet bedoel; (iiA)”.

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### Wysiging van artikel 8 van Wet 92 van 1997, soos gewysig deur artikel 11 van Wet 28 van 2003

**9.** Artikel 8 van die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997, word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die Kommissie kan die navorsing doen of laat doen of die inligting by die Sekretaris van die Parlement, die sekretaris van ’n provinsiale wetgewer, die sekretaris van die Nasionale Huis van Tradisionele Leiers, die sekretaris van ’n provinsiale huis van tradisionele leiers, die hoofuitvoerende beampete van enige **grondwetlike instelling**, die hoofuitvoerende beampete van ’n munisipaliteit, die Hoofregter of ’n persoon vir daardie doel deur die Hoofregter aangewys, of ’n funksionaris of liggaam verkry wat nodig is om die werksaamhede

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functions of the Commission under this Act, section 219 of the Constitution or any other law.”;

(b) by the substitution for subsection (3A) of the following subsection:

“(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 (Act No. 47 of 2001), and in particular to section 2 of that Act; **[or]**

(b) in paragraph (d)(ii) of the definition of ‘office-bearer’ in section 1, it must have regard to the provisions of the Magistrates Act, 1993 (Act No. 90 of 1993), and in particular to section 12 of that Act.**[.]**; or

(c) in paragraph (f) of the definition of ‘office-bearer’ in section 1, it must have regard to the provisions of the law in terms of which such an ‘office-bearer’ has been appointed.”;

(c) by the substitution for subsection (4) of the following subsection:

“(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) and (f) 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) and (f) of the definition of ‘office-bearer’ in section 1 to perform the office-bearer’s functions effectively.”;

(d) by the substitution for subsection (6) of the following subsection:

“(6) (a) When making recommendations referred to in subsection (4) the Commission must take the following factors into account:

(i) The role, status, duties, functions and responsibilities of the office-bearers concerned;

(ii) the affordability of different levels of remuneration of public office-bearers;

(iii) current principles and levels of remuneration, particularly in respect of organs of state, and in society generally;

(iv) inflationary increases;

(v) the available resources of the state; and

(vi) any other factor which, in the opinion of the said Commission, is relevant.

(b) When making recommendations referred to in subsection (4) in respect of any office-bearer as defined in paragraph (f) of the definition of ‘office-bearer’ in section 1, the Commission must, where applicable, also take the following factors into account:

(i) The salary, allowances and benefits of members of other constitutional institutions;

(ii) affordability in relation to the responsibilities of the constitutional institution concerned; and

(iii) the level of expertise and experience required of a member of the constitutional institution concerned.”.

#### **Amendment of section 1 of Act 13 of 2000, as amended by section 2 of Act 3 of 2006**

**10.** Section 1 of the Independent Communications Authority of South Africa Act, 2000, is hereby amended by the insertion of the following definition after the definition of “former authorities”:

