



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS 40c PRICE
Plus AVB/GST
BUITELANDS 50c ABROAD
POSVRY · POST FREE

VOL. 229

KAAPSTAD, 25 JULIE 1984

CAPE TOWN, 25 JULY 1984

No. 9328

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1523.

25 Julie 1984

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

No. 94 van 1984: Wysigingswet op die Betaling van Parlementslede, 1984.

No. 1523.

25 July 1984

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

No. 94 of 1984: Payment of Members of Parliament Amendment Act, 1984.

Wet No. 94, 1984

WYSIGINGSWET OP DIE BETALING VAN PARLEMENTSLEDE,
1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Betaling van Parlementslede, 1974, ten einde verdere voorsiening te maak vir die betaling van salarisse en toelaes aan lede en ampsdraers van die Parlement; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Julie 1984.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 1 van
Wet 40 van 1974,
soos gewysig deur
artikel 13 van
Wet 101 van 1979
en artikel 11 van
Wet 93 van 1983.

1. Artikel 1 van die Wet op die Betaling van Parlementslede, 1974 (hieronder die Hoofwet genoem), word hierby gewysig—

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

“(2) By die toepassing van subartikel (1) beteken—

(a) ‘ampsdraers’ die **[President van die Senaat, die Speaker van die Volksraad, die Adjunk-president en Voorsitter van Komitees van die Senaat, die Adjunk-Speaker en Voorsitter van Komitees van die Volksraad, die Adjunk-voorsitter van Komitees van die Volksraad, die Leier van die Opposisie in die Senaat, die Leier van die Opposisie in die Volksraad, die Regeringshoofswep in die Senaat, die Regeringshoofswep in die Volksraad, die Hoofswep van die amptelike Opposisie in die Senaat, die Hoofswep van die amptelike Opposisie in die Volksraad, 'n Sweep in die Senaat en 'n Sweep in die Volksraad]** Speaker, die Hoofswep van die Parlement en, ten opsigte van 'n Huis van die Parlement, die Voorsitter, die Voorsitter van Komitees, die Adjunk-voorsitter van Komitees, die Leier van die Amptelike Opposisie, die Hoofswep van die Meerderheidsparty, die Hoofswep van die Amptelike Opposisie en die ander Swepe, na gelang van die geval;

(b) ‘lede van die Parlement’ lede van die **[Senaat en lede van die Volksraad]** Huise van die Parlement, maar nie ook lede wat Ministers of Adjunk-ministers is nie;

(c) ‘Leier van die Amptelike Opposisie’ **[dié lid van die Senaat of dié lid van die Volksraad wat op die betrokke tydstip in die Senaat of die Volksraad die leier is van die party in opposisie teen die Regering wat die grootste getalsterkte in die Senaat of die Volksraad, na gelang van die geval, het, en indien**

PAYMENT OF MEMBERS OF PARLIAMENT AMENDMENT ACT,
1984

Act No. 94, 1984

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Payment of Members of Parliament Act, 1974, in order to make further provision for the payment of salaries and allowances to members and office-bearers of Parliament; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 3 July 1984.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Payment of Members of Parliament Act, 1974 (hereinafter referred to as the principal Act), is hereby
5 amended—

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

“(2) For the purposes of subsection (1)—

10 (a) ‘Leader of the Official Opposition’ **[shall mean that member of the Senate or that member of the House of Assembly who is for the time being the leader in the Senate or the House of Assembly of the party in opposition to the Government having the greatest numerical strength in the Senate or the House of Assembly, as the case may be, and if there is any doubt as to which is or was at any material time the party in opposition to the Government having the greatest numerical strength in the Senate or the House of Assembly, or as to who is or was at any material time the leader in the Senate or the House of Assembly of such party, the question shall be decided for the purposes of this section, in the case of the Senate, by the President of the Senate and, in the case of the House of Assembly, by the Speaker of the House of Assembly]** means that
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25 member of a House who is the leader of a party with the greatest numerical strength and which constitutes an opposition to the party of the Chairman of the Ministers’ Council concerned, and if at any time a question arises as to which party so constituting an opposition has the greatest numerical strength or as to who is the leader of that party, that question shall be decided, for the purposes of this section, by the Speaker, and his decision, certified in writing under his hand, shall be final and
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35 conclusive;

