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## GENERAL NOTICE

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NOTICE 390 OF 2007

# **THE INDEPENDENT COMMISSION FOR THE REMUNERATION OF PUBLIC OFFICE BEARERS**



## **EXECUTIVE SUMMARY OF THE RECOMMENDATIONS ON THE REMUNERATION OF PUBLIC OFFICE BEARERS**

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

I have the honour to submit to you, in terms of section 8(4) of the Independent Commission for the Remuneration of Public Office Bearers Act, 1997 (Act No. 92 of 1997), the recommendations of this Commission following a major review of the remuneration structures and practices relating to all public office bearer positions in the Republic of South Africa.

Yours sincerely

Justice Dikgang Moseneke  
Chairperson

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**EXECUTIVE SUMMARY****THE MANDATE**

1. The Independent Commission for the Remuneration of Public Office Bearers ("the Commission") owes its existence and mandate to the finance provisions<sup>1</sup> of the Constitution and national legislation<sup>2</sup>. The Constitution requires Parliament to establish a framework for the determination of salaries, allowances and benefits of members of the National Assembly ("NA"), permanent delegates to the National Council of Provinces ("NCOP"), members of the Cabinet, deputy ministers, traditional leaders, and the upper limit of salaries, allowances and benefits of members of provincial legislatures, members of executive councils and members of municipal councils. However, the national executive, provincial executive or a municipality may only implement the framework after taking into consideration the recommendations of the Commission. It is thus important to appreciate that the role of the Commission is not to determine remuneration, but to make recommendations to the President, Parliament and, in the case of local authorities, to the national minister concerned. Before finalising its recommendations, the Commission is obliged to consult with the Minister of Finance, Minister of Justice and Constitutional Development and the Chief Justice.
2. The Constitution clearly requires that the Commission must be independent. Except for the chairperson, none of its members may serve as a public office bearer, and the President appoints members for a non-renewable term of five years. The chairperson must be a judge, and must be recused when recommendations relating to the judiciary are formulated. In formulating its recommendations on the remuneration of public office bearers, the Commission is therefore required to be impartial and is subject

<sup>1</sup> Chapter 13 of the Constitution and in particular section 219

<sup>2</sup> For a schedule of applicable legislation see Annexure A

only to the Constitution and the law that governs it. The Commission has wide powers to consult, investigate, and receive submissions and to compel evidence and disclosure. But in the end, its recommendations must be arrived at impartially and without improper external influence.

3. Legislation<sup>3</sup> requires that when the Commission makes recommendations it must first take into account the job content; that is the role, status, duties, functions and responsibilities of the office bearers concerned. Thereafter, the Commission must consider possible comparators in current principles, and levels of remuneration of organs of state particularly and society generally. It must also consider external fiscal restraints such as affordability and available state resources, as well as macro economic factors such as inflation and any other factor the Commission considers relevant.<sup>4</sup>
4. Subsequent legislation<sup>5</sup> has provided for the framework for determining salaries, allowances and benefits of all public office bearers. What is clear is that public office bearers, as defined, fall in vastly different classes of roles, status, duties, functions and responsibilities. They are drawn mainly from the customary three arms of the state, namely the legislature, the executive and the judiciary. They also emerge from different spheres of government, namely national, provincial and local, and include traditional leaders at various levels of authority. What they share in common is that they are not members of the public service "which must loyally execute the lawful policies of the government of the day"<sup>6</sup> but may not "be favoured or prejudiced only because they support a particular political party or cause."<sup>7</sup> On the other hand, public office bearers carry legislative or executive or judicial authority, vested in them by the Constitution and other law. The hallmark of their roles is high-level decision-making, sound judgement and discretion for which they are publicly accountable. They are required to

<sup>3</sup> Independent Commission for the Remuneration of Public Office Bearers Act 92 of 1997 (the Commission Act)

<sup>4</sup> Section 8 (6) of the Commission Act

<sup>5</sup> Remuneration of Public Office Bearers Act 20 of 1998

<sup>6</sup> See section 197(1) of the Constitution

<sup>7</sup> See section 197(3) of the Constitution



exercise their discretion - be it legislative or executive or judicial- in accordance with the law, honestly and in the public interest, because they bear a stewardship responsibility towards all citizens

5. The Commission has to review and make recommendations on salaries, allowances and benefits of public office bearers at least once every year. Ordinarily salaries refer to the guaranteed and basic cash portion of remuneration. Benefits include mainly pension and medical aid benefits and, in a few remaining instances, housing and other benefits. An allowance is a specified payment to an employee, other than a salary or benefit that is aimed at reimbursing out of pocket expenses arising from the needs of the job or office. It is clear from the wording of the legislation that the brief of the Commission includes making recommendations on "tools of trade", which are those resources which are necessary to get the job done.
6. The legislative framework stipulates that when the Commission formulates its recommendations on remuneration it must take into account:
  - The role, status, duties, and responsibilities of the office-bearers concerned;
  - The affordability of different levels of remuneration of public office bearers;
  - Current principles and levels of remuneration, particularly in respect of organs of state, and in society generally;
  - Inflationary increases;
  - The available resources of the state; and
  - Any other factor which, in the opinion of the Commission, is relevant.
7. Up to now the recommendations of the Commission have been limited to annual inflation related cost-of-living adjustments. The Commission has availed itself of this opportune moment to conduct a major review of the structure, practices and levels of public office bearer remuneration in South Africa. As early as 1999, the Commission stated its intention to recommend the transformation of the system for public office bearer remuneration to one characterised by total remuneration packages. It is however clear that

a conversion to a total remuneration system must be preceded by an enquiry into whether existing and mainly historical remuneration arrangements are appropriate and equitable. This report gives effect to this intention.

## KEY CONCEPTS

8. We begin with a few key concepts referred to frequently in the recommendations. These are:
- Public office bearer
  - Remuneration
  - Tools of trade
  - Total remuneration package

### PUBLIC OFFICE BEARER

9. In common parlance a public office bearer may be a person who holds any public office in government. However, throughout this report the word "public office bearer" bears the narrow meaning assigned to it by legislation. The Independent Commission for the Remuneration of Public Office Bearers Act, 1997<sup>8</sup> (the Commission Act) and the Remuneration of Public Office Bearers Act, 1998<sup>9</sup> (the Remuneration Act) restricts the term to the following positions in public office:
- The President and Deputy President;
  - Members of Cabinet;
  - Deputy Ministers;
  - Members of the National Assembly;
  - Permanent Delegates to the National Council of Provinces;
  - Members of the National and Provincial Houses of Traditional Leaders;
  - Traditional Leaders;

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<sup>8</sup> Act 92 of 1997

<sup>9</sup> Act 20 of 1998

- Premiers and Members of an Executive Council of a Province;
- Members of a Provincial Legislature; and
- Mayors and Members of a Municipal Council.
- The Judicial Officers (Amendment of Conditions of Service) Act, 2003<sup>10</sup> extended the statutory definition of office-bearers to include Constitutional Court Judges, Judges and Magistrates. **Table 1** below represents a full list of public office bearer positions, as defined.

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<sup>10</sup> Act 28 of 2003

**Table 1: Public office bearer positions**

	Executive Authority	Legislative Authority	Judicial Authority
National Level	<ul style="list-style-type: none"> <li>President</li> <li>Deputy President</li> <li>Minister</li> <li>Deputy Minister</li> </ul>	<p>National Assembly</p> <ul style="list-style-type: none"> <li>Speaker</li> <li>Deputy Speaker</li> <li>House Chair</li> <li>Leader of Opposition</li> <li>Chief Whip: Majority Party</li> <li>Parliamentary Counsel: President</li> <li>Parliamentary Counsel: Deputy President</li> <li>Chairperson of a Committee</li> <li>Deputy Chief Whip: Majority Party</li> <li>Chief Whip: Largest Minority Party</li> <li>Leaders of Minority Parties</li> <li>Whip</li> <li>Member</li> </ul> <p>National Council of Provinces</p> <ul style="list-style-type: none"> <li>Chairperson</li> <li>Deputy Chairperson</li> <li>House Chair</li> <li>Chairperson of a Committee</li> <li>Chief Whip</li> <li>Whip</li> <li>Permanent Delegates</li> </ul> <p>National House of Traditional Leaders</p> <ul style="list-style-type: none"> <li>Chairperson: NHTL</li> <li>Deputy Chairperson: NHTL</li> <li>Member of NHTL</li> </ul>	<ul style="list-style-type: none"> <li>Chief Justice</li> <li>Deputy Chief Justice</li> <li>President of Supreme Court of Appeal</li> <li>Judge of Constitutional Court</li> <li>Deputy President of Supreme Court of Appeal</li> <li>Judge of Supreme Court of Appeal</li> </ul>
Provincial Level	<ul style="list-style-type: none"> <li>Premier</li> <li>Member of Executive Council</li> </ul>	<p>Provincial Legislature</p> <ul style="list-style-type: none"> <li>Speaker</li> <li>Deputy Speaker</li> <li>Leader of Opposition</li> <li>Chairperson of Committees</li> <li>Deputy Chairperson of Committees</li> <li>Chairperson of a Committee</li> <li>Chief Whip: Majority Party</li> <li>Deputy Chief Whip: Majority Party</li> <li>Chief Whip: Largest Minority Party</li> <li>Leader of Minority Parties</li> <li>Whip</li> <li>Member of Provincial Parliament</li> </ul> <p>Provincial House of Traditional Leaders</p> <ul style="list-style-type: none"> <li>Chairperson: PHTL</li> <li>Deputy Chairperson: PHTL</li> <li>Member: PHTL</li> </ul>	<ul style="list-style-type: none"> <li>Judge President of the High Court</li> <li>Deputy Judge President of the High Court</li> <li>Judge of the High Court</li> <li>President of the Divorce Court</li> <li>Presiding Officer of the Divorce Court</li> </ul>
Provincial Level	<ul style="list-style-type: none"> <li>Executive Mayor</li> <li>Deputy Executive Mayor</li> <li>Mayor</li> <li>Deputy Mayor</li> <li>Member of Executive Council</li> <li>Member of Mayoral Council</li> </ul>	<p>Municipal Council</p> <ul style="list-style-type: none"> <li>Speaker</li> <li>Whip</li> <li>Chairperson of a sub-council</li> <li>Municipal Councillor</li> </ul> <p>Traditional Leaders</p> <ul style="list-style-type: none"> <li>King</li> <li>Senior Traditional Leader</li> <li>Headman</li> </ul>	<ul style="list-style-type: none"> <li>Special Grade Chief Magistrate</li> <li>Regional Court President</li> <li>Chief Magistrate</li> <li>Regional Magistrate</li> <li>Senior Magistrate</li> <li>Magistrate</li> </ul>

(Deloitte &amp; Touche; 2006)

## REMUNERATION

10. In this report remuneration refers to the total monetary value of the salary, allowances and benefits of any office-bearer, as referred to in section 8(4)(a) and (b) of the Commission Act, 1997<sup>11</sup>. This is to be clearly distinguished from "tools of trade" discussed below. Current remuneration arrangements differ from one class of office bearer to another and in some instances the distinction between benefits and allowances becomes blurred. Benefits may commonly include pension and medical aid contributions and, in limited cases, a housing subsidy and a 13<sup>th</sup> cheque. On the other hand, allowances tend to be limited to travel, accommodation and subsistence and in rare cases, entertainment expenses related to the duties of public office.

## TOOLS OF TRADE

11. Section 8(4)(c) of the Commission Act, 1997<sup>12</sup> requires the Commission to make recommendations on the resources which are necessary to enable an office-bearer to perform his or her functions effectively. These means or resources or tools, that assist an office bearer to do her or his work properly, are commonly referred to as "tools of trade". These "tools of trade" do not form part of the remuneration package of an office-bearer but are provided and paid for by the state. Common examples of tools of trade would include workplace equipment and support, means of communication and technology (mobile phones, laptops and internet access), means of transport, and security.

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<sup>11</sup> Act 92 of 1997

<sup>12</sup> Act 92 of 1997

### TOTAL REMUNERATION PACKAGE

12. The term total remuneration package refers to a composite, comprehensive and flexible remuneration package consisting of a set of core benefits and allowances, and a flexible portion, made up of:
- Basic salary;
  - Medical aid;
  - Retirement funding;
  - Risk benefits (disability, life insurance); and
  - A flexible portion to be structured in accordance with individual needs.
13. The core characteristic of a total remuneration package is that it represents the total amount of all cash or cash equivalents paid to the employee as compensation (basic salary and certain benefits and allowances), but does not at this stage represent the total cost of employment to employer. It does not permit hidden remuneration costs for the employer or undisclosed monetary benefits or allowances for the office bearer. For the purpose of this report total remuneration package has been interpreted as consisting of the following components:
- Basic salary;
  - Motor vehicle allowance;
  - Employer's contribution to pension fund;
  - Employer's contribution to medical aid fund; and
  - Where applicable, a housing allowance, 13<sup>th</sup> cheque, and cellular telephone allowance has been included in the calculation.

### HISTORY OF THE COMMISSION

14. In the relevant chapter the report sets out the constitutional and legislative origin of the Commission, and in so doing briefly defines its mandate. In the pre-democracy era Parliament determined the remuneration of its members and of the President and the Cabinet. Sometimes an ad hoc

commission that was tasked to review and recommend remuneration preceded the determination. However, Parliament was not obliged to take the recommendations of the Commission into consideration. The determination of remuneration was on a case-by-case basis, it lacked openness and was often self-serving because it was not made independent of the beneficiaries.

15. The advent of constitutional democracy introduced a substantial shift in the manner in which the remuneration of high ranking public officer bearers was to be fixed. Now a constitutionally mandated and independent remuneration commission, consisting of people who are not public office bearers and chaired by a judge, must make recommendations on the salaries, allowances and benefits of office bearers. The commissioners hold office for a non-renewable term of five years each.
16. The framework for the remuneration of public office bearers is set by legislation, but the affected state institutions may not determine remuneration without due regard to the recommendations of the Commission. The present legislative scheme does not permit any office bearer to determine her or his own remuneration. Parliament fixes the remuneration of the President on the recommendation of the Commission. The President in turn determines the remuneration of legislators and of members of Cabinet on the recommendation of the Commission. The President and Parliament determine the remuneration of the judiciary, again on the recommendation of the Commission. The judge chairing the Commission may not take part in the formulation of recommendations from which he or she may benefit. The Commission is obliged to consult with the Minister of Finance, the Chief Justice and the Minister of Justice and Constitutional Development before finalising its recommendations on the Judiciary to the President and to Parliament.
17. The report also draws attention to the activities of the Commission over the last decade. Their historical role was marked by annual recommendations

which amounted to inflation related cost-of-living adjustments on remuneration patterns inherited in 1994. The report records that, since 1999, the Commission has been advocating for a movement towards a total remuneration system but urged that it be preceded by a comprehensive review of the existing pay structure.

## NEED FOR A REVIEW

18. In one of the chapters of the report, the Commission records its justification for conducting this comprehensive appraisal of the remuneration patterns amongst public office bearers and underscores:
- The enquiry whether the remuneration practices relating to public office bearers are properly aligned to the objects of our constitutional democracy, good governance and the broader socio-economic context of our country;
  - The issue whether office bearers in the course of public duty are remunerated fairly, and in line with developments in remuneration practice generally;
  - The fact that despite the expected systematic transition since 1994, no proper job evaluation, grading or benchmarking has ever been done in respect of public office bearer remuneration;
  - The need to establish public office as a viable, valuable and valued profession or career;
  - The need to attract and retain appropriate and suitable talent in public office;
  - The existence of a number of historical and functional inequities within the vertical and horizontal structures of public office bearer remuneration; and
  - The challenge of respecting notions of parity of treatment of office bearers at the same grade whilst devising a measurable performance component to the remuneration of public office bearers.



## SCOPE OF REVIEW

19. Before we describe the review process, it is important to emphasize the scope of this review. Given the magnitude of the review and the fact that this is the first time that a review of this size is conducted, we did not consider it appropriate or practical to report on all components of the remuneration of public office bearers at this stage. In particular, this report does not report on the appropriateness of the pension and medical aid benefits, and tools of trade. These benefits have been accounted for as part of total remuneration. However, the Commission has not yet investigated them or made any recommendations on their appropriateness. The Commission intends to conduct additional investigation on these elements of remuneration, and will report on them in due course.

## REVIEW PROCESS

20. The report then proceeds to describe the distinct but interrelated components of the review process the Commission has opted for. These components are (a) job profiling and evaluation; (b) job grading; (c) benchmarking and (d) fixing appropriate pay levels. The logical end of the process would be the conversion of the reviewed pay structure into a transparent total remuneration system for all public office bearers.
21. During the initial stage of information gathering the Commission appointed independent consultants, Deloitte & Touche, who gathered and collated data and thereafter reported on, amongst others matters:
- The nature and scope of each position in the relevant institutions.
  - The purpose, duties, responsibilities, powers and activities attached to each position in the relevant institutions.