van die Kommissie kragtens hierdie Wet, artikel 219 van die Grondwet of 'n ander wet te verrig.'";	
(b) deur subartikel (3A) deur die volgende subartikel te vervang:	
"(3A) Wanneer ook al die Kommissie 'n werksaamheid ingevolge hierdie Wet verrig betreffende die besoldiging van 'n ampsbekleer soos omskryf—	5
(a) in paragraaf (d)(i) van die omskrywing van 'ampsbekleer' in artikel 1, moet hy ag slaan op die bepalings van die Wet op Besoldiging en Diensvoorwaardes van Regters, 2001 (Wet No. 47 van 2001), en in die besonder op artikel 2 van daardie Wet; [of]	10
(b) in paragraaf (d)(ii) van die omskrywing van 'ampsbekleer' in artikel 1, moet hy ag slaan op die bepalings van die Wet op Landdroste, 1993 (Wet No. 90 van 1993), en in die besonder op artikel 12 van daardie Wet[.]; of	
(c) in paragraaf (f) van die omskrywing van 'ampsbekleer' in artikel 1, moet hy ag slaan op die bepalings van die wet ingevolge waarvan so 'n 'ampsbekleer' aangestel is.";	15
(c) deur subartikel (4) deur die volgende subartikel te vervang:	
"(4) Die Kommissie moet, na inagneming van die faktore bedoel in subartikel (6), in die <i>Staatskoerant</i> aanbevelings publiseer aangaande—	20
(a) die salaris, toelaes en voordele van 'n ampsbekleer soos in paragrawe (a), (d) [en], (e) en (f) van die omskrywing van 'ampsbekleer' in artikel 1 omskryf;	
(b) die boonste perke van die salaris, toelaes of voordele van 'n ampsbekleer soos in paragrawe (b) en (c) van die omskrywing van 'ampsbekleer' in artikel 1 omskryf; en	25
(c) die hulpmiddelle wat nodig is om 'n ampsbekleer soos in paragrawe (a), (b), (c) [en], (e) en (f) van die omskrywing van 'ampsbekleer' in artikel 1 omskryf, in staat te stel om die ampsbekleer se werksaamhede doeltreffend te verrig.>"; en	30
(d) deur subartikel (6) deur die volgende subartikel te vervang:	
"(6) (a) By die maak van aanbevelings in subartikel (4) bedoel, moet die Kommissie die volgende faktore in aanmerking neem:	
(i) Die rol, status, pligte, werksaamhede en verantwoordelikhede van die betrokke ampsbekleërs;	35
(ii) die bekostigbaarheid van verskillende vlakke van besoldiging van openbare ampsbekleërs;	
(iii) heersende beginsels en vlakke van besoldiging, in die besonder ten opsigte van staatsorgane, en in die gemeenskap oor die algemeen;	
(iv) inflasioneire stygings;	40
(v) die middele aan die staat beskikbaar; en	
(vi) enige ander faktor wat, na mening van die bedoelde Kommissie, relevant is.	
(b) By die doen van aanbevelings in subartikel (4) bedoel ten opsigte van enige ampsbekleer soos in paragraaf (f) van die omskrywing van 'ampsbekleer' in artikel 1 omskryf, moet die Kommissie, waar van toepassing, ook die volgende faktore in aanmerking neem:	45
(i) Die salaris, toelaes en voordele van lede van ander grondwetlike instellings;	
(ii) bekostigbaarheid ten opsigte van die verantwoordelikhede van die betrokke grondwetlike instelling; en	50
(iii) die vlak van kundigheid en ondervinding van 'n lid van die betrokke grondwetlike instelling, vereis."	

**Wysiging van artikel 1 van Wet 13 van 2000, soos gewysig deur artikel 2 van Wet 3 van 2006**

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**10.** Artikel 1 van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000, word hierby gewysig deur die volgende omskrywing na die omskrywing van "Nasionale Inkomstefonds" in te voeg:

**“(viA) ‘Independent Commission’ means the Independent Commission for the Remuneration of Public Office-bearers established by section 2 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997); (vA)”.**

### Substitution of section 10 of Act 13 of 2000

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**11.** The following section is hereby substituted for section 10 of the Independent Communications Authority of South Africa Act, 2000:

#### **[Remuneration] Salary, allowances and benefits of councillors of Council**

**10. (1)** The chairperson and other councillors [must be paid such] are entitled to the [remuneration and] salary, allowances and [be entitled to such] benefits[, as the Minister may determine with the concurrence of the Minister of Finance, subject to any applicable national legislation envisaged by section 219(5) of the Constitution]— 10

(a) as determined by the President, from time to time, by notice in the *Gazette*, after taking into consideration the recommendations of the Independent Commission; and 15

(b) approved by the National Assembly in terms of subsection (5).

(2) The salary of the councillors may not be reduced, nor may the allowances and benefits be adversely altered, during their term of office. 20

(3) The Independent Commission shall, when investigating or considering the salary, allowances and benefits of councillors, consult with the Minister and the Cabinet member responsible for finance. 25

(4) A notice in terms of subsection (1)(a) or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of the notice.

(5) (a) A notice issued under subsection (1)(a) shall be submitted to the National Assembly for approval before publication thereof.

(b) The National Assembly shall, by resolution—

(i) approve the notice, whether in whole or in part; or 30

(ii) disapprove the notice.”.