(b) ‘members of Parliament’ **[shall mean]** means members of the **[Senate and members of the House of Assembly]** Houses of Parliament, but shall not include members who are Ministers or Deputy Ministers;

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Amendment of section 1 of Act 40 of 1974, as amended by section 13 of Act 101 of 1979 and section 11 of Act 93 of 1983.

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daar enige twyfel bestaan oor watter party in opposisie teen die Regering op enige wesentlike tydstip die grootste getalsterkte in die Senaat of die Volksraad het of gehad het, of oor wie op enige wesentlike tydstip die leier van so 'n party in die Senaat of die Volksraad is of was, word die vraag, by die toepassing van hierdie artikel, in die geval van die Senaat, deur die President van die Senaat en, in die geval van die Volksraad, deur die Speaker van die Volksraad] dié lid van 'n Huis wat die leier is van

die party wat met die grootste getalsterkte 'n opposisie uitmaak teen die party van die Voorsitter van die betrokke Ministersraad, en indien daar te eniger tyd 'n vraag ontstaan oor watter party wat aldus 'n opposisie uitmaak die grootste getalsterkte het of oor wie die leier van bedoelde party is, word die vraag, by die toepassing van hierdie artikel, deur die Speaker beslis, en sy beslissing, skriftelik deur hom gesertifiseer en onderteken, is finaal en afdoende; en

- (d) 'Sweep' 'n Sweep (behalwe die HoofswEEP van die Parlement, die HoofswEEP van die Meerderheidsparty en die HoofswEEP van die Amptelike Opposisie) van enige politieke party in [die Senaat of die Volksraad] 'n Huis verteenwoordig wat deur die leier van daardie party in [die Senaat of die Volksraad, na gelang van die geval,] dié Huis aangewys word en wat [, in die geval van die Senaat, deur die President van die Senaat en, in die geval van die Volksraad,] deur die Speaker [van die Volksraad] (wie se beslissing, skriftelik deur hom gesertifiseer en onderteken, finaal en afdoende is) aan die begin van elke sessie of na gelang van omstandighede goedgekeur word as redelikerwys nodig vir die vlot werking van die Parlement.”;

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die toelaes is betaalbaar onderworpe aan die voorwaardes wat [, in die geval van 'n lid van die Senaat, deur die President van die Senaat en, in die geval van 'n lid van die Volksraad,] deur die Speaker [van die Volksraad] bepaal word.”.

Vervanging van
artikel 2 van
Wet 40 van 1974.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Aftrekkings
weens afwe-
sigheid.

2. Vir elke dag waarop 'n lid van die Parlement (behalwe die Speaker, die Voorsitter van 'n Huis en 'n Leier van 'n Amptelike Opposisie in 'n Huis) versuim om of 'n vergadering van die Huis waarvan hy 'n lid is, of 'n gesamentlike sitting van die Huise, of 'n vergadering van 'n komitee waarvan hy lid is en wat bestaan uit lede van die Huis waarvan hy lid is of uit lede van al drie Huise, na gelang van die geval, by te woon, word die bedrag van vyftig rand afgetrek van die bedrag wat ingevolge die bepaling van hierdie Wet aan hom betaalbaar is: Met dien verstande dat so 'n lid van aftrekkings weens sodanige versuim vrygestel word—

- (a) wanneer sy afwesigheid te wyte is aan sy siekte of aan die dagvaarding of getuiedagvaarding van 'n bevoegde hof (behalwe 'n dagvaarding om te verskyn op 'n kriminele aanklag waarop hy skuldig bevind word);
- (b) wanneer sy afwesigheid te wyte is aan die dood of ernstige siekte van sy eggenote of sy kind en sodanige afwesigheid verskoon word deur die Speaker;