- Existing conditions of services, salaries, allowances and other benefits before and after tax deductions.
  - A proposed evaluation and grading of posts of all public office bearers.
  - A comparison of posts with compatible positions in public administration, in organs of state, in state owned enterprises and within the private sector.
  - A comparison of private sector pay line with public sector and public office bearers pay lines
  - An ideal total remuneration salary system and a process to convert the existing remuneration structure(s) or system(s) to a total remuneration structure.
22. In addition, the Commission held direct consultations with stakeholder representatives on job profiling, evaluation, grading and benchmarking. The Commission received written submissions from representatives of all three arms of government and the public. Further the Commission conducted its own research on additional domestic and international comparators. For instance, the Commission procured comparative data on remuneration levels of public office bearers in several countries where the economies are comparable in one way or the other to our own. This research took the form of desktop research and direct interactions with remuneration institutions in other democratic countries as well as the United Nations Secretariat.
23. For ease of reference we depict in **Table 3** below the broad review process the Commission followed through the relevant phases, activities and outcomes:

**Table 3: The review process and outcomes**

<b>JOB EVALUATION</b>	<b>JOB GRADING</b>	<b>BENCHMARKING</b>	<b>TOTAL REMUNERATION PACKAGES</b>	<b>FINAL REPORT</b>
<b>Activities</b> <ul style="list-style-type: none"> <li>• Structured interviews</li> <li>• Submissions</li> <li>• Primary data research</li> <li>• Analyse, assess and evaluate jobs</li> <li>• Confirmatory consultations</li> </ul>	<b>Activities</b> <ul style="list-style-type: none"> <li>• Expert grading by consultants</li> <li>• Composite grading tool</li> <li>• Compile draft grading tables</li> <li>• Grading results consultations with stakeholders</li> </ul>	<b>Activities</b> <ul style="list-style-type: none"> <li>• Consider various benchmarking options</li> <li>• Private sector</li> <li>• Public sector</li> <li>• State Owned Enterprises</li> <li>• International comparatives</li> </ul>	<b>Activities</b> <ul style="list-style-type: none"> <li>• Conceptualisation and component design</li> <li>• Pay level determination</li> </ul>	<b>Activities</b> <ul style="list-style-type: none"> <li>• Draft report</li> <li>• Publication for comment</li> <li>• Stakeholder road shows</li> <li>• Statutory consultations</li> <li>• Consider input</li> <li>• Final report</li> </ul>
↑	↑	↑	↑	↑
<b>Outcomes</b> <ul style="list-style-type: none"> <li>• Comprehensive job profiles for each office bearer position</li> <li>• Established basis for grading</li> </ul>	<b>Outcomes</b> <ul style="list-style-type: none"> <li>• Vertically and horizontally integrated grading structures</li> <li>• Basis for benchmarking</li> </ul>	<b>Outcomes</b> <ul style="list-style-type: none"> <li>• Comparative ranges for fair remuneration options</li> </ul>	<b>Outcomes</b> <ul style="list-style-type: none"> <li>• Total remuneration packages for all office bearer positions</li> </ul>	<b>Outcomes</b> <ul style="list-style-type: none"> <li>• Stated philosophy for office bearer remuneration</li> <li>• Comprehensive job profiles</li> <li>• Fair, transparent and flexible remuneration structure</li> </ul>

**JOB PROFILING AND EVALUATION**

24. The primary aim of job evaluation is to determine the "intrinsic" worth of a job, based on a systematic assessment of the degree of complexity of a job's content and its requirements, and to do this independently of any pre-conceived standards of remuneration, and without regard to the qualities and performance of the actual personnel who perform the jobs. Job evaluation examines the contents and requirements of jobs and measures these according to a standard procedure. This results in job grades, scores, levels or ratings whereby jobs can be compared with other jobs that have also been evaluated. Job evaluation therefore allows for a comparative analysis of jobs to be conducted.
25. In this review, public office bearer roles were evaluated and later graded using the final role profiles that had been compiled in conjunction with and approved by stakeholder representatives from each group of public office bearers.

26. The Commission considered the formulation of comprehensive job profiles for each public office bearer position as the critical starting point for the evaluation and review of the remuneration structure in respect of public office bearers. No job profiles existed at the start of this project. Comprehensive job profiles had to be drafted from scratch and agreed to by current incumbents in respect of every single public office bearer position. The Commission drafted the job profiles through a process of in depth consultation with incumbents. Structured interviews were held with representatives from all office bearer groups, and applicable legislation was examined, in order to draft comprehensive job profiles. This process was completed in September 2005 when representatives of public office bearers confirmed that the job profiles were accurate and agreed that it would be in order for the Commission to use these job profiles as a basis for determining an appropriate remuneration grading structure for all public office bearers. As is to be expected, the job profiles of all public office bearers are bulky and thus do not form part of this executive summary. They are attached to the main report as **Annexure D**.

#### JOB GRADING

27. Job evaluation examines the contents and requirements of jobs and measures these according to a standard procedure. This results in job grades, scores, levels or ratings by which jobs can be compared with other jobs that have also been evaluated. Job grading is the rating of jobs according to a specifically planned procedure in order to determine the relative worth of each job. Once the extent of the job has been determined within the organisation, this job should be benchmarked against an agreed measure (such as market data or data from the public and other remuneration sectors) in order to determine the grade the job carries and the price that it commands in the open labour market. Job evaluation also allows for jobs to be related to each other in terms of their intrinsic worth, and hence to compare the relative complexities of different jobs and a rational job structure within an organisation.

28. The initial evaluation and grading of the profiled jobs was done and recommended to the Commission by the independent consultants, Deloitte & Touche. They made use of the four job evaluation systems:
- **Peromnes**, is arguably the most widely used job evaluation system in South Africa. It was originally developed in the 1960's, and owned by FSA (a Human Resource Consultancy). Since the mid 1970's, it has been extensively developed over time and was first offered as a computerised version in the mid 1990's. It has a client base of 300 to 400 and supports an extensive salary survey which is part of the "National Remuneration Guide"<sup>13</sup>.
  - **Tuned Assessment of Skills and Knowledge (T.A.S.K.)**, developed by FSA in the early 1980's, was designed to compete with the Paterson system, and accordingly has been mainly sold to Paterson users as a value added system. There is thus some market differentiation between TASK and Peromnes and in general they are not competing products, but they do provide the client with some choice. TASK is also available as a computerised version and in total has about 100 clients.
  - **Execeval**, is an executive evaluation system originally developed from Hay principles and used exclusively as a consulting tool. The system has its own executive pay database to provide market remuneration for executive level positions (Peromnes grade 4 and higher). The system is not sold to clients, who in some cases are not even aware of its application in a consulting assignment. The client base numbers about 150. The system is a very useful tool in the "market pricing" area of executive pay.
  - **Skills and Knowledge Analysis (SKAN)**, a competency based approach to job evaluation, is effectively a shell in which competency based grading and job family/skills descriptions may be incorporated. The system was developed in-house by the FSA-Contact IT team and has been used by a number of larger corporate clients. It requires a project based approach where the Deloitte consultants and the client jointly develop the content of the system.

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<sup>13</sup> Insert brief background information on The National Remuneration Guide.

29. On examining the recommendation of the consultants it became clear to the Commission that whilst these job grading methodologies may be useful in the open market place and perhaps as a starting point, a singular or "off-the-shelf" job evaluation system would not suffice. Public office bearer roles present complexities which may not be found in private sector roles. Public roles are supposed to advance public and not private interests. Their positions are premised on the values of stewardship and accountability to the citizenry as a whole. Their public responsibility and the wide ambit of the roles fall outside of traditional business-oriented perspectives. In response to these concerns the consultants then used a combination of the methodologies in addition to the standard four job evaluation systems. Even so, the Peromnes system was used as a foundation for the evaluation and it uses the factors listed in **Table 4** below to evaluate jobs.

**Table 4: Peromnes job evaluation factors**

	<b>Factor</b>	<b>Explanation</b>
1	Problem Solving	Assesses the complexity of problems in the job by examining the clues or information available and the alternative solutions that can be applied.
2	Consequence of Judgement	Assesses the consequences of judgements, decisions and recommendations, i.e. the limits of discretion of the job.
3	Pressure of work	Assesses the pressures imposed on a job by: <ul style="list-style-type: none"> <li>• The variety and type of work to be achieved in the available time.</li> <li>• The need to set priorities to do the most appropriate work at the most appropriate time.</li> <li>• Interruptions and distractions due to inter-action with the needs of other jobs.</li> </ul>
4	Knowledge	Assesses the level of knowledge required to perform the tasks competently.
5	Job Impact	Assesses the extent of influence that the job has on other activities, both within and outside the organisation.
6	Comprehension	Assesses the level of understanding of spoken and written communication required in the job.
7	Education	Assesses the minimum education required of a competent incumbent for entry to the job.
8	Training / Experience	Assesses the typical period required to achieve competence in the job by the quickest reasonable route after the minimum education level assessed in factor 7.

(Deloitte & Touche; 2006)

30. **Table 5** below sets out the correlation amongst different job evaluation methodologies, with specific reference to the decision and task skills levels required at each level within those methodologies.

**Table 5: Correlation Table – Equate, Paterson, Peromnes and Task Grades**

Paterson Grades	Paterson Bands	Peromnes Grade	Equate Grades	Task Grades	Decision Level	Task Skill Level
F4	FU	1++		26	<ul style="list-style-type: none"> <li>• Top Management – Board Level.</li> <li>• Policy Making Decisions.</li> </ul>	
F3		1+		25		
F2	FL	1	16	24		
F1		1	16	23		
E4	EU	2	16	22	<ul style="list-style-type: none"> <li>• Senior Management.</li> <li>• Heads of Major Functions.</li> <li>• Programming Decisions.</li> </ul>	
E3		2	15	21		
E2	EL	3	15	20		
E1		3	14	19		
D5	DU	4	14	18	<ul style="list-style-type: none"> <li>• Professionally Qualified and Experienced Specialist.</li> <li>• Middle Management.</li> <li>• Interpretive Decisions.</li> </ul>	<b>Tactical:</b> <ul style="list-style-type: none"> <li>• Middle Management.</li> <li>• High Level – Advisory / Supervisory.</li> </ul>
D4		5	13	17		
D3	DL	5	13	16		
D2		6	12	15		
D1		7	11	14		
C5	CU	7	11	13	<ul style="list-style-type: none"> <li>• Skilled, Technical and Academically Qualified Employees</li> <li>• Junior Specialists.</li> <li>• Supervisors.</li> <li>• Foremen.</li> <li>• Superintendents.</li> <li>• Routine or Process Decisions.</li> </ul>	<b>Specialised:</b> <ul style="list-style-type: none"> <li>• Skilled.</li> <li>• Technical.</li> <li>• Specialist.</li> <li>• Senior Supervisory</li> </ul>
C4		8	10	12		
C3	CL	9	9	11		
C2		10	8	10		
C1		11	7	9		
B5	BU	11	7	8	<ul style="list-style-type: none"> <li>• Discretionary / Operative Decisions.</li> </ul>	<b>Discretionary:</b> <ul style="list-style-type: none"> <li>• Semi-skilled</li> <li>• General – Clerical / Operational</li> <li>• Junior Supervisory</li> </ul>
B4		12	6	7		
B3	BL	13	5	6		
B2		13	5	5		
B1		14 / 15	4	4		
A3	A	16	3	3	<ul style="list-style-type: none"> <li>• Defined Decisions.</li> </ul>	<b>Basic:</b> Basic-skilled
A2		17	2	2		
A1		18 / 19	1	1		

(Deloitte & Touche; 2006)

31. At the end of their evaluation of job profiles of all public office bearers the independent consultants recommended to the Commission the grading results reflected in **Annexure E**, which is copied below for ease of reference.

## ANNEXURE E: PEROMNES GRADING RESULTS

Peromnes Grade	National Executive	National Assembly	NCOP	Provincial Legislature	Local Government (Grade 6)	Judiciary	Traditional Leaders
1++	• President						
1+	• Deputy President						
1						• Chief Justice	
2	• Minister	• Speaker	• Chairperson	• Premier		• Deputy Chief Justice • President of Supreme Court of Appeal	
3	• Deputy Minister	• Leader of Opposition				• Judge of the Constitutional Court • Deputy President of the Supreme Court of Appeal • Judge of the Supreme Court of Appeal • Judge President of the High Court • Deputy Judge President of the High Court	
4		• Deputy Speaker • House Chair	• Deputy Chairperson • House Chair	• Speaker • Leader of Opposition • Member of Executive Council	• Executive Mayor	• Judge of the High Court • Regional Court President • Special Grade Chief Magistrate • President of the Divorce Court	
5		• Chief Whip: Majority Party • Parliamentary Counsel: President • Parliamentary Counsel: Deputy President • Chairperson of Portfolio Committee • Chair of Joint Monitoring Committee	• Chairperson of Select Committee	• Deputy Speaker	• Deputy Executive Mayor • Mayor	• Chief Magistrate • Regional Magistrate	• Chairperson: NHTL • King



6		<ul style="list-style-type: none"> <li>• Deputy Chief Whip: Majority Party</li> <li>• Deputy Chief Whip: Largest Minority</li> <li>• Leaders of Minority Parties</li> </ul>	<ul style="list-style-type: none"> <li>• Deputy Chairperson of Select Committee</li> <li>• Chief Whip</li> </ul>	<ul style="list-style-type: none"> <li>• Chairperson of Committees</li> <li>• Deputy Chairperson of Committees</li> <li>• Chairperson of Portfolio Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Speaker / Chairperson</li> <li>• Deputy Mayor</li> </ul>	<ul style="list-style-type: none"> <li>• Senior Magistrate</li> </ul>	<ul style="list-style-type: none"> <li>• Deputy Chairperson : NHTL</li> </ul>
7		<ul style="list-style-type: none"> <li>• Whip</li> <li>• Member</li> </ul>	<ul style="list-style-type: none"> <li>• Programming Whip</li> <li>• Provincial Whip</li> <li>• Permanent Delegates</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Whip: Majority Party</li> <li>• Deputy Chief Whip: Majority Party</li> <li>• Chief Whip: Largest Minority</li> <li>• Leaders of Minority Parties</li> </ul>	<ul style="list-style-type: none"> <li>• Member of Executive Council</li> <li>• Chairperson of Sub Council</li> <li>• Member of Mayoral Committee</li> </ul>	<ul style="list-style-type: none"> <li>• District Magistrate</li> <li>• Presiding Officer of the Divorce Courts</li> </ul>	<ul style="list-style-type: none"> <li>• Chairperson : PHTL</li> </ul>
8				<ul style="list-style-type: none"> <li>• Whip</li> </ul>			<ul style="list-style-type: none"> <li>• Deputy Chairperson : PHTL</li> </ul>
9				<ul style="list-style-type: none"> <li>• Member of Provincial Legislature</li> </ul>	<ul style="list-style-type: none"> <li>• Whip</li> </ul>		<ul style="list-style-type: none"> <li>• Member of NHTL</li> <li>• Senior Traditional Leader</li> </ul>
10					<ul style="list-style-type: none"> <li>• Municipal Councillor</li> </ul>		<ul style="list-style-type: none"> <li>• Headman</li> <li>• Member of PHTL</li> </ul>

32. These grading results were however compiled mainly with reference to Peromnes factors and were considered to be inappropriate in some instances. After a direct consultation with all stakeholders it became even clearer that the Peromnes methodology alone was not well suited for the evaluation and grading of public office bearer positions. The Commission thereafter developed a grading structure which we believe to be more appropriate. Following the establishment of comprehensive and accepted job profiles for all public office bearer positions, the Commission graded all public office bearer positions into a hierarchical structure that is both vertically and horizontally integrated, fair and equitable. The proposed grading structure was discussed with all public office bearer groups at communication events during December 2005, at which valuable input was gathered for consideration in the Commission's final review report. After due consideration of all input and other factors, the Commission has drafted a proposed grading structure for all public office bearer positions as set out in **Annexure I**.

33. **Annexure F** sets out the consolidated grading tables in respect of:

- Current grading tables;
- Consultants' grading recommendations; and
- Updated grading tables reflecting stakeholder input.