### Amendment of section 1 of Act 19 of 2002

**12.** Section 1 of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002, is hereby amended by the insertion of the following definition after the definition of “constitutional institution”: 35

**“‘Independent Commission’ means the Independent Commission for the Remuneration of Public Office-bearers established by section 2 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997);”.**

### Amendment of section 14 of Act 19 of 2002

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**13.** Section 14 of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002, is hereby amended—

(a) by the substitution for the heading of the following heading:

**[Conditions of appointment] Salary, allowances and benefits of members”;** 45

(b) by the substitution for subsection (1) of the following subsection:

**“(1) The [Minister, with the concurrence of the Minister of Finance, determines the conditions of appointment of the Chairperson, the Deputy Chairperson and the other members of the Commission, taking into account the conditions of appointment of** 50

**“(vA) ‘Onafhanklike Kommissie’ die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs ingestel by artikel 2 van die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997 (Wet No. 92 van 1997); (viA)”.**

### Vervanging van artikel 10 van Wet 13 van 2000

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**11.** Artikel 10 van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000, word hierby deur die volgende artikel vervang:

#### **[Besoldiging] Salaris, toelaes en voordele van raadslede van Raad**

**10. (1)** Die voorsitter en ander raadslede **[moet die besoldiging en toelaes betaal word en]** is geregtig op die **salaris, toelaes en voordele [wat die Minister met die instemming van die Minister van Finansies, behoudens enige toepaslike nasionale wetgewing soos beoog deur artikel 219(5) van die Grondwet bepaal]**—

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(a) van tyd tot tyd deur die President by kennisgewing in die *Staatskoerant* bepaal, na inagneming van die aanbevelings van die Onafhanklike Kommissie; en

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(b) ingevolge subartikel (5) deur die Nasionale Vergadering goedgekeur.

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(2) Die salaris van die raadslede mag nie gedurende hul ampstermyne verminder word nie en hul toelaes en voordele mag ook nie nadelig verander word nie.

(3) Die Onafhanklike Kommissie moet, wanneer die salaris, toelaes en voordele van raadslede ondersoek of oorweeg word, oorleg pleeg met die Minister en die Kabinetslid verantwoordelik vir finansies.

(4) ’n Kennisgewing ingevolge subartikel (1)(a) of enige bepaling daarvan kan van krag word met ingang van ’n datum in die kennisgewing vermeld, welke datum nie meer as een jaar vroeër as die datum van publikasie van die kennisgewing mag wees nie.

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(5) (a) ’n Kennisgewing kragtens subartikel (1)(a) uitgereik, moet vir goedkeuring aan die Nasionale Vergadering voorgelê word voor publikasie daarvan.

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(b) Die Nasionale Vergadering moet by besluit—

(i) die kennisgewing goedkeur, hetby in die geheel of gedeeltelik; of  
(ii) die kennisgewing afkeur.”.

### Wysiging van artikel 1 van Wet 19 van 2002

**12.** Artikel 1 van die Wet op die Kommissie vir die Bevordering en Beskerming van die Regte van Kultuur-, Godsdienst- en Taalgemeenskappe, 2002, word hierby gewysig deur die volgende omskrywing na die omskrywing van “nasionale beraadslagende konferensie”, in te voeg:

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**“Onafhanklike Kommissie” die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs ingestel by artikel 2 van die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997 (Wet No. 92 van 1997);”.**

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### Wysiging van artikel 14 van Wet 19 van 2002

**13.** Artikel 14 van die Wet op die Kommissie vir die Bevordering en Beskerming van die Regte van Kultuur-, Godsdienst- en Taalgemeenskappe, 2002, word hierby gewysig—

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(a) deur die opskrif deur die volgende opskrif te vervang:

**“[Aanstellingsvoorraarde] Salaris, toelaes en voordele van lede”;**

(b) deur subartikel (1) deur die volgende subartikel te vervang:

**“(1) Die [Minister, met die instemming van die Minister van**

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**Finansies, bepaal die aanstellingsvoorraarde van die Voorsitter, die Ondervorsitter en die ander lede van die Kommissie, met**

**inagneming van die aanstellingsvoorraarde van lede van ander**

<b>members of other constitutional institutions]</b> Chairperson, Deputy Chairperson and other members of the Commission are entitled to such salary, allowances and benefits—	
(a) as determined by the President, from time to time, by notice in the <i>Gazette</i> , after taking into consideration the recommendations of the Independent Commission; and	5
(b) approved by the National Assembly in terms of subsection (1C): Provided that the salary of the Chairperson, Deputy Chairperson and other members of the Commission may not be reduced, nor may the allowances and benefits be adversely altered during their term of office.”; and	10
(c) by the insertion of the following subsections after subsection (1):	
“(1A) The Independent Commission must, when investigating or considering the salary, allowances and benefits of the members of the Commission, consult with the Minister and the Cabinet member responsible for finance.	15
(1B) A notice in terms of subsection (1)(a) or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of the notice.	20
(1C) (a) A notice issued under subsection (1)(a) must be submitted to the National Assembly for approval before publication thereof.	
(b) The National Assembly must, by resolution—	
(i) approve the notice, whether in whole or in part; or	
(ii) disapprove the notice.”.	25