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- (c) 'office-bearers' [shall mean the President of the Senate, the Speaker of the House of Assembly, the Deputy President and Chairman of Committees of the Senate, the Deputy Speaker and Chairman of Committees of the House of Assembly, the Deputy Chairman of Committees of the House of Assembly, the Leader of the Opposition in the Senate, the Leader of the Opposition in the House of Assembly, the Chief Government Whip in the Senate, the Chief Government Whip in the House of Assembly, the Chief Whip of the official Opposition in the Senate, the Chief Whip of the official Opposition in the House of Assembly, any Whip in the Senate and any Whip in the House of Assembly] means the Speaker, the Chief Whip of Parliament and, in respect of a House of Parliament, the Chairman, the Chairman of Committees, the Deputy Chairman of Committees, the Leader of the Official Opposition, the Chief Whip of the Majority Party, the Chief Whip of the Official Opposition and the other Whips, as the case may be; and
- (d) 'Whip' [shall mean] means a Whip (other than the Chief Whip of Parliament, the Chief Whip of the Majority Party and the Chief Whip of the Official Opposition) for any political party represented in [the Senate or the House of Assembly] a House designated by the leader of that party in [the Senate or the House of Assembly, as the case may be,] that House and approved [in the case of the Senate, by the President of the Senate, and in the case of the House of Assembly,] by the Speaker [of the House of Assembly] (whose decision, certified in writing under his hand, shall be final and conclusive), at the commencement of each session or as circumstances require, as being reasonably necessary for the smooth working of Parliament.";
- (b) by the substitution for subsection (3) of the following subsection:
- "(3) The allowances shall be payable subject to such conditions as may be determined [in the case of a member of the Senate, by the President of the Senate and, in the case of a member of the House of Assembly,] by the Speaker [of the House of Assembly]."

2. The following section is hereby substituted for section 2 of the principal Act:

Substitution of section 2 of Act 40 of 1974.

"Deductions on account of absence.

2. For every day on which any member of Parliament (other than the Speaker, the Chairman of a House and a Leader of an Official Opposition in a House) fails to attend a meeting of either the House of which he is a member, or a joint sitting of the Houses, or a meeting of a committee of which he is a member and which consists of members of the House of which he is a member or of members of all three Houses, as the case may be, there shall be deducted the sum of fifty rand from the amount payable to him under the provisions of this Act: Provided that such member shall be exempted from deductions on account of such failure—
- (a) when his absence is due to his illness or to the summons or subpoena of a competent court (except a summons to answer a criminal charge upon which he is convicted);
- (b) when his absence is due to the death or serious illness of his wife or his child and such absence is condoned by the Speaker;

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- (c) wanneer sy afwesigheid veroorsaak word deur sy diens, terwyl die Staat in oorlog betrokke is, in die militêre, lug- of vlootmag van die Staat of 'n ander mag of diens deur of kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), ingestel; en 5
- (d) ten opsigte van 'n verdere tydperk van afwesigheid—
- (i) van hoogstens vyf-en-twintig dae waarop hy aldus versuim om aanwesig te wees gedurende 'n sessie waarin die begrotings van uitgawes vir die gewone administratiewe dienste van 'n boekjaar oorweeg word; 10
 - (ii) van hoogstens sewe dae waarop hy aldus versuim om aanwesig te wees gedurende enige ander sessie; en 15
 - (iii) van hoogstens een dag waarop hy aldus versuim om 'n vergadering van so 'n komitee by te woon, ten opsigte van elke vier dae waarop so 'n komitee byeenkom wanneer die Parlement gepronogeer is of wanneer al drie Huise langer as dertig dae gedurende 'n sessie van die Parlement verdaag is." 20

Vervanging van
artikel 3 van
Wet 40 van 1974.

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang: 25

"Betaling van
salarisse en
toelaes.