# ANNEXURE F: COMPARATIVE GRADING TABLES

GROUP	CURRENT GRADING TABLES				PEROMNES GRADING RESULTS				STAKEHOLDER INPUT			
	Grade	Position	Position	Position	Grade	Position	Position	Position	Grade	Position	Position	Position
		National	Provincial	Local		National	Provincial	Local		National	Provincial	Local
Executive	H	President			1++	President			1++	President		
	G	Deputy President			1+	Deputy President			1+	Deputy President		
	F	Minister			1				1			
					2	Minister			2	Minister		
	E1	Deputy Minister			3	Deputy Minister			3	Deputy Minister		
Legislature	F	Speaker: NA	Premier		3	Speaker: NA	Premier		2	Speaker: NA	Premier	
		Chairperson: NCOP				Chairperson: NCOP				Chairperson: NCOP		
	E1	Deputy Speaker	MEC			Leader of Opposition			3			
		Deputy Chairperson: NCOP	Speaker		4	Deputy Speaker		Executive Mayor	4	Deputy Speaker	Speaker	Executive Mayor
	E2	Leader of the Opposition				Deputy Chairperson: NCOP				Deputy Chairperson: NCOP	MEC	
		PC: President				House Chairperson				House Chairperson		
		Chief Whip: Majority Party			5	PC: President	Deputy Speaker	Mayor	5	Leader of Opposition	Leader of Opposition	Mayor
		Chief Whip: NCOP				PC: Deputy President		Deputy Executive Mayor		PC: President	Deputy Speaker	Deputy Executive Mayor
	D	PC: Deputy President	Deputy Speaker			Chief Whip: Majority Party				PC: Deputy President		
		House Chairperson				Chairperson of a Committee				Chief Whip: Majority Party		
	C1	Chairperson of a Committee	Chief Whip: Majority Party		6	Deputy Chief Whip: Majority Party	Chair of Committees	Speaker / Chairperson		Chairperson of a Committee		
	C2	Chief Whip: Largest Minority Party	Leader of Opposition			Chief Whip: Largest Minority Party	Deputy Chair of Committees	Deputy Mayor		Chief Whip: NCOP		
		Deputy Chief Whip: Majority Party	Chair of Committees			Leader of a Minority Party	Chairperson of a Committee		6	Deputy Chief Whip: Majority Party	Chair of Committees	Speaker / Chairperson
		Deputy Chair of a Committee	Chairperson of a Committee			Chief Whip: NCOP				Chief Whip: Largest Minority Party	Deputy Chair of Committees	Deputy Mayor
B		Leader of a Minority Party	Chief Whip: Largest Minority Party		7	Whip	Chief Whip: Majority Party	MEC		Leader of a Minority Party	Chairperson of a Committee	
		Whip	Deputy Chief Whip: Majority Party			Member: NA	Deputy Chief Whip: Majority Party	Chairperson of a sub-council			Chief Whip: Majority Party	
			Deputy Chair of Committees			Permanent Delegate: NCOP	Chief Whip: Largest Minority Party		7	Whip	Deputy Chief Whip: Majority Party	MEC
	A1	Member: NA	Leader: Provincial Legislature				Leader of a Minority Party			Member: NA	Chief Whip: Largest Minority Party	Member of a Mayoral Council
		Permanent Delegate: NCOP	Leader of a Minority Party		8		Whip			Permanent Delegate: NCOP	Leader of a Minority Party	Chairperson of a sub-council
			Whip		9		MPL	Whip			PC to a King	
								Member of a Mayoral Council	8		Whip	Whip
	A2		MPL		10			Municipal Councillor	9		MPL	Municipal Councillor

GROUP	CURRENT GRADING TABLES				PEROMNES GRADING RESULTS				STAKEHOLDER INPUT			
	Grade	Position	Position	Position	Grade	Position	Position	Position	Grade	Position	Position	Position
		National	Provincial	Local		National	Provincial	Local		National	Provincial	Local
Judiciary		Chief Justice			1	Chief Justice			1	Chief Justice		
		Deputy Chief Justice			2	Deputy Chief Justice			2	Deputy Chief Justice		
		President: SCA				President: SCA				President: SCA		
		Deputy President: SCA			3	Judge of the Constitutional Court			3	Judge of the Constitutional Court		
		Judge of the Constitutional Court				Deputy President: SCA				Deputy President: SCA		
		Judge of the SCA				Judge of the SCA				Judge of the SCA		
		Judge President of a High Court				Judge President of a High Court				Judge President of a High Court		
		Judge President of a Labour Court				Judge President of a Labour Court				Judge President of a Labour Court		
		Deputy Judge President of a High Court				Deputy Judge President of a High Court				Deputy Judge President of a High Court		
		Deputy Judge President of a Labour Court				Deputy Judge President of a Labour Court				Deputy Judge President of a Labour Court		
		Judge of a High Court			4	Judge of a High Court			4	Judge of a High Court		
		Judge of a Labour Court				Judge of a Labour Court				Judge of a Labour Court		
		Special Grade Chief Magistrate				Special Grade Chief Magistrate				Special Grade Chief Magistrate		
		Regional Court President				Regional Court President				Regional Court President		
		Chief Magistrate				President of a Divorce Court				President of a Divorce Court		
		Regional Magistrate			5	Regional Magistrate			5	Regional Magistrate		
		Senior Magistrate				Chief Magistrate				Chief Magistrate		
					6	Senior Magistrate				Presiding Officer: Divorce Court		
					7	Magistrate			6	Senior Magistrate		
		Magistrate				Presiding Officer: Divorce Court			7	Magistrate		
Traditional		King			5	King			5	King		
Leadership		Paramount Chief				Chairperson: NHTL				Chairperson: NHTL		
		Chairperson: NHTL			6	Deputy Chairperson: NHTL			6	Deputy Chairperson: NHTL		
		Deputy Chairperson: NHTL			7		Chairperson: PHTL		7		Chairperson: PHTL	
		Full time Chairperson: PHTL			8		Deputy Chairperson: PHTL		8	Member: NHTL	Deputy Chairperson: PHTL	
		Full time Deputy Chairperson: PHTL			9	Member: NHTL			9	Senior Traditional Leader	Member: PHTL	
		Chief				Senior Traditional Leader			10			Headman
		Part time Chairperson: PHTL			10		Member: PHTL	Headman				
		Part time Deputy Chairperson: PHTL										
		Part time Member: NHTL										
		Part time Member: PHTL										

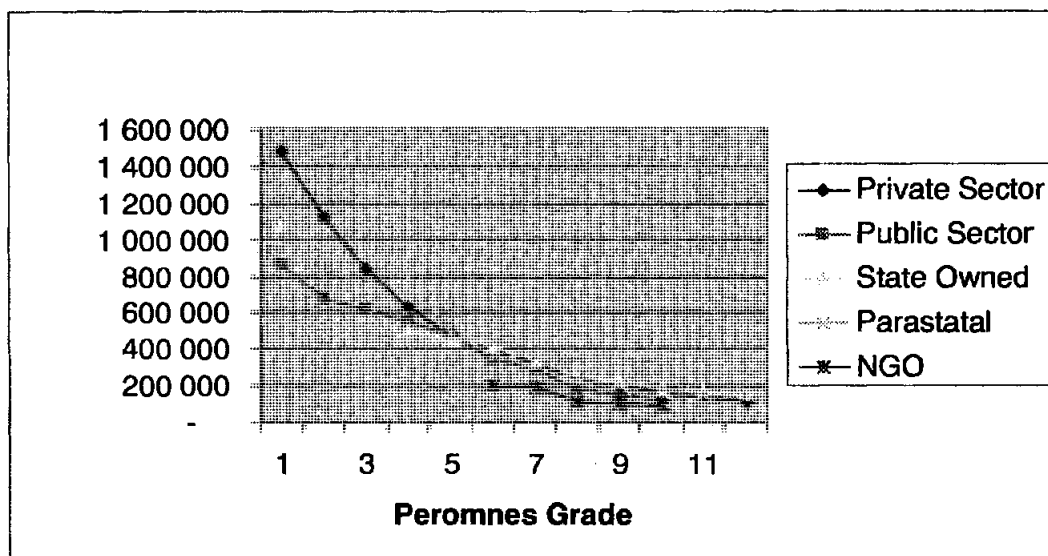
BENCHMARKING

34. A benchmark is a standard for setting or measuring pay levels across institution. This process of identifying and fixing a point of reference for setting institutional pay levels is sometimes referred to as "anchoring". As is to be expected, organisational benchmarks differ inasmuch as pay targets vary from institution to institution. This is due to the appropriateness of any benchmark depending on the remuneration philosophy of the organisation which is reflective of its objectives, strategy, size and organisational values. In other words a remuneration strategy is often responsive to specific organisational needs.
35. One option in benchmarking is to utilise an anchor position. The purpose of an anchor position is to allow for an analytical focus on a particular job grade in order to build the entire compensation system around it. As such the job grading should allow an easily comparable set of skills and a sufficient number of subjects to allow an objective comparison and statistical stability in the number of data-points. The role of the anchor should not be so specialised and unique that it does not easily enable comparison to any other job. Moreover, if there is only one incumbent in the anchor position, the set of skills, requirements and capacities are so rare that they do not lend themselves to easy comparison with any other comparable private or public sector roles. This adds unnecessary instability and subjectivity to the remuneration determination process. It would make sense to set the anchor where it has the highest financial impact. Although the President has the highest salary, the decision around his pay in and of its own does not have the highest impact on the fiscus. The weight of numbers at the lower levels of the legislatures, albeit at a lower salary level, has a much higher impact.

36. It is clear that international best practice, as gathered during the Commission's international comparative studies, is not to use the position of the President as the anchor. This is due to the political issues and sensitivities attached to this position.
37. Where the anchor is set at the lower level, the nominal increment over and above this could easily be linked to specific performance requirements. Although the Commission does not believe that such a system could be implemented currently, it is certainly its aim to move towards such anchoring in future, when unfortunate issues destabilising the lower level positions have been resolved.
38. Choosing an anchor position involves the following mechanical steps:
- Defining the role;
  - Getting appropriate benchmarks;
  - Determining the anchor salary;
  - Reviewing the percentage gaps; and
  - Applying the percentage gaps through the grading scale.
39. In the private sector, the market, or the percentile within the market, that the organisation agrees to be compared to, determine pay levels. Once an organisation has chosen the comparator market it has to decide how long and how much it wants to be ahead or behind the market pay line and how it will manage future pay increases.
40. The consultants to the Commission recommended that the public office bearers pay benchmark should be market related. They explained that each state institution should implement a job grading system that provides an accurate link to the target market and associated market data. To this end they suggested two different benchmarking methodologies - a "Graded Benchmarking Methodology" and a "Graded Pay Relativity Methodology".

41. Before examining each of the benchmarking methods suggested by the consultants, it is appropriate to note the graph below which illustrates the pay differences across the institutional pay landscape in South Africa. The pay analysis is premised on the Peromnes system. The pay levels in the graph reflect guaranteed pay exclusive of discretionary performance incentives.

**Figure 4: Pay Analysis across Continuum**



(Deloitte & Touche, 2006)

42. The "Graded Benchmarking Methodology" entails the use of job evaluation results to benchmark positions on a job grade basis. The Commission's consultants used graded remuneration tables from the *Deloitte National Remuneration Guide* (September 2005) as the basis for determining remuneration levels on a job grade basis, for purposes of comparison with the private sector. Therefore the comparator market will be the national private sector remuneration market. In their view a grid size "E" private sector organisation was considered to be the most appropriate market comparator for public office bearer positions and was used to determine the graded tables to be used for comparator purposes in this methodology. A grid size "E" organisation has the following characteristics:
- staff numbers of between 500 and 800.

- a total cost of employment salary bill of between R109 million and R223 million.
- total assets of between R400 million and R800 million; and
- typical annual pre-tax profits of between R29 million and R59 million.

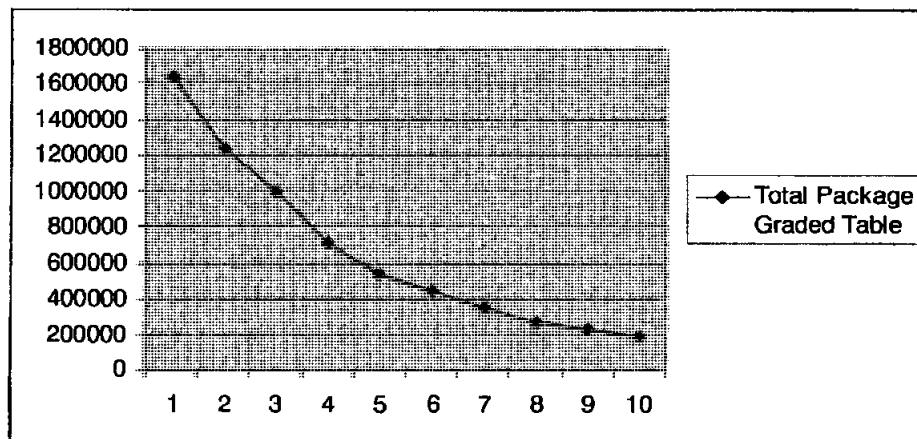
43. **Table 6** and **Figure 3** below have been aged to April 2007 to ensure that the comparison is relative to the where the national market pay position was located in April 2007.

**Table 6: Graded table for grid size E organisation: April 2007**

Peronnes Grade	Total Package Graded Table
1	1 639 260
2	1 237 220
3	993 784
4	704 767
5	531 919
6	437 823
7	353 345
8	268 011
9	225 136
10	181 091

(Deloitte & Touche; 2007)

**Figure 3: Graded graph for grid size E organisation: April 2007**

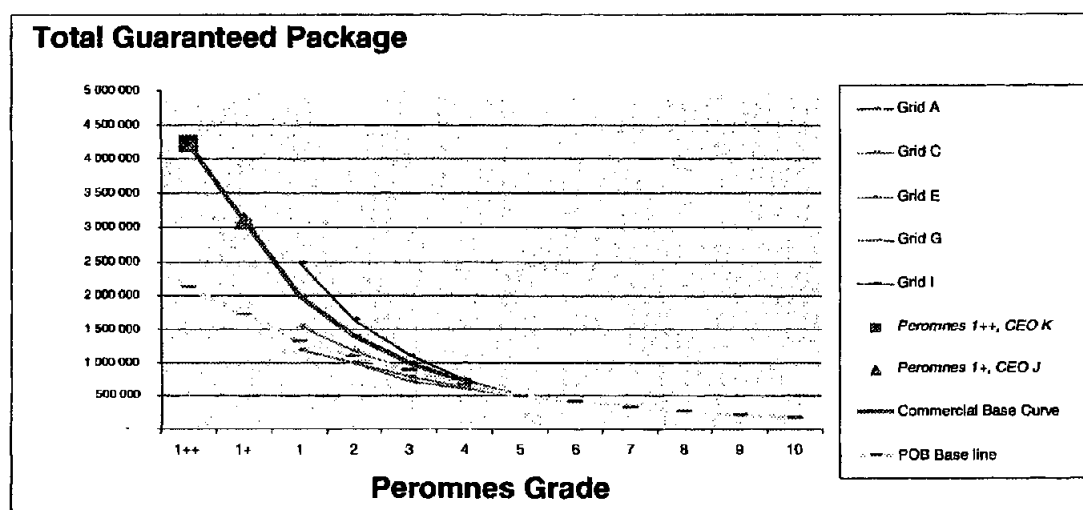


(Deloitte & Touche; 2007)



44. The other anchoring option proposed to the Commission is known as the "Graded Pay Relativity Methodology". It proposes determining an anchor public office bearer pay line relative to the private sector. All public office bearer positions are then located relative to this determined pay line on a graded basis. This relativity will then be applied on an annual basis for benchmarking purposes. The process methodology is as follows:
- Create a commercially oriented pay curve from Peromnes 10 through to Peromnes 1++.
  - Determine the discount to commercial pay that is to be applied at Peromnes 1++ to establish an anchor pay point.
  - From Peromnes 4 to Peromnes 1++ create a target pay curve that is anchored by the Peromnes 1++ pay point. This will be identified as the public office bearers pay curve.
  - From the pay data that underpins the consolidated pay curve establish the pay relativity between Peromnes 1++ and all other Peromnes grades.
45. **Figure 5** below illustrates the public office bearer pay curve relative to the national market, in terms of the Graded Pay Relativity Methodology, as was recommended to the Commission by its consultants, based on the grading results contained in **Annexure E**.

**Figure 5: April 2007 pay curves**



(Deloitte & Touche; 2006)

46. Following this methodology the public office bearer pay curve has been determined relative to an anchor position as indicated in **Table 10** below. On this table the anchor of the public office bearer pay line is presumed to be the President. The Peromnes1++ position of the President has been anchored at a 50% discount to the commercially oriented pay curve (the commercial base curve). Several observations can be made from these pay curves. First, public office bearers in Peromnes grades 4 to 10 appear to be paid in line or slightly above the market (the commercial base curve). Second, office bearers graded from 4 to 1++ (the President) are remunerated at a substantial discount to market. On the ideal public office bearer base line on the graph in Figure 5 the discount is 50% to commercial rates. But in actual terms the discount is about 75% because in fact the President earns a little over a million rand and not over two million as the public office bearer base line projects.

**Table 10: Public office bearer pay line relative to an anchor position**

Peromnes grade	Commercial pay base curve	Public office bearers pay line	Relativity to overall anchor
1++	4 224 000	2 112 000	100%
1+	3 100 462	1 722 479	82%
1	1 983 147	1 332 098	63%
2	1 401 168	1 089 797	52%
3	989 970	879 973	42%
4	699 452	660 594	31%
5	494 186	494 186	23%
6	412 707	412 707	20%
7	332 761	332 761	16%
8	252 639	252 639	12%
9	209 780	209 780	10%
10	170 543	170 543	8%

(Deloitte & Touche; 2006)

## COMPARATIVE REMUNERATION TABLES

47. As we stated earlier, the private sector pay curves serve an instructive role, but it is important to keep in mind that they are only one class of possible benchmarks. There are indeed other domestic and international comparators. During 2006 the Commission conducted further benchmarking exercises with reference to the total remuneration paid to senior executives in the South African public service, in government institutions supporting constitutional democracy and in state owned entities or enterprises. **Table 7** and **Table 8** below set out the total remuneration packages of senior public executives used for benchmarking comparisons.

**Table 7: Total remuneration for senior public executives: January 2007**

Position	Total salary package
Governor of the Reserve Bank	2 830 000
Auditor General	1 708 600
National Director of Public Prosecutions	984 072
Public Protector	950 000
Director General	922 491 – 993 492
Deputy Director-General	717 045 – 772 173
Chief Director	591 510 – 636 939
Director	502 725 – 541 284

**Table 8: Remuneration packages: CEO's of State Owned Entities: 2006**

Organisation	Guaranteed Portion	Performance Reward	Total Remuneration
Transnet	4 009 000	2 886 000	6 895 000
South African Airways	5 000 000	1 850 000	6 850 000
Denel	3 129 000	3 125 000	6 254 000
Telkom	2 160 422	3 442 573	5 602 995
Eskom	4 250 000	952 000	5 202 000
Industrial Development Corporation	3 185 328	1 682 861	4 870 000
Land Bank	2 006 040	1 000 000	3 006 040
PetroSA	1 962 000	850 000	2 812 000
Council for Industrial and Scientific Research	1 704 000	847 000	2 551 000
Central Energy Fund	1 456 000	33 000	1 501 000
South African Tourism	1 220 899	1 435 399	1 435 399
SABC (8 months)	1 487 000	0	1 487 000
Financial Services Board (9 months)	1 652 011	172 533	1 824 544
Post Office (8 months)	1 440 000	0	1 440 000
Public Investment Commission	1 883 000	58 000	1 940 000
Independent Development Trust	1 420 000	183 000	1 603 000
International Marketing Council	1 354 000	185 000	1 539 000
National Empowerment Fund	1 287 740	637 500	1 400 000
National Lotteries Board	910 000	174 000	1 078 000
FAIS Ombudsman	909 500	0	909 500

(2006 Annual Reports)

48. The Commission had the benefit of comparative data to be found in **Table 12** below. It relates to known salaries of other heads of state or government. It may be added that only a few countries disclose remuneration arrangements of heads of state to the public or to officials of other governments, as the Commission quickly found out. The data does not in itself constitute dependable comparators. Firstly, often the salaries disclosed are a poor catalogue of the entire remuneration package of heads of state. Secondly, the varying social, economic and political contexts in these countries make direct remuneration level comparison less optimal. One of the ways, however, to compare remuneration paid to Heads of State is to compare their relative salaries to the respective countries' Gross Domestic Product (GDP), the latter which is a measure of the size of the economy of a country and an indicator of the standard of living in the country. The ratio *GDP / US \$ value basic salary* expresses the number of times GDP is higher than the basic salary of the Head of State, and is used as a basis for comparing like with like.