#### Amendment of section 1 of Act 25 of 2004

**14.** Section 1 of the Public Audit Act, 2004, is hereby amended by the insertion of the following definition after the definition of “fruitless and wasteful expenditure”:

“ ‘Independent Commission’ means the Independent Commission for the Remuneration of Public Office-bearers established by section 2 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997);”.

#### Amendment of section 7 of Act 25 of 2004

**15.** Section 7 of the Public Audit Act, 2004, is hereby amended—

- (a) by the substitution for the heading of the following heading: “**[Conditions of employment] Salary, allowances and benefits of Auditor-General”;**
- (b) by the substitution for subsection (1) of the following subsection:
- “(1) The [oversight mechanism must consult the person recommended in terms of section 193 of the Constitution for appointment as Auditor-General and make recommendations to the President for the determination of the conditions of employment of that person, including an appropriate salary, allowances and other benefits] Auditor-General is entitled to such salary, allowances and benefits—
- (a) as determined by the President, from time to time, by notice in the *Gazette*, after taking into consideration the recommendations of the Independent Commission; and
- (b) approved by the National Assembly in terms of subsection (1C).”;
- (c) by the insertion of the following subsections after subsection (1):
- “(1A) The Independent Commission must, when investigating or considering the salary, allowances and benefits of the Auditor-General, consult with the Cabinet member responsible for finance.
- (1B) A notice in terms of subsection (1)(a) or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of the notice.

<p><b>grondwetlike instellings]</b> Voorsitter, Ondervoorsitter en ander lede van die Kommissie is geregtig op sodanige salaris, toelaes en voordele—</p> <p>(a) van tyd tot tyd deur die President by kennisgewing in die <i>Staatskoerant</i> bepaal, na inagneming van die aanbevelings van die Onafhanklike Kommissie; en</p> <p>(b) ingevolge subartikel (1C) deur die Nasionale Vergadering goedkeur: Met dien verstande dat die salaris van die Voorsitter, Ondervoorsitter en ander lede van die Kommissie nie gedurende hul ampstermyn verminder mag word nie, en hul toelaes en voordele mag ook nie nadelig verander word nie.”; en</p> <p>(c) deur die volgende subartikels na subartikel (1) in te voeg:</p> <p>“(1A) Die Onafhanklike Kommissie moet, wanneer die salaris, toelaes en voordele van lede van die Kommissie ondersoek of oorweeg word, oorleg pleeg met die Minister en die Kabinetslid verantwoordelik vir finansies.</p> <p>(1B) ’n Kennisgewing ingevolge subartikel (1)(a) of enige bepaling daarvan kan van krag word met ingang van ’n datum in die kennisgewing vermeld, welke datum nie meer as een jaar vroeër as die datum van publikasie van die kennisgewing mag wees nie.</p> <p>(1C) (a) ’n Kennisgewing kragtens subartikel (1)(a) uitgereik, moet vir goedkeuring aan die Nasionale Vergadering voorgelê word voor publikasie daarvan.</p> <p>(b) Die Nasionale Vergadering moet by besluit—</p> <p>(i) die kennisgewing goedkeur, hetsy in die geheel of gedeeltelik; of</p> <p>(ii) die kennisgewing afkeur.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>
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#### Wysiging van artikel 1 van Wet 25 van 2004

**14.** Artikel 1 van die Wet op Openbare Oudit, 2004, word hierby gewysig deur die volgende omskrywing na die omskrywing van “Nasjonale Tesourie” in te voeg:

“‘**Onafhanklike Kommissie**’ die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs ingestel by artikel 2 van die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997 (Wet No. 92 van 1997);”.