3. Met inagneming van die verbeurde bedrae, as daar is, betaal die Sekretaris van die Parlement aan elke lid van die Parlement in maandelikse paaimente die salaris en toelae waarop so 'n lid kragtens hierdie Wet geregtig is, en die eerste maand word **[, 30 in die geval van 'n lid van die Senaat, gereken van die datum waarop hy benoem of verkies is (na gelang van die geval), en, in die geval van 'n lid van die Volksraad, indien hy verkies verklaar is as gevolg van 'n algemene verkiesing, van die stembag, en, in die geval van enige ander lid van die Volksraad, van] gereken vanaf die datum met ingang waarvan hy [verkies verklaar is] so 'n lid geword het."** 35

Vervanging van
artikel 6 van
Wet 40 van 1974.

4. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang: 40

"Uitleg van
uitdrukkings.

6. In hierdie Wet word 'n verwysing na—
- (a) 'n Minister of 'n Adjunk-minister uitgelê as 'n verwysing na 'n Minister of 'n Adjunk-minister wat kragtens die Grondwet van die Republiek van Suid-Afrika, **[1961 (Wet No. 32 van 1961)] 45** 1983 (Wet No. 110 van 1983), aangestel is of geag word aangestel te wees; **[en]**
 - (b) **[die Senaat of die Volksraad]** 'n Huis van die Parlement uitgelê as 'n verwysing na **[die Senaat of die Volksraad]** so 'n Huis wat kragtens die Grondwet van die Republiek van Suid-Afrika, **[1961] 1983**, saamgestel is; en 50
 - (c) die Speaker uitgelê as 'n verwysing na die Speaker verkies kragtens die Grondwet van die Republiek van Suid-Afrika, 1983." 55

Kort titel en
inwerkingtreding.

5. Hierdie Wet heet die Wysigingswet op die Betaling van Parlementslede, 1984, en tree in werking op die datum van inwerkingtreding van artikel 30 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983).

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- (c) when his absence is caused by his serving, while the State is at war, with the military, air or naval forces of the State or any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957); and
- (d) in respect of any further period of absence—
- (i) not exceeding twenty-five days on which he so fails to attend during any session in which the estimates of expenditure for the ordinary administrative services of any financial year are considered;
 - (ii) not exceeding seven days on which he so fails to attend during any other session; and
 - (iii) not exceeding one day on which he so fails to attend a meeting of any such committee, in respect of every four days on which such a committee meets when Parliament has been prorogued, or when all three Houses have been adjourned for longer than thirty days during a session of Parliament.”

3. The following section is hereby substituted for section 3 of the principal Act:

Substitution of section 3 of Act 40 of 1974.

- “Payment of salaries and allowances.
3. Subject to the deductions incurred, if any, the Secretary to Parliament shall pay to every member of Parliament the salary and allowance to which such member is entitled under this Act in monthly instalments, the first month to be reckoned **[, in the case of a member of the Senate, from the date on which he was nominated or elected (as the case may be), and, in the case of a member of the House of Assembly, if he was declared elected as a result of a general election, from the polling day, and, in the case of any other member of the House of Assembly,]** from the date with effect from which he **[was declared elected] became such a member.”**

4. The following section is hereby substituted for section 6 of the principal Act:

Substitution of section 6 of Act 40 of 1974.

- “Construc-
tion of terms.
6. In this Act any reference to—
- (a) a Minister or a Deputy Minister shall be construed as a reference to a Minister or a Deputy Minister appointed or deemed to be appointed under the Republic of South Africa Constitution Act, **[1961 (Act No. 32 of 1961)] 1983 (Act No. 110 of 1983); [and]**
 - (b) **[the Senate or the House of Assembly]** a House of Parliament shall be construed as a reference to **[the Senate or the House of Assembly]** such a House constituted under the Republic of South Africa Constitution Act, **[1961] 1983; and**
 - (c) the Speaker shall be construed as a reference to the Speaker of Parliament elected under the Republic of South Africa Constitution Act, 1983.”

5. This Act shall be called the Payment of Members of Parliament Amendment Act, 1984, and shall come into operation on the date of commencement of section 30 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983).

Short title and commencement.