**Table 12: Comparative Heads of State Remuneration**

COUNTRY	CURRENCY	BASIC SALARY	EXCHANGE RATE AS ON 04/12/06	BASIC SALARY IN SA RAND	% RELATIVE TO SA	GDP ** (US \$ mil)	Ratio of GDP/ Basic Salary
South Africa	Rand	1 181 438	1 : 1	1 181 438	100.00	234 419	1.42
USA	US Dollar	400 000	1 : 7.17	2 868 000	242.76	12 455 825	31.14
United Kingdom	Pound	183 932	1 : 14.11	2 595 280	219.67	2 229 472	6.16
Australia	Aus Dollar	190 320	1 : 5.66	1 077 211	91.18	708 519	4.71
Finland	Euro	1 458 000	1 : 9.50	13 851 000	1 172.38	196 053	0.10
Canada	Can Dollar	294 000	1 : 6.27	1 843 380	156.03	1 132 436	4.40
Germany	Euro	291 000	1 : 9.50	2 764 500	233.99	2 791 737	7.24
Nigeria	Naira	7 400 000	1 : 0.057	421 800	35.70	99 147	1.69
Botswana *	Pula	332 460	1 : 1.17	388 978	32.92	10 196	0.19
Indonesia *	Rupiah	750 000 000	1 : 0.0007	525 000	44.43	281 264	3.84

\* Excludes amount of remunerative benefits and daily allowances, which cannot be calculated accurately.

\*\* International Monetary Fund, World Economic Outlook Database, September 2006

49. **Table 9** below reflects the current remuneration levels 1 to 12 in respect of public servants in South Africa, as at January 2007. These levels constitute public servants from entry level to that of a Deputy Director, which is the highest non-managerial level.

**Table 9: Public service remuneration: January 2007**

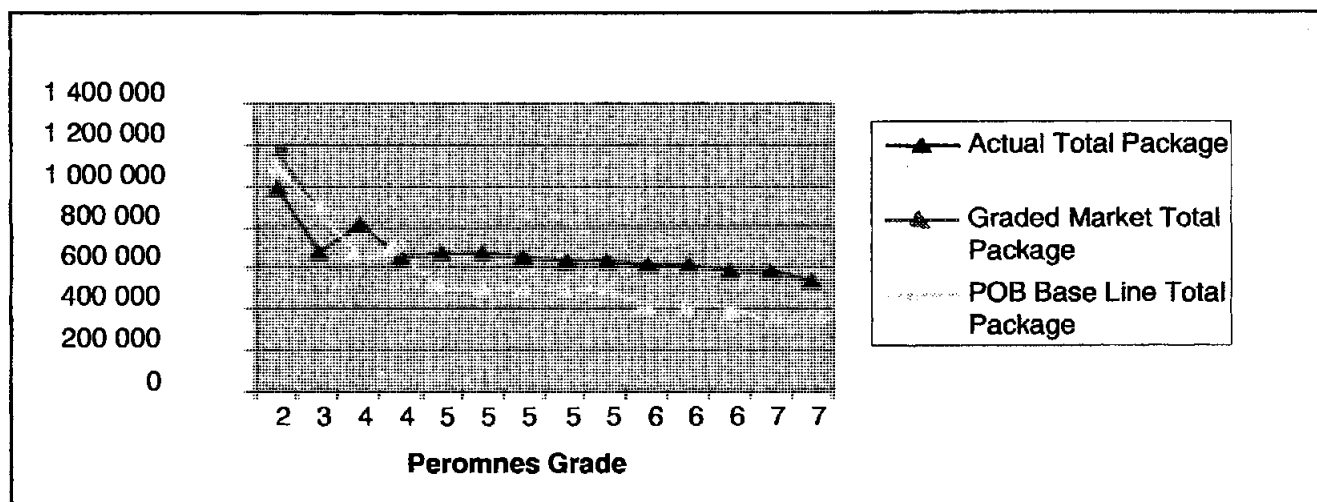
SALARY LEVEL											
Salary notches										Inclusive packages	
1	2	3	4	5	6	7	8	9	10	11	12
35,916	40,227	46,200	54,222	64,143	79,407	98,916	122,841	146,665	183,084	286,203	339,825
36,273	40,632	46,665	54,765	64,785	80,208	99,903	124,074	148,143	184,911	289,068	343,224
36,633	41,034	47,133	55,311	65,433	81,006	100,905	125,319	149,628	186,762	291,957	346,659
36,999	41,445	47,607	55,863	66,087	81,822	101,913	126,567	151,128	188,634	294,879	350,127
37,365	41,865	48,078	56,424	66,747	82,635	102,933	127,836	152,640	190,515	297,831	353,831
37,740	42,282	48,561	56,985	67,413	83,463	103,959	129,108	154,167	192,423	300,813	357,168
38,115	42,699	49,050	57,558	68,088	84,297	105,000	130,401	155,706	194,349	303,822	360,741
38,496	43,131	49,539	58,131	68,769	85,137	106,050	131,703	157,263	196,287	306,861	364,350
38,880	43,560	50,034	58,713	69,459	85,992	107,109	133,023	158,835	198,252	309,933	367,995
39,273	43,992	50,532	59,304	70,152	86,853	108,180	134,349	160,419	200,235	313,032	371,676
39,660	44,439	51,039	59,895	70,854	87,720	109,260	135,693	162,027	202,236	316,161	375,393
40,059	44,883	51,552	60,492	71,562	88,593	110,358	137,049	163,647	204,261	319,323	379,149
		52,062	61,098	72,279	89,484	111,459	138,420	165,285	206,301	322,521	382,944
		52,584	61,707	73,002	90,378	112,575	139,806	166,938	208,365	325,749	386,772
		53,109	62,325	73,731	91,281	113,703	141,204	168,606	210,447	329,007	390,642
		53,640	62,946	74,472	92,193	114,843	142,617	170,295	212,550	332,298	394,554
				75,216		116,154		171,813			
								177,198			

(www.dpsa.gov.za)

## TOTAL PACKAGE COMPARISONS TO MARKET

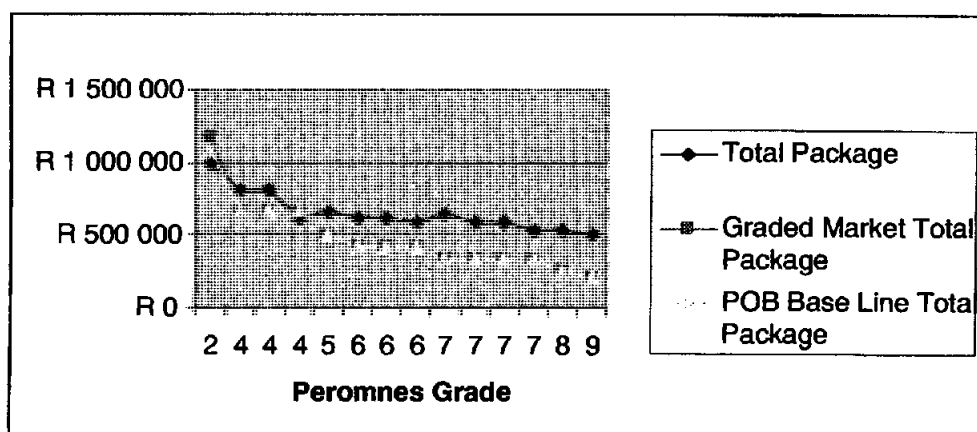
50. **Figure 11** below indicates the comparison between the current total remuneration paid to members of Parliament to that of a comparable level in the private sector. In the graph, the blue line represents the actual total packages for members of the National Parliament against the Graded Market Total Package data (pink) and the public office bearer base line total package (yellow). In many instances, and especially towards the lower levels, the market pay levels (total package) are below the actual total packages of public office bearers.

**Figure 11: Parliament Total Package comparison to Market**



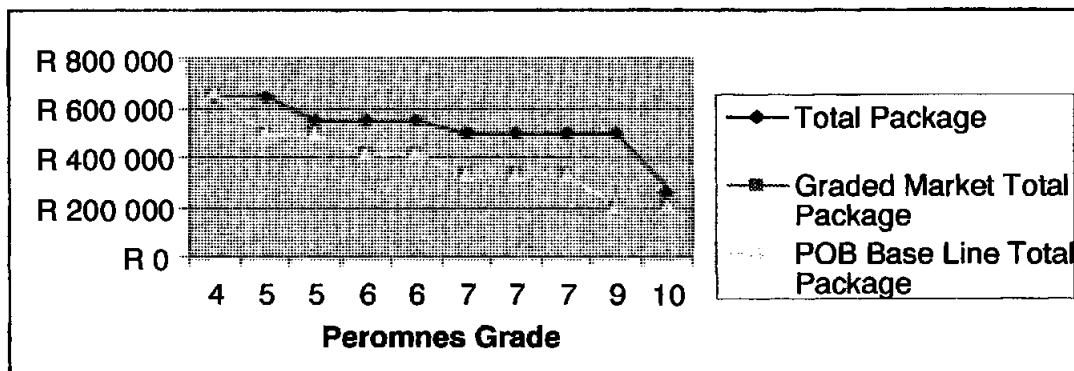
(Deloitte & Touche; 2006)

51. **Figure 15** below highlight the comparison between the current Provincial Legislature upper limits (notch 2) and market information. Based on the Peromnes grades and the market data for those grades, most members in the Provincial Legislature in the lower levels are being paid above the market rate.

**Figure 15: Provincial Legislature Total Package comparison to Market**

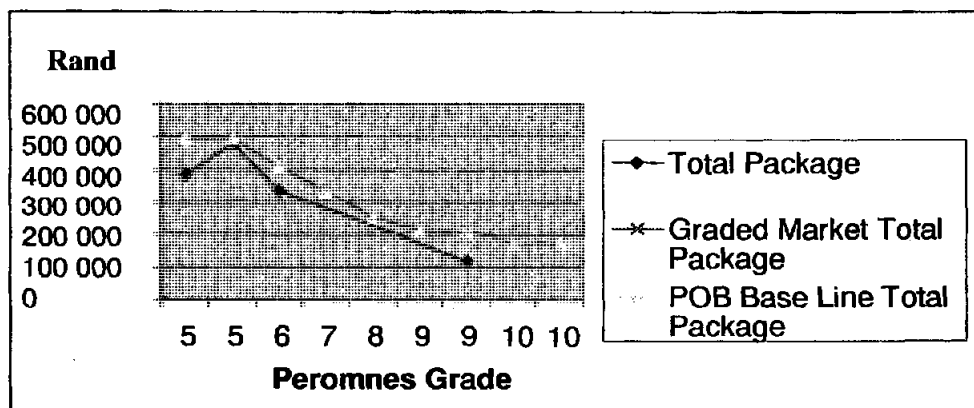
(Deloitte &amp; Touche; 2006)

52. Based on the grading and market data per grade, as reflected in **Figure 18** below, the executive mayor / mayor and the deputy executive mayor / mayor of a grade 6 municipal structure are close to the national market rates when considering the total package cost figures. All other public office bearer positions in this municipal structure appear to be significantly overpaid compared to the suggested market comparators.
53. The Commission has not developed any remuneration table, ratios, or pay curve for public office bearer positions in local government, because of the major remuneration review that was conducted in 2006 and resulted in the determination of remuneration levels in local government in June 2006.
54. The Commission therefore only recommends an annual cost-of-living adjustment to the total remuneration of members of local government institutions.

**Figure 18: Local Government Total Package comparison to Market**

(Deloitte &amp; Touche; 2006)

55. **Figure 20** below compares current traditional leadership remuneration with salaries paid to comparable positions in the market. One must instantly add that because of the unique and rare character of traditional leadership it has been difficult to find an effective grading method and useful domestic comparators.
56. Based on the Peromnes grades arrived at on the terms in the written job profiles and compared with market data, the comparative ratios above indicate that remuneration levels for total packages appear to be below the market rates.

**Figure 20: Traditional Leader remuneration comparison to Market**

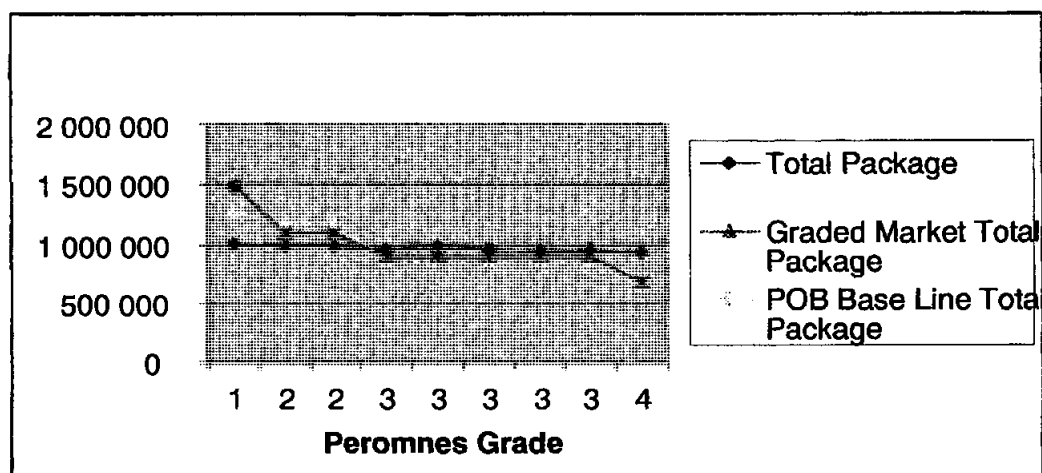
(Deloitte &amp; Touche; 2006)



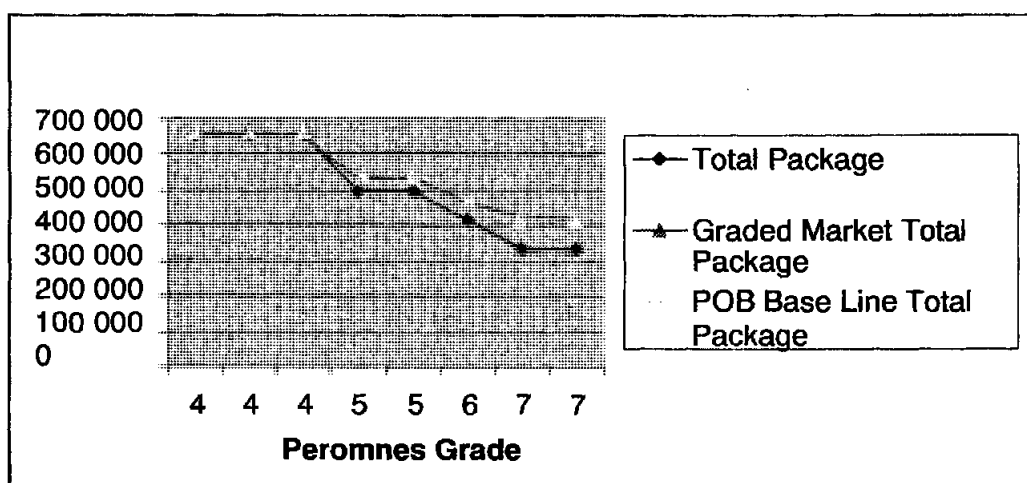
57. The next market comparison relates to the judiciary. To enhance public confidence in the independence of the judiciary it is necessary to remove any perception of politicization from the establishment of judicial compensation.
58. **Figures 23 and 24** below show the comparison of current judicial total remuneration packages with that of the comparable market. There is a clear lag in the upper levels of judicial remuneration compared to the market, which undoubtedly has a negative effect on any successful recruitment and retention objectives in the judiciary. It must also be explained that the market data used for comparison is based on Peromnes grading and relates to national remuneration pay levels in the private sector. The Commission requested the General Council of the Bar, Statistics SA and the South African Revenue Services to furnish remuneration levels or trends of advocates, and in particular senior counsel, but have not been furnished with details relating to such salary levels or trends. The Commission has however been advised that the average monthly income of senior counsel varies between R100 000 and R300 000.<sup>14</sup> It is a widely recognised fact that the net earnings of senior counsel practising at the bar are many times a judge's total remuneration. It follows that senior counsel and other senior legal practitioners, and not the national private sector trends, are the ideal comparator group.
59. Remuneration linked to role complexity and attraction and retention strategies may attract premiums. This is more acutely so where the source pool for these positions is located in private practice, and where there is a general scarcity in the market of available talent. Most of the potential candidates for recruitment to judicial positions are either senior advocates or senior legal practitioners who are high earners already.

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<sup>14</sup> This information was furnished by the Secretary of Advocates for Transformation KZN.