#### Wysiging van artikel 7 van Wet 25 van 2004

**15.** Artikel 7 van die Wet op Openbare Oudit, 2004, word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

“**[Diensvoorraad]** **Salaris, toelaes en voordele van Ouditeur-generaal**”;

(b) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die [toesighoudingsmeganisme moet oorleg pleeg met die persoon wat ingevolge artikel 193 van die Grondwet vir aanstelling as Ouditeur-generaal aanbeveel word en by die President aanbevelings doen met die oog op die bepaling van die diensvoorraad van daardie persoon, met inbegrip van ’n gepaste salaris, toelaes en ander voordele] Ouditeur-generaal is geregtig op sodanige salaris, toelaes en voordele—

(a) van tyd tot tyd deur die President by kennisgewing in die *Staatskoerant* bepaal, na inagneming van die aanbevelings van die Onafhanklike Kommissie; en

(b) ingevolge subartikel (1C) deur die Nasionale Vergadering goedkeur.”;

(c) deur die volgende subartikels na subartikel (1) in te voeg:

“(1A) Die Onafhanklike Kommissie moet, wanneer die salaris, toelaes en voordele van die Ouditeur-generaal ondersoek of oorweeg word, oorleg pleeg met die Kabinetslid verantwoordelik vir finansies.

(1B) ’n Kennisgewing ingevolge subartikel (1)(a) of enige bepaling daarvan kan van krag word met ingang van ’n datum in die kennisgewing vermeld, welke datum nie meer as een jaar vroeër as die datum van publikasie van die kennisgewing mag wees nie.

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- (1C) (a) A notice issued under subsection (1)(a) must be submitted to the National Assembly for approval before publication thereof.
- (b) The National Assembly must, by resolution—
- (i) approve the notice, whether in whole or in part; or
  - (ii) disapprove the notice.”;
- (d) by the substitution for subsection (2) of the following subsection:
- “(2) The salary, allowances and [other] benefits of a person appointed as Auditor-General must—
- (a) take into account the knowledge and experience of the prospective incumbent; and
  - (b) [be substantially the same as those of the top echelon of the judiciary; and
  - (c)] be paid from the funds of the Auditor-General.”; and
- (e) by the substitution for subsection (3) of the following subsection:
- “(3) The salary of the Auditor-General may not be reduced, nor may his or her allowances and benefits be adversely altered, during his or her term of office.”.

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### Amendment of section 1 of Act 40 of 2013

**16.** Section 1 of the South African Human Rights Commission Act, 2013, is hereby amended by the insertion of the following definition after the definition of “human rights”:

“**Independent Commission**’ means the Independent Commission for the Remuneration of Public Office-bearers established by section 2 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997);”.

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### Substitution of section 9 of Act 40 of 2013

**17.** The following section is hereby substituted for section 9 of the South African Human Rights Commission Act, 2013:

**“[Remuneration and] Salary, allowances and benefits of commissioners”**

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**9.** (1) The full-time and part-time commissioners are entitled to such [remuneration] salary, allowances and [other terms and conditions of office and service] benefits [of the full-time and part-time commissioners are determined by the President in consultation with the Cabinet and the Minister of Finance].

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(a) as determined by the President, from time to time, by notice in the *Gazette*, after taking into consideration the recommendations of the Independent Commission; and

(b) approved by the National Assembly in terms of subsection (5).

(2) The [remuneration] salary of the commissioners may not be reduced, nor may the allowances and [other terms and conditions of office and service] benefits be adversely altered, during their [continuation in] term of office.

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(3) [A part-time commissioner may, for any period during which that commissioner, with the approval of the Commission, performs additional functions, be paid such additional remuneration as may be determined by the President in consultation with the Cabinet and the Minister of Finance] The Independent Commission shall, when investigating or considering the salary, allowances and benefits of commissioners, consult with the Minister and the Cabinet member responsible for finance.

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(4) A notice in terms of subsection (1)(a) or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of the notice.

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<p>(1C) (a) 'n Kennisgewing kragtens subartikel (1)(a) uitgereik, moet vir goedkeuring aan die Nasionale Vergadering voorgelê word voor publikasie daarvan.</p> <p>(b) Die Nasionale Vergadering moet by besluit—</p> <ul style="list-style-type: none"> <li>(i) die kennisgewing goedkeur, hetby in die geheel of gedeeltelik; of</li> <li>(ii) die kennisgewing afkeur.”;</li> </ul> <p>(d) deur subartikel (2) deur die volgende subartikel te vervang:</p> <p>“(2) Die salaris, toelaes en [ander] voordele van 'n persoon wat as Ouditeur-generaal aangestel word, moet—</p> <ul style="list-style-type: none"> <li>(a) bepaal word met inagneming van die kennis en ervaring van die voornemende posbekleer; en</li> <li>(b) [wesenlik dieselfde wees as dié van die hoogste range van die regbank; en</li> <li>(c)] betaal word uit die fondse van die Ouditeur-generaal.”; en</li> </ul> <p>(e) deur subartikel (3) deur die volgende subartikel te vervang:</p> <p>“(3) Die salaris van die Ouditeur-generaal mag nie gedurende sy of haar ampstermy verminder word nie, en sy of haar toelaes en voordele mag ook nie nadelig verander word nie.”.</p>	5
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### Wysiging van artikel 1 van Wet 40 van 2013

16. Artikel 1 van die Wet op die Suid-Afrikaanse Menseregtekommissie, 2013, word hierby gewysig deur die volgende omskrywing na die omskrywing van “Minister” in te voeg:

“ Onafhanklike Kommissie die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs ingestel by artikel 2 van die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997 (Wet No. 92 van 1997);”.

### Vervanging van artikel 9 van Wet 40 van 2013

17. Artikel 9 van die Wet op die Suid-Afrikaanse Menseregtekommissie, 2013, word hierby deur die volgende artikel vervang:

“[Vergoeding en] Salaris, toelaes en voordele van kommissarisse 30

9. (1) Die [vergoeding] heelydse en deeltydse kommissarisse is geregtig op sodanige salaris, toelaes en [ander bedinge en voorwaardes van amp en diensvoordele van die heelydse en deeltydse kommissarisse word deur die President in oorleg met die Kabinet en die Minister van Finansies bepaal] voordele—

(a) van tyd tot tyd deur die President by kennisgewing in die Staatskoerant bepaal, na inagneming van die aanbevelings van die Onafhanklike Kommissie; en

(b) ingevolge subartikel (5) deur die Nasionale Vergadering goedgekeur.

(2) Die [vergoeding] salaris van die kommissarisse kan nie gedurende hul ampstermy verminder word nie en die toelaes en [ander bedinge en voorwaardes van amp en diensvoordele] voordele kan ook nie nadelig verander word nie.

(3) [’n Deeltydse kommissaris kan, vir enige tydperk wat daardie kommissaris addisionele werksaamhede, met die goedkeuring van die Kommissie, verrig, sodanige addisionele vergoeding betaal word wat deur die President in oorleg met die Kabinet en die Minister van Finansies bepaal mag word] Die Onafhanklike Kommissie moet, wanneer die salaris, toelaes en voordele van die kommissarisse ondersoek of oorweeg word, oorleg pleeg met die Minister en die Kabinetslid verantwoordelik vir finansies.

(4) 'n Kennisgewing ingevolge subartikel (1)(a) of enige bepaling daarvan kan van krag word met ingang van 'n datum in die kennisgewing vermeld, welke datum nie meer as een jaar vroeër as die datum van publikasie van die kennisgewing mag wees nie.

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(5) (a) A notice issued under subsection (1)(a) shall be submitted to the National Assembly for approval before publication thereof.

(b) The National Assembly shall, by resolution—

- (i) approve the notice, whether in whole or in part; or
- (ii) disapprove the notice.”.

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**Short title and commencement**

**18.** This Act is called the Determination of Remuneration of Office-bearers of Independent Constitutional Institutions Laws Amendment Act, 2014, and comes into operation on a date set by the President by proclamation in the *Gazette*.

(5) (a) 'n Kennisgewing kragtens subartikel (1)(a) uitgereik, moet vir goedkeuring aan die Nasionale Vergadering voorgelê word voor publikasie daarvan.

(b) Die Nasionale Vergadering moet by besluit—

- (i) die kennisgewing goedkeur, hetsy in die geheel of gedeeltelik; of
- (ii) die kennisgewing afkeur.”.

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### Kort titel en inwerkingtreding

**18.** Hierdie Wet heet die Wysigingswet op Wette Rakende Bepaling van Besoldiging van Ampsbekleërs van Onafhanklike Grondwetlike Instellings, 2014, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

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