**Figure 23: Judiciary Total Remuneration comparison to Market**

(Deloitte &amp; Touche; 2006)

**Figure 24: Magistracy Total Remuneration comparison to Market**

(Deloitte &amp; Touche; 2006)

**PAY LEVELS OF REMUNERATION PACKAGES**

60. Keeping this benchmarking methodology and data in mind, later in this summary the Commission identifies the remuneration philosophy it prefers, and recommends actual pay levels of remuneration packages. It is

important that the correct pay levels are set for each institution, as this will ultimately determine a target rate of pay for every public office bearer that is employed by the institution. If the target pay levels for the public office bearers are too high the various institutions will run the risk of overpaying and creating an unnecessary financial burden, and if target levels of pay are too low the various institutions will run the risk of losing critical skills, or not being able to recruit critical skills. It is important to establish pay levels, and a pay line for the relevant institution, with the additional aims of pay line consistency and aspiration to higher levels in mind.

61. Even more importantly, the pay levels of those who serve in the public domain, as distinct from those in the private sector, must sit comfortably with the kind of society our Constitution seeks to build. Their pay levels must strike an equitable balance between enhancing clean, democratic governance by attracting and retaining excellent skills, on the one side of the scale, and what the public purse can fairly bear, on the other.

#### STAKEHOLDER AND PUBLIC COMMENT

62. In no time it became clear that the review of remuneration arrangements had to assume an interactive character. Those who were to be affected by the recommendations were entitled to an adequate opportunity to be heard through appropriate representation. Also the process had to be open. Its deliberations had to be inclusive of all public office bearers and responsive to different viewpoints. Once the methodology had been chosen, the Commission engaged with public office bearers on virtually each of the review steps save for the final process of recommending actual remuneration levels. It also became clear that the Commission had to take into account submissions by the broader public beyond the realm of office bearers.

63. In a further chapter the Commission reports on its interaction with public office bearers and the public. In relation to office bearers the interaction assumed three forms: initial interviews with chosen independent consultants, consultations with the Commission and its staff, and written submissions. The principal features of the written submissions received from members of the executive, the legislature, the judiciary and traditional leaders have been recorded. The chapter also lists the submissions received from the public on invitation by the Commission<sup>15</sup>.
64. As we have suggested earlier, the reports by the consultants included extensive submissions made to them by different stakeholders. However, the Commission did not rely solely on these consultants' reports and submissions for the purpose of drafting its recommendations. The Commission received several written submissions directly from public office bearers or their appointed representatives. It also arranged 'road-shows' at which it met with and received oral submissions from public office bearers or their delegates drawn from all arms of government. This interaction was appropriate as these public office bearers are likely to be affected by the recommendations of the Commission. At the profiling and grading stages of the process the Commission had direct consultation with all stakeholders with a view to benefiting from their views before proceeding to benchmarking and the determination of pay levels.

#### SUBMISSIONS MADE BY THE THREE ARMS OF GOVERNMENT

65. In addition to the direct engagements with stakeholder groups, the Commission posed a list of philosophical and fundamental questions to each of the three arms of government for consideration and response. The Commission is indebted to the institutions for their high quality and

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<sup>15</sup> In order to facilitate public participation, the Commission issued an invitation to the public to make submissions on the salaries, allowances and benefits of public office bearers. The invitation was published in the Government Gazette no 28312 dated 08 December 2005.

valuable submissions in this regard. The essence of the principles alluded to in each of those submissions is recorded below.

#### NATIONAL EXECUTIVE

66. Cabinet assigned a group of Ministers, headed by the Minister of Finance, to consider a list of questions posed to it by the Commission, and to draft a response thereto. In its submission to the Commission, the following five guiding principles were proposed in respect of the restructuring of a public office bearer remuneration dispensation:
- All public office bearers should receive fair and equitable remuneration in accordance with their respective responsibilities.
  - The remuneration structure should be clear and transparent to facilitate comparisons both within and across institutions.
  - The public service Senior Management Service (SMS) should be used as a benchmark for the determination of public office bearer remuneration.
  - The remuneration of the President should be the overall anchor for a public office bearer remuneration structure.
  - Proposed adjustments should be clearly and carefully motivated, and should be linked to identified deficiencies in the present structure.
67. The submission suggested that the position of the President should be the overall anchor position for the public office bearer remuneration and that anchor positions for each branch of government should be related to it. The suggested institutional anchors should be:
- Judiciary: Chief Justice
  - Legislature: Speaker of the National Assembly
68. The submission further suggests that simple benchmarking against either public or private sector positions would not be appropriate, but that it would be useful to compare political office bearer remuneration with that of Senior Management Service (SMS) members in the public service. Total

Remuneration packages should therefore be developed for public office bearers that incorporate all of the components available to SMS members.

69. The ministerial committee took the view that current public office bearer remuneration was adequate, but that targeted adjustments to the upper level of public office bearer positions were required to correct current inequities. It emphasized one of these inequities as the level of compression of salary levels within the judiciary.
70. Although there is a need for consistency in according appropriate "tools of trade", an institution-by-institution investigation was required to determine unique institutional requirements.
71. The submission advises of an Additional Service Benefit (ASB) pension scheme in terms of which political office bearers who left office between 1994 and 2004 would receive a gratuity of up to 2 times the member's pensionable salary. The ASB also provides adequate pension benefits for political office bearers leaving office in 2009, and for those elected to office in 2004.
72. The submission acknowledges that the current remuneration structure for public office bearers is not transparent, and is fraught with numerous problems, and does not lend itself to vertical or horizontal comparisons. It recommends that a grading structure should be based on proper job evaluations, and should guard against compression within certain institutions.
73. The submission supports a move towards an all-inclusive remuneration packages for all public office bearers, which should be flexible enough to allow members to structure their packages according to individual needs.

LEGISLATURE

74. Parliament constituted a working group to consider the questions posed to it by the Commission, and to make a singular and comprehensive submission in relation to those questions and other relevant issues. The Commission is indebted to the working group for a most impressive, professional and comprehensive submission. The following broad principles were suggested to guide an approach to the remuneration of Members of Parliament:

- Parliament is elected to represent the people and to ensure government by the people under the Constitution, and to represent the provinces in the national sphere of government.
- Parliamentarians are key decision makers, custodians of democracy and protectors and promoters of human rights.
- Parliamentarians are important role players in ensuring good governance, and the upholding of democratic values and principles.
- The doctrine of separation of powers juxtaposed with the system of cooperative government and shared powers and functions of the three arms of government denote a governance system comprising independent institutions whose functions and operations are distinct but nonetheless interrelated and interdependent. There is therefore no vertical comparison (hierarchy) amongst the three arms of government, but rather their status, roles and functions are horizontally comparable.
- The roles and functions of Parliamentarians require the attraction and retention of multi-skilled public representatives that are committed to the socio-economic transformation and development of South Africa and Africa at large, and who are able and willing to avail themselves on a full-time basis.
- The remuneration of public office bearers should reflect the value placed by South African society on our representative constitutional democracy and in our democratically elected institutions and public representatives.

- As public representatives, members are expected to act in the interests of the public with absolute integrity and to uphold the values and principles of the Constitution and the highest standards of public service and ethical conduct. In so doing, members of Parliament must be readily accessible to the public on a full-time basis.
- The remuneration of Members of Parliament should be congruent with their levels of responsibility and job impact nationally and internationally.
- The total remuneration of Members of Parliament should be open and transparent.
- Remuneration packages of Members of Parliament should be flexible to recognise their diverse roles, functions and work environments.

75. In considering benchmarking options for the determination of appropriate remuneration for parliamentarians, three options emerge:

#### International comparisons

76. Comparative research may prove useful in exploring some of the underlying principles and philosophies guiding the remuneration, but would have limited value for benchmarking since the socio-political contexts and governance systems vary considerably amongst different countries.

#### Fixed ratios to pre-determined public sector or private sector positions

77. It would be inappropriate to benchmark the remuneration of public representatives against private sector positions. Determining the level of public office bearer remuneration against comparable public service positions would add little value. Public servants within the government administration do not have political accountability to the electorate.



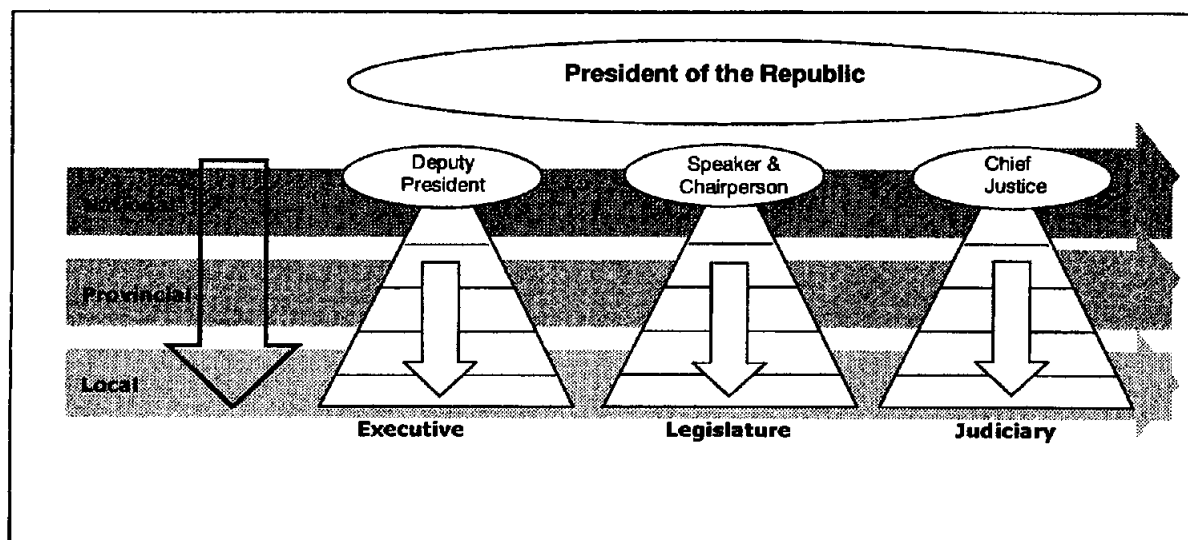
Remuneration relative to specific anchor position(s)

78. Linking remuneration of public office bearers relative to an anchor position(s) would be the most appropriate benchmarking option. The identification of an anchor position(s) should reflect the internal hierarchy, the separation of powers and shared powers across the three arms of government.
79. In the context of three separate but equal arms of State with exclusive as well as shared roles and functions, the equal remuneration of anchor positions in each arm would be one of the important considerations in maintaining the balance of power necessary for such a system to work effectively. The specific hierarchies within each arm, based on the specific powers, roles, functions and job impact of the different public office bearer positions should in turn form the basis for the determination of remuneration relative to the specific anchor position.
80. The determination of the appropriate grade and remuneration of the anchor positions (i.e. benchmarking the anchor positions) should be informed by the specific status, powers, roles, functions and job impact of the anchor positions. Benchmarking exercises for these anchor positions should also consider a cross section of positions of comparable seniority in the public and private sectors as well as international practice.
81. The following specific proposals were made in this regard:
- The unique position of the President as head of state and head of the national executive should be elevated to a position above and de-linked from all other State structures.
  - Each arm of state should have an anchor position for the benchmarking of remuneration of public office bearer positions in accordance with the

internal hierarchy of the arm. The following anchor positions could be considered:

- o Executive: The Deputy President
  - o Parliament: Speaker of NA and Chairperson of NCOP
  - o Judiciary: Chief Justice
- In keeping with the equal status of the three arms of state the grading and remuneration of the anchor positions should be equal across the three arms of government, as depicted in **Figure 6** below.

**Figure 6: Proposed anchor positions in the three arms of State**



82. It was proposed that the Commission should develop a formal job evaluation grading system for public office bearer positions for future application, in which it could use a combination of the factors listed in **Table 11** below.

**Table 11: Suggested job evaluation factors**

<b>Job Evaluation System</b>				
<b>JE Manager</b>	<b>Equate</b>	<b>Hay</b>	<b>Peromnes</b>	<b>Paterson</b>
Theoretical knowledge and application / Acquisition and application of knowledge	Knowledge	Know-how	Problem solving	Defined decisions
Skills acquisition and practice	Responsibility	Problem solving	Consequences of judgement	Automatic decisions
Judgement	Thinking demands	Accountability	Pressure of work	Routine decisions
Leadership / planning and management	Communication and contacts	Abnormal physical conditions	Job knowledge	Interpretive decisions
Communication	Environment		Job impact	Programming decisions
Job impact				Policy making decisions

83. The core principles that should be applied in determining the appropriate ratio between the remuneration of the anchor position and the lowest position in the hierarchy and between the consecutive positions in the hierarchy are:

- The ratio should reflect the smallest acceptable difference between the anchor position and the lowest position. This is in keeping with the contemporary view of flat organizational structures, particularly within bureaucracies.
- There should be an acceptable degree of consistency between the ratios of consecutive positions in the hierarchy except where the jobs carry markedly different powers, roles, functions and responsibilities.

84. Retirement benefits for political office bearers have always been a bone of contention. The present pension fund for Members of Parliament is what is known as a "defined contribution fund". What are defined is the contribution by the member and the contribution by the employer, in this case the state. Even though the state's contribution of 22.5% can be seen as adequate it only applies for as long as a member remains a member.

85. The submission proposes that members should receive pension benefits in terms of an upward sliding scale on the basis of the length of tenure of the office-bearer, as well as a gratuity upon termination of office.
86. The submission includes an international comparative overview of the remuneration and benefits of members of parliament, which is attached to the main report as **Annexure L**. This submission was taken into consideration as part of the Commission's research on international office-bearer remuneration practices

#### JUDICIARY

87. The judiciary made a number of valuable submissions to the Commission. The primary submission postulated that the judiciary is under-paid and has been under-paid for a long time, which has the effect that a judicial appointment is becoming ever less attractive.
88. Although the judiciary has co-governance responsibilities imposed by the Constitution, it is a separate arm of government and has unique characteristics. The most important unique characteristic is the duty to dispense justice, independently and without fear or favour. There must be an appropriate correlation between judicial remuneration and the salaries paid in other arms of government on the one hand, and in the private practice on the other. Further, consideration must be given to the professional qualifications required for a position in the judiciary and the source of judicial appointments. It is accepted that the judicial salary should be "discounted" for public service. However, the discount should not be so great that it becomes a disincentive to a suitable and competent person for appointment in the position.
89. Generally speaking, salary structures should be such as to attract suitable persons with the required competence and experience. There is indeed no

single proper comparative, by reference to which the judicial salaries can be determined. It would be difficult to evaluate positions in the judiciary by using conventional job evaluation methods. The judiciary is not an organization where a judge follows a particular career path. All judges do essentially the same "job". Although benchmarking against the private sector may not be appropriate, it is important to consider the different salary levels from the view of attracting suitable talent.

90. It was urged upon the Commission to conclude its task without any delay, and that the Commission's recommendations should be implemented with effect from the new fiscal year.
91. The retirement benefit which members of the judiciary enjoy is an indispensable part of providing security for tenure of an independent judiciary, comprising judges of integrity, and is a vital component of democracy.

#### STATUTORY CONSULTATIONS

92. At different stages of the job profiling, evaluation and grading, the Commission had the benefit of the views of the Minister of Finance, Minister of Justice and Constitutional Development and the Chief Justice or their nominees. None of these consultations are a substitute for the statutory duty to place the draft report before them for their considered view before the Commission formulates its final recommendations.

#### STATEMENT OF UNDERLYING PRINCIPLES

93. Ahead of review results and recommendations, the Commission has formulated a set of underlying principles it has utilised in exercising the

discretion and responsibility conferred on it by the Constitution and legislation to make recommendations on the salaries, allowances and benefits of defined public office bearers. They are not a substitute for but are rather drawn from requirements set by the Constitution and applicable legislation. They reflect the effort of the Commission to arrive at principled but practical guidelines for determining equitable remuneration. For some of the underlying considerations, the Commission is indebted to submissions proffered by stakeholders such as the executive, legislature, judiciary and traditional leaders. Other principles suggested themselves from the research and deliberations of the Commission.

94. The principles fall into two interrelated classes. The first set of principles is overarching and is drawn from the objectives and values of our constitutional democracy. The second category of principles are be practical guides in formulating a just remuneration dispensation. None of these principles are intended to be exhaustive or scientifically exact. The Commission, like the remuneration committee of any enterprise, has to evaluate all relevant considerations and in the end bring sound judgement to bear on what is a fair and justifiable remuneration dispensation

#### FIRST PRINCIPLES

95. The primary object of the remuneration scheme envisaged by the Constitution and operative law is to entrench good governance in order to protect and advance democracy, fundamental rights and freedoms and social justice.
96. Public office bearers are there to serve the people. They assume and hold power in the name of the people. Those who assume office through the ballot may continue to hold it only for so long as the electorate allows them. Therefore, the manner in which public office bearers are remunerated must not only be in accordance with the law but must also be open and justifiable

in the context of our history, constitutional and legislative scheme and the political and social context which obtain within the country.

97. Remuneration of people who hold public office is a matter of constitutional importance and of legitimate public interest. Public office bearers are amongst the most prominent and indispensable agents of the new democratic order. They are entrusted with the duty to achieve important constitutional and social goals. Equally, if not more importantly, public office bearers, in their diverse roles and obligations must serve to 'improve the quality of life of all citizens and free the potential of each person'.<sup>16</sup> The implication of the authority they wield is that the remuneration policy the Commission opts for should support the substantive and strategic thrust of our constitutional scheme at every appropriate level of state function or administration.
98. One of the organising principles of our Constitution is the separation of powers across the three principal arms of government. The legislative authority of the national sphere of government is vested in Parliament; of the provinces is vested in the provincial legislature and of the local authority is vested in the municipal councils.<sup>17</sup> On the other hand, the executive authority of the Republic is vested in the President together with the other members of the cabinet.<sup>18</sup> Similarly, judicial authority of the Republic is vested in the courts.<sup>19</sup> Although our notion of separation of powers may not be absolute,<sup>20</sup> the Constitution allocates to each arm of the state specified powers and does not permit unauthorised trespass. The architecture of our remuneration scheme must enhance rather than impede separation of powers and, when appropriate, the proper and independent functioning of each arm of government.

<sup>16</sup> Preamble to the Constitution.

<sup>17</sup> Section 43 of the Constitution

<sup>18</sup> Section 85 of the Constitution

<sup>19</sup> Section 166 of the Constitution

<sup>20</sup> see for instance chapter 2 on Co-operative Government

99. Therefore positions in each arm of the state must be evaluated and graded and benchmarked vertically and internally. Each arm of government (or if you will, each institutional silo) must in the end display a rational ranking, internal cohesion and equity. Horizontal comparisons of roles in different silos present enormous challenges. Whilst the comparison may be done in a few instances, generally legislative, judicial and executive roles cannot be helpfully compared, graded and benchmarked.
100. The enquiry whether the remuneration of public office bearers is appropriate hinges on several important factors. One salient aspect is whether the different levels of remuneration are affordable in relation to available state resources and other, perhaps equally deserving, claims on the public purse. One such claim which is deeply embedded in our uneven past relates to reconstruction and development, to equalising opportunity, to creating sustainable jobs, to the systematic destruction of poverty, and endemic ill-health. What is clear is that the remuneration scheme for public office bearers must be affordable and within the means of the national treasury.
101. Transparency in the conduct of public affairs is one of the central values of our constitutional democracy. It is closely allied to another pivotal constitutional principle, namely accountability. Public office bearers must be held to account for their conduct including whether their remuneration is justified. That can happen only if there is openness. These values taken together are a crucial antidote against abuse of public power and public funds. It is therefore legitimate to ask whether public office bearers ensure and deliver to the people of this country proper governance; whether the citizenry gets value for its money, or an adequate return of clean, effective and good government.
102. The very creation and role of an independent commission on remuneration originates from the Constitution and other law. Therefore, the process by which remuneration is set must be lawful, open and fair and the substance



of the recommendations on remuneration must be justifiable and equitable in relation to all relevant factors.

103. The purpose of the constitutional and legislative provisions establishing a remuneration commission is to arrive at a fair remuneration dispensation for public office bearers. The Commission is duty bound to furnish the decision makers on remuneration independent and unbiased suggestions on pay dispensation and in so doing prevent self-serving decisions by beneficiaries of the remuneration framework. The additional object of the provision is to avoid a conflict of interests concerning the fixing of the remuneration of public office bearers by entrusting the recommendations on remuneration to an independent constitutional body.
104. Implicit in all these principles is the requirement that public office bearers must have the competences and abilities demanded by the offices they hold. Therefore in theory and hopefully in practice there must be an appropriate relationship between the job content, complexity and competence, on the one side, and the size of the remuneration, on the other.
104. Without fail, every public office bearer must obey, uphold and protect the Constitution and all other law and must perform her or his functions diligently and to the best of her or his ability.<sup>21</sup> So in order to ascertain the powers functions and duties of a public office bearer and the complexity of the decisions he or she has to make, one looks at the Constitution and the operative legislation. Again, public office bearer jobs are graded or ranked relative to other positions in the relevant state institutions on the basis of the complexity and impact of their constitutional and legislative responsibilities. Therefore, the subjective opinions of incumbents on the job content and grading may be helpful but certainly not decisive.

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<sup>21</sup> Oaths and Solemn Affirmations in Schedule 2 of the Constitution.

106. The operative legislation commands us to consider current principles and levels of remuneration in society in general before making recommendations. A typical remuneration philosophy suited to a corporate or business environment would ordinarily require that the remuneration (a) be transparent; (b) be justifiable; (c) be market related; (d) be performance driven; and (e) be able to attract and retain skilled and competent staff.
107. We have already emphasised that remuneration arrangements for public office bearers must be **accessible** to the public and be decided openly.
108. The remuneration of a public office bearer, as in the private and other sectors, must be **justifiable**. The remuneration package must be properly connected or related to the office bearer post. It must fit the purpose, duties, responsibilities, powers and activities attached to the position in the relevant institutions. The remuneration must be properly aligned to the relative rank or grading and status of the job in the state institution and must be assessed keeping in mind appropriate external comparators such as pay levels of comparable positions in public administration, organs of state, state-owned enterprises, non-governmental organisations, the private sector, foreign governments and public international institutions.
109. The Commission is obliged to take notice of market trends but does not embrace the private sector requirement that public office bearer remuneration must be **market related**. The subtext of this requirement is that market trends are beyond reproach. The Commission takes the view that whilst market trends are useful as part of a collection of comparators, it would be inappropriate to require public remuneration to be market driven. In fact it may be a breach of a vital principle of public service to equate what the market can bear on remuneration to what may be appropriate pay levels in the public sector. It must be emphasised that public office is not a place for material largesse or profit.

110. Ordinarily in the private sector remuneration is required to be **performance driven**. However matters are different in the domain of public office bearer remuneration. Office bearers in the same grade are deemed to be equal and are normally entitled to the same pay level despite their manifest unequal performance. This entrenched notion of entitlement to equal remuneration seems to be intolerant to performance based remuneration. The constraint is embedded in the so-called principle of parity of precedence.
111. In its work the Commission must observe and advance equal treatment and uniformity of salaries, allowances and benefits for positions adjudged to entail equal work and responsibility. Also the Commission must observe uniform norms and standards nationally. This principle is not beyond criticism. In fact it is often at odds with recognising and rewarding good performance and experience. The Commission has been confronted with submissions that suggest that cabinet portfolios should be remunerated differently and relative to the complexity of their tasks. Judges were unanimous in their submissions that performance related financial incentives and differentiation on grounds of judicial experience would be inconsistent with judicial independence. Submissions by parliament and provincial legislatures and by traditional leaders did not press for performance related remuneration.
112. However, the role of public office bearers presents a special challenge in setting appropriate performance outputs or targets. This is so because the roles require the exercise of a discretion or judgement in the public interest. Sometimes the decisions are driven by policy or political choices that are hard to measure as performance. For instance, one cannot reward or refuse to reward legislators for the way they craft or vote on legislation or the manner in which they oversee executive function. Equally, it would

be unacceptable to influence the decision making of members of the cabinet or of the judiciary.

113. The Commission recognises the salutary role of performance as a determinant of fair remuneration. Public office bearers too must perform their tasks dutifully and to the best of their skills and ability. However, the Commission accepts that the public power wielded by office bearers must be exercised as required by the Constitution and other law. Therefore no remuneration system, laudable as its objects may be, should bear the potential to undermine the proper or lawful exercise of power which often requires sound judgment and discretion untainted by financial incentive. As a possible midway, the Commission considered recommending a performance incentive scheme within a fixed financial range at the behest of an executive head such as the president, premier or mayor. They would have the discretion whether to use the incentive scheme. The scheme is a derogation from the notion of parity and would require detailed workings before implementation.
114. It seems that at this stage the Commission has no option but to observe parity of precedence by not seeking to differentiate the remuneration levels of posts in the same category through performance criteria. For the Commission's part this is not the last word on this matter. It remains important to explore appropriate means of enhancing performance of public office bearers without limiting the proper fulfilment of duties imposed by law. It must be added that not all measured performance need be linked to financial reward. Quite often internal and external rating of performance and public disclosure of poor performance has a salutary effect.
115. Like any good employer, the state should have a remuneration system that is able to **attract and retain skilled and competent staff**. The immediate difficulty is that public office bearers are appointed in different ways and their tenures of office differ remarkably. Legislators at all spheres

of government are appointed from election lists of political parties and serve at best from election to election. Ordinarily, executives emerge from the ranks of politically elected lawmakers and remain so, but serve at the pleasure of the president or of the premier or of the mayor, as the case may be. Judges and magistrates may be appointed only if they have suitable academic qualifications and appropriate practical experience. They enjoy security of tenure as they are appointed until retirement and may be removed only through parliamentary impeachment or other prescribed procedure, in the case of magistrates. However, beyond family lineage traditional leaders do not seem to require set qualifications for appointment, and the term of office appears to be limitless.

116. Despite these vast differences, in each arm of government it is appropriate and necessary that the remuneration regime must strive, within reasonable limits, to attract and retain skilled and competent people who would want to pursue public life for the greater good. For the legislative and executive posts much depends on the competence and skill of candidates on party election lists. On the other hand, judicial officers are appointed mainly from the ranks of the practising legal profession and law academics. Be that as it may, should the remuneration scheme in each arm of government fail to attract and retain good office bearers in the public space, our democracy, in time, will falter. In much the same way, the most appropriate public office bearer remuneration structure should not allow heads and other senior office bearers in each institution to aspire to positions in other arms of government. Such aspirations at the top level of an institution will inevitably weaken the institution, and ultimately our democracy. It is therefore important to create parity at the levels of heads of the respective arms of government, despite possible differences in role complexity and extent. This is necessary in order to achieve the equal institutional strength, integrity and co-governance, as directed by the Constitution.

SECOND PRINCIPLES

117. All public office bearers should receive justifiable and equitable remuneration in accordance with their respective responsibilities.
118. The primary source of the respective responsibilities of public office bearers is the Constitution and other law. Therefore their provisions override the subjective views of incumbents over their role, status duties and responsibilities. The Commission however acknowledges that roles may become customised by incumbents. That explains why at the beginning of this process we compiled job profiles on an interactive basis. We took into consideration the job descriptions of incumbents. However, for purposes of grading we relied on the Constitution and the law where the job profiles provided by the incumbents were different.
119. The Commission examined the most common grading tools in the private sector. It also examined the grading system utilised by the Senior Management Service. In our view, none were appropriate for the task at hand. Market grading systems are clearly useful, and the Commission has in fact used Peromnes for the purpose of grading and comparing pay levels. However, market grading systems fail to capture the complexity and nuances of public roles. On the other hand, senior members of the public service do not carry the stewardship responsibility and accountability toward the electorate. Simply put, senior public servants do not bear the burden of political accountability to the electorate and of broad policy formulation and directional leadership, which lies with elected leaders.
120. The Commission has developed a customised and eclectic grading system. It has adopted appropriate job attributes measured in widely used job grading systems in the private sector. In addition, when appropriate, it has relied on existing objective criteria used to distinguish job sizes, for example, the hierarchy within judicial institutions; the hierarchy between the president and deputy ministers or the authority, impact and influence of

a position within legislatures. Another objective criterion derives from institutional relativity. The position of an institution relative to others in our constitutional scheme tells much about the size of the job, and the status and protocol it should enjoy.

121. The job attributes the Commission relied upon are:

- The role, status, duties and responsibilities of the office bearer concerned;
- Problem solving and decision making;
- Job impact and consequences of decision making;
- Leadership planning and management;
- Accountability;
- Policy making decisions;
- Pressure of work; and
- Knowledge, its acquisition and application.

122. The Commission has not quantified any of these job factors nor do we consider it appropriate to do so. However, it goes without saying that ordinarily an office bearer position which engages most or all of these evaluative factors will enjoy a grading higher than a post which does not. In the end the grading the Commission opted for is an outcome of careful evaluation of all these factors in relation to each post. Happily so, the grading was put to stakeholders who expressed support.

123. We now turn to benchmarking, the process which engaged the Commission most. This is so because the options are multiple. As is already apparent, the Commission has declined to follow the proposals of our independent consultants that we benchmark the positions of public office bearers against only the national market trends. As a matter of principle, public office differs from private office. It bears repetition that business thrives on profit and material acquisition. Public office should be animated by public spiritedness, stewardship and accountability. The data we have explored earlier in graphs and figures sought to demonstrate that even if public

sector jobs are graded in the same manner as the private sector, the pay in business amounts to many times that of public sector remuneration. The data reveals the same trend in state owned enterprises. Their chief executives earn, on average, four to five times what the President earns. In conclusion the Commission will have regard to private sector trends but refuses to use this as the sole benchmark for the determination of remuneration of public office bearers. The Commission has scanned the international landscape. The comparisons of salaries of heads of state and of legislators elsewhere are informative but are not alone helpful in our cause.

124. Having evaluated all benchmarking options, the Commission has decided to link remuneration of public office bearers to anchor positions internal to the ranks of public office bearers.
125. Choosing an anchor position involves the following mechanical steps:
  - Defining the role;
  - Getting appropriate benchmarks;
  - Determining the anchor salary;
  - Reviewing the percentage gaps; and
  - Applying the percentage gaps through the grading scale.
126. The identification of public office bearers as anchor positions is premised on the internal hierarchy, the separation of powers and shared powers across the three arms of government. Our Constitution places a premium on three separate but equal arms of state with exclusive as well as shared roles and functions. It follows that each arm of the state should have an anchor position reflective of its internal hierarchy. It is just as clear that the remuneration of anchor positions in each arm should be equal. That parity of remuneration would be one of the important considerations in maintaining the balance of power necessary for our constitutional democracy to function effectively. The graded positions within each arm of



state should in turn form the basis for the determination of remuneration relative to the specific anchor position.

127. The Commission has determined the appropriate grade and remuneration of the anchor positions by using the job attributes and other grading factors we have discussed above. The fixing of remuneration levels for the anchor positions was done by considering the pay levels of a cross section of positions of comparable seniority in the public and private sectors as well as international practice.
128. The Commission turns to identifying the anchor position in each arm of state. The President is not an appropriate position to be used as anchor. He or she occupies a unique position. Although he or she is elected by parliament he or she ceases to be a member of parliament on election, and assumes the role of head of state and head of the national executive. The president carries unmatched influence and power of appointment across all arms of the state. The role of an anchor should not be so specialised and unique that it does not easily enable comparison to any other job. Moreover, if there is only one incumbent in the anchor position, the set of skills, requirements and capacities are so rare that they do not lend themselves to easy comparison with any other comparable private or public sector role. This adds unnecessary instability and subjectivity to the remuneration determination process.
129. Moreover, it is clear that best practice internationally is not to use the position of the President as the anchor. This is because of the political issues and sensitivities attached to this position.
130. The Commission takes the view that each arm of state should have an anchor position for the benchmarking of remuneration of public office bearer positions in accordance with the internal hierarchy of the arm. The following anchor positions have been selected:

- Executive: The Deputy President
- Parliament: Speaker of NA and Chairperson of NCOP
- Judiciary: Chief Justice

131. In keeping with the equal status of the three arms of state the grading and remuneration of the anchor positions should be equal across the three arms of government.

132. In determining the appropriate ratio between the remuneration of the anchor position and the lowest position in the grading of an arm of the state and between the consecutive positions in the hierarchy are:

- The ratio should reflect the smallest acceptable difference between the anchor position and the lowest position within the arm of state. This consideration accords with the progressive objective of flat organizational structures, particularly within bureaucracies.
- There should be an acceptable degree of consistency between the ratios of consecutive positions in the grading structure of an arm of government except where the jobs carry substantially different responsibilities.

## RESULTS AND RECOMMENDATIONS

133. In one of the key chapters of the report the Commission sets out the results and recommendations of the review. It records that it has completed comprehensive research to enable it to make recommendations, as is statutorily required, to the President and to Parliament, for the implementation of an integrated, fair and transparent total remuneration structure for all public office bearers in South Africa, as defined in relevant legislation. The process entailed completing job profiles, the grading and benchmarking of all public office bearer positions, and making recommendations on appropriate levels of remuneration. The report makes the following recommendations:

- The grading and remuneration tables for the different public office bearer groups should not be integrated into a single table which allows for vertical and horizontal comparison across the different groups, but should rather be differentiated in terms of characteristics unique to each of the following institutions:
  - National Executive and Deputy Ministers;
  - National Parliament;
  - Provincial Executives and Legislatures;
  - Local Government;
  - Traditional Leadership structures; and
  - The Judiciary (including the Magistracy).
- Grading and benchmarking of all public office bearer positions should be done scientifically on the basis of the job profiles of each position, contained in Annexure D.
- All public office bearer positions in the different institutions should be graded as indicated in **Tables 39 to 44** below.
- Public office bearers should be remunerated in terms of a total remuneration structure, in which the total remuneration received by such office bearer is:

- Transparent and comprehensive;
- Distinguished from the tools of trade that may be required for the office bearer to perform his or her duties effectively and efficiently;
- Flexible to the extent that the office bearer could structure the remuneration package according to their individual needs; and
- Fair and equitable in view of the specific requirements of the position.
- The practice of basing remuneration progression on a notch system is both archaic and counterproductive in terms of modern trends towards performance based remuneration. The Commission is therefore of the view that the current notch system of remuneration should be abolished in favour of salary ranges for each position, within which incumbents could progress on the basis of performance and achievement of institutional goals. The Commission intends to conduct research in the immediate future to enable it to make recommendations towards a performance based remuneration system for all public office bearers.
- The allowance granted to office-bearers in terms of section 8(1)(d) of the income Tax Act, 1962, which is meant to enable such an office-bearer to defray expenditure actually incurred by him or her in connection for the purpose of his or her office, in respect of secretarial services, duplicating services, stationery, postage, telephone calls, and office accommodation, has been unchanged for many years at R40 000 per annum. This is deemed to be inappropriate for the purpose of enabling an office-bearer to perform his or her duties efficiently and effectively. The Commission therefore recommends that such allowance be increased to R80 000 per annum, and that the allowance should strictly be used as is intended in the said section 8(1)(d), namely to enable individual office-bearers to defray those actual work-related expenses not otherwise recoverable.
- The structuring of the recommended total remuneration packages should include the following elements:
  - Basic salary component (60% of total package);
  - An amount of R80 000,00, as the amount to which section 8(1)(d) of the Income Tax Act, 1962, applies;

- o Pension benefit; and
  - o Flexible portion.
  - The rules relating to structuring of total remuneration packages should be similar to those in respect of senior management positions in public service.
  - The translation from the current public office bearer remuneration system to a system characterized by total remuneration packages should take effect from 01 April 2007.
  - The Commission plans to conduct a similar review of the allowances, benefits, and tools of trade that may be appropriate for public office bearers in the different institutions to be able to perform their duties effectively and efficiently. The review will include pension benefits and institutionally unique allowances due to public office bearers, which are currently perceived to be inadequate and inequitable. The aim of such a review would be to formalise a transparent record of the total remuneration (salaries, benefits and allowances) as well as the institutionally relevant tools of trade required by each public office bearer position to enable the incumbent to perform his or her duties efficiently and effectively.
134. Before the results and recommendations are set out in **Tables 39 to 44** below, it is appropriate to set out, in **Tables 16, 20, 24, 27, 32 and 38** below, the nature and extent of the respective recommendations. It is important to note the calculation of the current total remuneration package values in respect of each public office bearer position, as reflected in **Annexure H** to the report, which is copied below. The inclusion of basic salary, motor vehicle allowance, pension fund and medical aid contributions in the current total remuneration package values, reflects more accurately and transparently the full value of total remuneration packages currently paid to public office bearers in South Africa, than the current remuneration proclamations, which reflect only basic salaries and motor vehicle allowances. It is equally important to note that the Commission used the third notch as basis for calculation of current total remuneration packages, where notches apply, to establish a uniform basis for the same positions in

an institution. This has the result that those incumbents who are not yet remunerated on the third notch, would in effect receive a higher total percentage increase than those incumbents who are already paid in terms of the third notch. The percentages stated in the applicable tables below will therefore be understated in respect of those incumbents not yet on the third notch. It is however important to emphasize that the Commission did not consider the characteristics of the current incumbents to the different positions, but rather the positions itself, in its processes of job evaluation, grading and benchmarking.

## ANNEXURE H: CURRENT TOTAL REMUNERATION PACKAGES

### EXPLANATORY NOTE

The figures for basic salary and motor vehicle allowance in the tables below, are as reflected in the relevant Proclamations of 2006. The figures in respect of pension benefits were calculated at a rate of 22.5% of the basic salary, and represent the state's contribution to a pension fund in respect of the applicable public office bearer positions. The figures in respect of medical aid benefits have been calculated on either the maximum allowance by the state, or, in respect of Parmed contributions, on an assumed annual average state contribution for a main member who has one adult and two minor dependents.

### The Executive

Political Office	Grade	Notch	Basic Salary	MV allowance	Pension	Medical aid	Total Remuneration
President	H	1	886 078.56	295 359.44	7	7	1 181 438
Deputy President	G	1	778 754	194 688	175 220	40 278	1 188 940
Minister	F	1	643 589	160 898	144 807	40 278	989 572
		2	675 781	168 945	152 051	40 278	1 037 055
		3	707 956	176 988	159 290	40 278	1 084 512
Deputy Minister	E1	1	523 104	130 776	117 698	40 278	811 856
		2	549 264	137 315	123 584	40 278	850 441
		3	575 410	143 852	129 467	40 278	889 007

- The Remuneration of Public Office Bearers Act, 1998, determines that the National Assembly may determine by resolution upon the retirement or death of the President, the pension and other benefits payable to the President or dependants, as the case may be.
- Medical care is provided to the President by the state.

### National Assembly and NCOP

Political Office	Grade	Notch	Basic Salary	MV allowance	Pension	Medical aid	Total Remuneration
Speaker	F	1	643 589	160 898	144 807	40 278	989 572
Chairperson NCOP		2	675 781	168 945	152 051	40 278	1 037 055
		3	707 956	176 988	159 290	40 278	1 084 512
Deputy Speaker	E1	1	523 104	130 776	117 698	40 278	811 856
Deputy Chair NCOP		2	549 264	137 315	123 584	40 278	850 441
		3	575 410	143 852	129 467	40 278	889 007
Chief Whip Majority Party	E2	1	430 928	107 723	96 959	40 278	675 888
Chief Whip NCOP		2	452 478	113 120	101 808	40 278	707 684
PC: President		3	474 042	118 511	106 659	40 278	739 490
Leader of Opposition	D	1	409 433	102 358	92 122	40 278	644 191
PC: Dep President		2	438 097	109 524	98 572	40 278	686 471
House Chairperson		3	450 372	112 593	101 334	40 278	704 577
Chairperson of a Committee	C1	1	396 745	99 185	89 268	40 278	625 476
		2	424 512	106 128	95 515	40 278	666 433
		3	436 404	109 100	98 191	40 278	683 973
Chief Whip: Largest Minority Party	C2	1	384 497	96 124	86 512	40 278	607 411
Deputy Chief Whip: Majority Party		2	411 411	102 852	92 567	40 278	647 108
		3	422 947	105 736	95 163	40 278	664 124
Leader of Minority Party	B	1	368 746	92 258	82 968	40 278	584 250
Whip		2	387 485	96 870	87 184	40 278	611 817
		3	405 934	101 484	91 335	40 278	639 031
Member of NA	A1	1	328 252	82 063	73 857	40 278	524 450
Permanent Delegate: NCOP		2	351 239	87 810	79 029	40 278	558 356
		3	361 082	90 270	81 243	40 278	572 873

## Members of Executive Councils and Members of Provincial Legislatures

Political Office	Grade	Notch	Basic Salary	MV allowance	Pension	Medical aid	Total Remuneration
Premier	F	1	643 589	160 898	144 807	40 278	989 572
		2	675 781	168 945	152 051	40 278	1 037 055
		3	707 956	176 988	159 290	40 278	1 084 512
MEC Speaker	E1	1	523 104	130 776	117 698	40 278	811 856
		2	549 264	137 315	123 584	40 278	850 441
		3	575 410	143 852	129 467	40 278	889 007
Deputy Speaker	D	1	409 433	102 358	92 122	40 278	644 191
		2	438 097	109 524	98 572	40 278	686 471
		3	450 372	112 593	101 334	40 278	704 577
Chief Whip: Majority Party	C1	1	396 745	99 185	89 268	40 278	625 476
		2	424 512	106 128	95 515	40 278	666 433
		3	436 404	109 100	98 191	40 278	683 973
Leader of Opposition Chairperson of a Committee Chairperson of Committees	C2	1	384 497	96 124	86 512	40 278	607 411
		2	411 411	102 852	92 567	40 278	647 108
		3	422 947	105 736	95 163	40 278	664 124
Chief Whip: Largest Minority Party Deputy Chief Whip: Majority Party Deputy Chairperson of Committees	B	1	368 746	92 258	82 968	40 278	584 250
		2	387 485	96 870	87 184	40 278	611 817
		3	405 934	101 484	91 335	40 278	639 031
Parliamentary Counsel to the King Whip Leader of a Minority Party	A1	1	328 252	82 063	73 857	40 278	524 450
		2	351 239	87 810	79 029	40 278	558 356
		3	361 082	90 270	81 243	40 278	572 873
MPL	A2	1	316 132	79 032	71 130	40 278	506 572
		2	325 621	81 404	73 265	40 278	520 568
		3	347 755	86 938	78 245	40 278	553 216

## Traditional Leaders

Position	Total remuneration	Allowances (in addition to salaries as Traditional Leaders)
King / Paramount Chief	507 038	
Chief	121 702	
Chairperson NHTL	403 033	
Deputy Chairperson NHTL	349 875	
Full time Chairperson PHTL	369 035	
Full time Deputy Chairperson PHTL	328 252	
Member of the NHTL		709 per day of attendance
Part time Chairperson PHTL		843 per day of attendance
Part time Deputy Chairperson PHTL		758 per day of attendance
Part time Member of a PHTL		588 per day of attendance



## Judiciary

Official Position	Basic Salary	MV allowance	Medical aid	Pension	Total Remuneration
Chief Justice	769 995	224 029	40 278	58 061	1 092 363
Deputy Chief Justice	757 015	224 029	40 278	57 082	1 078 404
President of the SCA	757 015	224 029	40 278	57 082	1 078 404
Deputy President of the SCA	744 877	224 029	40 278	56 167	1 065 351
Judge of the Constitutional Court	708 811	224 029	40 278	53 447	1 026 565
Judge of the SCA	708 811	224 029	40 278	53 447	1 026 565
Judge President of the High Court	704 475	224 029	40 278	53 120	1 021 902
Judge President of the Labour Court	704 475	224 029	40 278	53 120	1 021 902
Deputy Judge President of the High Court	693 138	224 029	40 278	52 265	1 009 710
Deputy Judge President of the Labour Court	693 138	224 029	40 278	52 265	1 009 710
Judge of the High Court	687 904	224 029	40 278	51 871	1 004 082
Judge of the Labour Court	687 904	224 029	40 278	51 871	1 004 082

## Magistrates

Official Position	Basic Salary	13 <sup>th</sup> cheque	Vehicle allowance	Medical aid	Housing	Pension	Total Remuneration
Special Grade Chief Magistrate	434 955	36 246	126 736	15 600	4 488	56 544	674 569
Regional Court President	434 955	36 246	126 736	15 600	4 488	56 544	674 569
Chief Magistrate	351 329	29 277	103 484	15 600	4 488	45 673	549 851
Regional Magistrate	351 329	29 277	103 484	15 600	4 488	45 673	549 851
Senior Magistrate	317 873	26 489	79 468	15 600	4 488	41 323	485 242
Magistrate	289 167	24 097	72 292	15 600	4 488	37 592	443 236

## Local Government: Grade 6 Municipality

Official Position	Basic	Vehicle allowance	Pension	Medical aid	Cellular phone	Total Remuneration
Executive Mayor	510 114	170 038	76 517	12 168	25 380	794 217
Mayor	510 114	170 038	76 517	12 168	25 380	794 217
Deputy Executive Mayor	408 092	136 030	61 214	12 168	12 684	630 188
Speaker / Chairperson	408 092	136 030	61 214	12 168	12 684	630 188
Deputy Mayor	408 092	136 030	61 214	12 168	12 684	630 188
MEC	382 586	127 528	57 388	12 168	12 684	592 354
Chairperson of Sub Council	382 586	127 528	57 388	12 168	12 684	592 354
MMC	382 586	127 528	57 388	12 168	12 684	592 354
Whip	382 586	127 528	57 388	12 168	12 684	592 354

\* Office-bearers receive a cellular phone allowance as part of the guaranteed cash portion of their salaries.

**Table 16: Recommended remuneration Table for National Executive and Deputy Ministers**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	SEC 8(1)(d) ALLOWANCE	INCREASE IN REMUNERATION	PROPOSED TOTAL REMUNERATION	DIFFERENCE	PERCENTAGE CHANGE		NO OF POSTS	TOTAL COST	EXPLANATION
								Sec 8(1)(d) Allowance	Remuneration			
EA	1	President ***	1 181 438	80 000	676 962	1 898 400	716 962	100	57.30	1	716 962	A + 10%
EB	1	Deputy President	1 188 940	80 000	479 660	1 708 600	519 660	100	40.34	1	519 660	Anchor (A)
EC	1	Minister	1 084 512	80 000	327 788	1 452 300	367 788	100	30.22	26	9 562 488	A - 15%
ED	1	Deputy Minister	889 007	80 000	266 993	1 196 000	306 993	100	30.03	21	6 446 853	A - 30%
		TOTAL COST IMPLICATION									17 245 963	

- \* The value of current total remuneration packages have been calculated as set out in Annexure H, and include basic salary, motor vehicle allowance, pension and medical aid benefits.
- \* The basis for current package values is the total remuneration in the third notch. The % change stated above will therefore be understated in respect of those incumbents who are not currently remunerated in terms of the third notch.
- \*\* This allowance represents an increase from the current level of R40 000 per annum, which amount is included in the calculation of the current package in the previous column.
- \*\*\* The current package of the President appears less than that of the Deputy President because the remuneration of the Deputy President includes a medical and pension benefit, whereas the President's medical and pension benefits are regulated by a separate legislative provision, and are not included in his package reflected in the table.

**Table 20: Recommended Remuneration Table for National Parliament**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	SEC 8(1)(d) ALLOWANCE	INCREASE IN REMUNERATION	PROPOSED TOTAL REMUNERATION	DIFFERENCE	PERCENTAGE CHANGE		NO OF POSTS	TOTAL COST	EXPLANATION
								Sec 8(1)(d) Allowance	Remuneration			
PA	1	Speaker: NA	1 084 512	80 000	584 088	1 708 600	624 088	100	53.85	1	624 088	Anchor (A)
		Chairperson: NCOP	1 084 512	80 000	584 088	1 708 600	624 088	100	53.85	1	624 088	
PB	1	Deputy Speaker: NA	889 007	80 000	265 993	1 196 000	306 993	100	30.03	1	306 993	A - 30%
		Deputy Chairperson: NCOP	889 007	80 000	265 993	1 196 000	306 993	100	30.03	1	306 993	
	2	House Chairperson	704 577	80 000	366 023	1 110 600	406 023	100	51.95	3	1 218 069	A - 35%
PC	1	Chief Whip: Majority Party	739 490	80 000	160 210	939 700	200 210	100	21.66	1	200 210	A - 45%
		Chief Whip: NCOP	739 490	80 000	160 210	939 700	200 210	100	21.66	1	200 210	
		Parliamentary Counsel: President	739 490	80 000	160 210	939 700	200 210	100	21.66	1	200 210	
		Parliamentary Counsel: Deputy President	739 490	80 000	160 210	939 700	200 210	100	21.66	1	200 210	
		Leader of Opposition	739 490	80 000	160 210	939 700	200 210	100	21.66	1	200 210	
	2	Chairperson of a Committee	683 973	80 000	130 327	854 300	170 327	100	19.05	48	8 175 696	A - 50%
PD	1	Deputy Chief Whip: Majority Party	654 124	80 000	64 776	768 900	104 776	100	9.75	1	104 776	A - 55%
		Chief Whip: Largest Minority Party	654 124	80 000	64 776	768 900	104 776	100	9.75	1	104 776	
		Leader of a Minority Party	654 124	80 000	64 776	768 900	104 776	100	9.75	14	1 466 864	
	2	Whip	639 031	80 000	34 489	713 500	74 469	100	5.40	53	3 948 857	5.4% increase + allowance increase
PE	1	Member: NA	572 873	80 000	30 927	643 800	70 927	100	5.40	298	21 136 246	5.4% increase + allowance increase
		Permanent Delegate: NCOP	572 873	80 000	30 927	643 800	70 927	100	5.40	27	1 915 029	
		TOTAL COST IMPLICATION									40 931 525	

- \* The value of current total remuneration packages have been calculated as set out in Annexure H, and include basic salary, motor vehicle allowance, pension and medical aid benefits.
- \* The basis for current package values is the total remuneration in the third notch. The % change stated above will therefore be understated in respect of those incumbents who are not currently remunerated in terms of the third notch.
- \*\* This allowance represents an increase from the current level of R40 000 per annum, which amount is included in the calculation of the current package in the previous column.

**Table 24: Recommended Remuneration Table for Provincial Legislatures**

GRADE	PAY LEVEL	POSITION	* CURRENT PACKAGE	** SEC 8(1)(d) ALLOWANCE	INCREASE IN REMUNERATION	PROPOSED TOTAL REMUNERATION	DIFFERENCE	PERCENTAGE CHANGE		EXPLANATION
								Sec 8(1)(d) Allowance	Remuneration	
LA	1	Premier	1 084 512	80 000	242 388	1 366 900	282 388	100	22.35	A - 20%
LB	1	MEC	889 007	80 000	266 993	1 196 000	306 993	100	30.03	A - 30%
		Speaker	889 007	80 000	266 993	1 196 000	306 993	100	30.03	
LC	1	Deputy Speaker	739 490	80 000	160 210	939 700	200 210	100	21.66	A - 45%
	2	Chairperson of Committees	664 124	80 000	64 776	768 900	104 776	100	9.75	A - 55%
		Chief Whip: Majority Party	664 124	80 000	64 776	768 900	104 776	100	9.75	
		Leader of Opposition	664 124	80 000	64 776	768 900	104 776	100	9.75	
	3	Deputy Chairperson of Committees	639 031	80 000	44 369	723 400	84 369	100	6.94	A - 60%
		Chairperson of a Committee	639 031	80 000	44 369	723 400	84 369	100	6.94	
		Deputy Chief Whip: Majority Party	639 031	80 000	44 369	723 400	84 369	100	6.94	
		Chief Whip: Largest Minority Party	639 031	80 000	44 369	723 400	84 369	100	6.94	
		Leader of a Minority Party	639 031	80 000	44 369	723 400	84 369	100	6.94	
LD	1	Parliamentary Counsel to a King	572 873	80 000	30 927	643 800	70 927	100	5.4	5.4% increase + allowance increase
		Whip	572 873	80 000	30 927	643 800	70 927	100	5.4	
	2	MPL	553 216	80 000	29 884	623 100	69 884	100	5.4	5.4% increase + allowance increase

\* The value of current total remuneration packages have been calculated as set out in Annexure H, and include basic salary, motor vehicle allowance, pension and medical aid benefits.

\* The basis for current package values is the total remuneration in the third notch. The % change stated above will therefore be understated in respect of those incumbents who are not currently remunerated in terms of the third notch.

\*\* This allowance represents an increase from the current level of R40 000 per annum, which amount is included in the calculation of the current package in the previous column.

**Table 27: Total Remuneration Table for members of Local Government institutions**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	SEC 8(1)(d) ALLOWANCE	INCREASE IN REMUNERATION	PROPOSED TOTAL REMUNERATION	DIFFERENCE	PERCENTAGE CHANGE		EXPLANATION
								Sec 8(1)(d) Allowance	Remuneration	
MA	1	Executive Mayor	680 152	80 000	36 748	756 900	76 748	100	5.40	5.4% increase + allowance increase
		Mayor	680 152	80 000	36 748	756 900	76 748	100	5.40	
MB	1	Deputy Executive Mayor	544 122	80 000	29 378	613 500	69 378	100	5.40	5.4% increase + allowance increase
		Speaker / Chairperson	544 122	80 000	29 378	613 500	69 378	100	5.40	
		Deputy Mayor	544 122	80 000	29 378	613 500	69 378	100	5.40	
MC	2	MEC	510 114	80 000	27 586	577 700	67 586	100	5.40	5.4% increase + allowance increase
		MMC	510 114	80 000	27 586	577 700	67 586	100	5.40	
		Chairperson of a sub-council	510 114	80 000	27 586	577 700	67 586	100	5.40	
		Whip	510 114	80 000	27 586	577 700	67 586	100	5.40	
MD	1	Municipal Councillor	238 053	80 000	12 847	290 900	52 847	100	5.40	5.4% increase + allowance increase

- \* The value of current total remuneration packages have been calculated as set out in Annexure H, and include basic salary, motor vehicle allowance, cellular phone allowance, pension and medical aid benefits.
- \* The basis for current package values is the total remuneration in the third notch. The % change stated above will therefore be understated in respect of those incumbents who are not currently remunerated in terms of the third notch.
- \*\* This allowance represents an increase from the current level of R40 000 per annum, which amount is included in the calculation of the current package in the previous column.

**Table 32: Recommended Remuneration Table for Traditional Leaders**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	PROPOSED PACKAGE	DIFFERENCE	% CHANGE	NO. OF POSTS	TOTAL COST	EXPL
TA	1	King	507 038	590 400	83 362	16.44	12	1 000 344	Anchor (A)
TB	1	Chairperson: NHTL	403 033	501 800	98 767	24.51	1	98 767	A - 15%
	2	Chairperson: PHTL	369 035	413 300	44 265	11.99	6	265 590	A - 30%
	3	Deputy Chairperson: NHTL *	349 875	383 800	33 925	9.7	1	33 925	A - 35%
	4	Deputy Chairperson: PHTL *	328 252	354 200	25 948	7.9	6	155 688	A - 40%
TC	1	Member: NHTL *	121 702	206 600	84 898	69.76	16	1 358 368	A - 65%
	2	Member: PHTL *	121 702	177 100	55 398	45.52	192	10 636 416	A - 70%
TD	1	Senior Traditional Leader	121 702	129 900	8 198	6.74	760	6 230 480	A - 78%
	2	Headman	0	0	0	0	20 000	0	
TOTAL COST IMPLICATION **								19 779 578	

\* Part-time office bearers will only receive current allowances plus 5.40%

\*\* Total cost implication will be minimised as a result of the number of part-time office bearers, and current expenditure on allowances

\*\*\* The value of current total remuneration packages have been calculated as set out in Annexure H.

**Table 38: Recommended Remuneration Table for the Judiciary**

TOTAL REMUNERATION TABLE: JUDICIARY									
GRADE	PAY	POSITION	CURRENT	PROPOSED	DIFFERENCE	%	NO. OF	TOTAL	EXPL
	LEVEL		PACKAGE	PACKAGE		CHANGE	POSTS	COST	
JA	1	Chief Justice	1 034 302	1 708 600	674 298	65.19	1	674 298	Anchor (A)
JB	1	Deputy Chief Justice	1 021 322	1 537 700	516 378	50.56	1	516 378	A - 10%
		President: SCA	1 021 322	1 537 700	516 378	50.56	1	516 378	
JC	1	Deputy President: SCA	1 009 184	1 452 300	443 116	43.91	1	443 116	A - 15%
	2	Judge: Constitutional Court	973 118	1 366 900	393 782	40.47	9	3 544 038	A - 20%
		Judge: SCA	973 118	1 366 900	393 782	40.47	19	7 481 858	
	3	Judge President: High/Labour Court	968 782	1 281 500	312 718	32.28	9	2 814 462	A - 25%
	4	Deputy Judge President: High/Labour Court	957 445	1 196 000	238 555	24.92	9	2 146 995	A - 30%
	5	Judge: High/Labour Court	952 211	1 110 600	158 389	16.63	131	20 748 959	A - 35%
JD	1	Special Grade Chief Magistrate	680 779	786 900	88 121	12.94	1	88 121	A - 55%
		Regional Court President	680 779	786 900	88 121	12.94	10	881 210	
JE	1	President: Divorce Court	554 391	683 400	129 009	23.27	3	387 027	A - 60%
		Regional Magistrate	554 391	683 400	129 009	23.27	318	41 024 862	
		Chief Magistrate	554 391	683 400	129 009	23.27	26	3354 234	
	2	Presiding Officer: Divorce Court	554 391	632 200	77 809	14.04	5	389 045	A - 63%
JF	1	Senior Magistrate	489 114	563 800	74 686	15.27	160	11 949 760	A - 67%
JG	1	Magistrate	446 535	512 600	66 065	14.80	1 388	91 698 220	A - 70%
TOTAL COST IMPLICATION								188 658 961	

\* The current package does not include pension benefits, that are separately regulated by the Judges' Remuneration and Conditions of Employment Act, 2001.

**Table 39: Recommended grading and remuneration table for National Executive and Deputy Ministers**

GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION
EA	1	President	1 898 400
EB	1	Deputy President	1 708 600
EC	1	Minister	1 452 300
ED	1	Deputy Minister	1 196 000

**Table 40: Recommended grading and remuneration table for National Parliament**

GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION
PA	1	Speaker: NA	1 708 600
		Chairperson: NCOP	1 708 600
PB	1	Deputy Speaker: NA	1 196 000
		Deputy Chairperson: NCOP	1 196 000
	2	House Chairperson	1 110 600
PC	1	Chief Whip: Majority Party	939 700
		Chief Whip: NCOP	939 700
		Parliamentary Counsel: President	939 700
		Parliamentary Counsel: Deputy President	939 700
		Leader of Opposition	939 700
	2	Chairperson of a Committee	854 300
PD	1	Deputy Chief Whip: Majority Party	768 900
		Chief Whip: Largest Minority Party	768 900
		Leader of a Minority Party	768 900
	2	Whip	713 500
PE	1	Member: NA	643 800
		Permanent Delegate: NCOP	643 800



**Table 41: Recommended grading and remuneration table for Provincial Executives and Legislatures**

GRADE	PAY LEVEL	POSITION	UPPER LIMIT OF TOTAL REMUNERATION
LA	1	Premier	1 366 900
LB	1	MEC	1 196 000
		Speaker	1 196 000
LC	1	Deputy Speaker	939 700
	2	Chairperson of Committees	768 900
		Chief Whip: Majority Party	768 900
		Leader of Opposition	768 900
	3	Deputy Chairperson of Committees	723 400
		Chairperson of a Committee	723 400
		Deputy Chief Whip: Majority Party	723 400
		Chief Whip: Largest Minority Party	723 400
		Leader of a Minority Party	723 400
LD	1	Parliamentary Counsel to a King	643 800
		Whip	643 800
	2	MPL	623 100

**Table 42: Recommended grading and remuneration table for Local Government**

GRADE	PAY LEVEL	POSITION	UPPER LIMIT OF TOTAL REMUNERATION
MA	1	Executive Mayor	756 900
		Mayor	756 900
MB	1	Deputy Executive Mayor	613 500
		Speaker / Chairperson	613 500
		Deputy Mayor	613 500
MC	2	MEC	577 700
		MMC	577 700
		Chairperson of a sub-council	577 700
		Whip	577 700
MD	1	Municipal Councillor	290 900

**Table 43: Recommended grading and remuneration table for Traditional Leadership structures**

GRADE	PAY LEVEL	FULL TIME POSITIONS	TOTAL REMUNERATION
TA	1	King	590 400
TB	1	Chairperson: NHTL	501 800
	2	Full time Chairperson: PHTL	413 300
	3	Deputy Chairperson: NHTL	383 800
	4	Full time Deputy Chairperson: PHTL	354 200
TC	1	Full time Member: NHTL	206 600
	2	Full time Member: PHTL	177 100
TD	1	Senior Traditional Leader	129 900
	2	Headman	0
GRADE	PAY LEVEL	PART TIME POSITIONS *	SITTING ALLOWANCE
/	/	Part time Member: NHTL	R744 per day
/	/	Part time Chairperson: PHTL	R885 per day
/	/	Part time Deputy Chairperson: PHTL	R796 per day
/	/	Part time Member: PHTL	R617 per day

\* 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.

**Table 44: Recommended grading and remuneration table for the Judiciary**

GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION
JA	1	Chief Justice	1 708 600
JB	1	Deputy Chief Justice	1 537 700
		President: SCA	1 537 700
JC	1	Deputy President: SCA	1 452 300
	2	Judge: Constitutional Court	1 366 900
		Judge: SCA	1 366 900
	3	Judge President: High/Labour Court	1 281 500
	4	Deputy Judge President: High/Labour Court	1 196 000
	5	Judge: High/Labour Court	1 110 600
JD	1	Special Grade Chief Magistrate	768 900
		Regional Court President	768 900
JE	1	President: Divorce Court	683 400
		Regional Magistrate	683 400
		Chief Magistrate	683 400
	2	Presiding Officer: Divorce Court	632 200
JF	1	Senior Magistrate	563 800
JG	1	Magistrate	512 600

**THE INDEPENDENT COMMISSION  
FOR THE REMUNERATION  
OF  
PUBLIC OFFICE BEARERS**



**RECOMMENDATIONS  
ON THE REMUNERATION  
OF PUBLIC OFFICE BEARERS**

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

I have the honour to submit to you, in terms of section 8(4) of the Independent Commission for the Remuneration of Public Office Bearers Act, 1997 (Act No. 92 of 1997), the recommendations of this Commission following a major review of the remuneration structures and practices relating to all public office bearer positions in the Republic of South Africa.

Yours sincerely

Justice Dikgang Moseneke  
Chairperson

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

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## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>6</b>
<b>DEFINITIONS AND KEY CONCEPTS.....</b>	<b>10</b>
PUBLIC OFFICE BEARER.....	10
REMUNERATION.....	11
TOOLS OF TRADE.....	11
TOTAL REMUNERATION PACKAGE.....	12
<b>HISTORY OF THE COMMISSION AND A BACKGROUND TO THE DETERMINATION OF PUBLIC OFFICE BEARER REMUNERATION .....</b>	<b>13</b>
<b>THE NEED FOR A REVIEW OF PUBLIC OFFICE BEARER REMUNERATION .....</b>	<b>19</b>
<b>REVIEW METHODOLOGY .....</b>	<b>24</b>
JOB PROFILING.....	26
JOB GRADING.....	28
BENCHMARKING .....	32
LEVELS OF REMUNERATION PACKAGES.....	38
<b>STAKEHOLDER AND PUBLIC COMMENT.....</b>	<b>40</b>
SUBMISSIONS MADE BY THE THREE ARMS OF GOVERNMENT .....	41
INTERNATIONAL RESEARCH .....	49
<b>COMMISSION'S STATEMENT OF UNDERLYING PRINCIPLES, AND OBJECTIVES IN DETERMINING PUBLIC OFFICE BEARER REMUNERATION...</b>	<b>64</b>
FIRST PRINCIPLES.....	64
SECOND PRINCIPLES.....	71
<b>REVIEW RESULTS.....</b>	<b>77</b>
<b>THE NATIONAL EXECUTIVE AND DEPUTY MINISTERS .....</b>	<b>78</b>
JOB PROFILING.....	78
JOB GRADING.....	78
BENCHMARKING .....	79
PAY LEVELS .....	82
<b>POSITIONS IN THE LEGISLATIVE AUTHORITIES .....</b>	<b>84</b>
PARLIAMENT.....	84
PROVINCIAL LEGISLATURES.....	93
LOCAL GOVERNMENT.....	103

<b>TRADITIONAL LEADERSHIP POSITIONS.....</b>	<b>110</b>
JOB PROFILING .....	110
JOB GRADING .....	111
BENCHMARKING .....	112
PAY LEVELS .....	115
<b>POSITIONS IN THE JUDICIAL AUTHORITY.....</b>	<b>120</b>
JOB PROFILING .....	121
JOB GRADING .....	124
BENCHMARKING .....	126
PAY LEVELS .....	131
<b>SUMMARY OF RESULTS AND RECOMMENDATIONS.....</b>	<b>139</b>
<b>TOOLS OF TRADE.....</b>	<b>144</b>
<b>TOTAL REMUNERATION SYSTEM AND IMPLEMENTATION .....</b>	<b>146</b>
<b>CONCLUSION .....</b>	<b>149</b>
<b>ANNEXURES .....</b>	<b>151</b>

## LIST OF TABLES

1. Public office bearer positions
2. Benefits per group of public office bearers
3. The review process and outcomes
4. Peromnes job evaluation factors
5. Correlation table – Equate, Paterson, Peromnes and Task Grades
6. Graded table for grid size E organisation: April 2007
7. Total remuneration for senior public executives: January 2007
8. Remuneration packages: CEO's of State Owned Entities: 2006
9. Public service remuneration: January 2007
10. Public office bearer pay line relative to anchor positions
11. Suggested job evaluation factors
12. Comparative Head of State Remuneration
13. Grading Table for National Executive and Deputy Ministers
14. Remuneration ratios in relation to institutional anchor: National Executive
15. Current total remuneration packages: National Executive
16. Recommended remuneration table: National Executive and Deputy Ministers
17. Grading Results for National Parliament
18. Remuneration ratios in relation to institutional anchor: National Parliament
19. Current total remuneration of members of Parliament
20. Recommended Remuneration Table for National Parliament
21. Grading Results for Provincial Legislatures
22. Remuneration ratios in relation to institutional anchor: Provincial Legislature
23. Current total remuneration of members of Provincial Legislatures
24. Recommended Remuneration Table for Provincial Legislatures
25. Grading Results for Local Government
26. Current total remuneration of Local Government office-bearers
27. Total Remuneration Table for members of Local Government institutions
28. Grading Results for Traditional Leaders
29. Remuneration ratios in relation to institutional anchor: Traditional Leaders
30. Current total remuneration of Traditional Leaders
31. Current Traditional Leader remuneration comparison to Market
32. Recommended Remuneration Table for Traditional Leaders
33. Grading Results for Judiciary
34. Remuneration ratios in relation to institutional anchor: Judiciary
35. Current total remuneration of Judges
36. Current total remuneration of Magistrates
37. Prosecutors' remuneration levels
38. Recommended Remuneration Table for Judiciary
39. Recommended grading and remuneration table for National Executive and Deputy Ministers
40. Recommended grading and remuneration table for National Parliament
41. Recommended grading and remuneration table for Provincial Executives and Legislatures
42. Recommended grading and remuneration table for Local Government
43. Recommended grading and remuneration table for Traditional Leadership structures
44. Recommended grading and remuneration table for Judiciary

## LIST OF FIGURES

1. Current remuneration bands for basic salaries
2. Current remuneration bands for total packages
3. Graded graph for grid size E organisation: April 2007
4. Pay analysis across continuum
5. April 2006 pay curves
6. Proposed anchor positions in the three arms of government
7. Current total remuneration packages: National Executive
8. Recommended remuneration curve for National Executive and Deputy Ministers
9. Comparison between basic salaries within notches: National Parliament
10. Current total remuneration of members of National Parliament
11. Parliament Total Package comparison to Market
12. Recommended remuneration curve for National Parliament
13. Comparison between basic salaries within notches: Provincial Legislatures
14. Current total remuneration of members of Provincial Legislatures
15. Provincial Legislature Total Package comparison to Market
16. Recommended remuneration curve for Provincial Legislatures
17. Current total remuneration of Local Government office-bearers
18. Local Government Total Package comparison to Market
19. Current total remuneration of Traditional Leaders
20. Traditional Leader Total Package comparison to Market
21. Recommended remuneration curve for Traditional Leaders
22. Magisterial career path
23. Judiciary Total Remuneration comparison to Market
24. Magistracy Total Remuneration comparison to Market
25. Current total remuneration of Judges
26. Current total remuneration of Magistrates
27. Recommended remuneration curve for Judiciary



## INTRODUCTION

1. This comprehensive review of the remuneration of public office bearers is indeed as ambitious as it is opportune. It seeks to cover vast and new ground relating to the appropriateness of remuneration patterns inherited from our pre-democracy past. But also, it occurs at a time when South Africa reflects on ten years of democracy and in particular on the impact of the final Constitution on our collective quest for a just and democratic society in which there is good governance, respect for fundamental rights and freedoms and social justice for all.
2. The first decade of democracy has been a period of complex and intensive appraisal of public roles and governance. Because we now live in a mainly open society, it has also been a period of critical and public evaluation of whether public office bearers are properly fulfilling their given roles. More and more, and in different contexts, the public, civil society and sometimes the state itself seeks to hold accountable those who wield power in the name of the public. This leads inevitably to the question whether the remuneration arrangements of public office bearers are appropriately related or aligned to the broader objectives of our democracy.
3. Public office bearers, in turn, had to come to terms with and better understand their changed responsibilities and, in many instances, their new constitutional roles. As this country adopted an inclusive, open and democratic style of governance, indeed many public officials were new appointees to their jobs and therefore had to cope with the demands of office on the trot. On the other hand, it was not easier for many incumbents in public posts. They too had much to learn. They had to re-align their work experience to the entirely new deliverables of a society in transition. However, there was little time or inclination to pause and confront the inevitable challenge of matching the responsibility borne by public office bearers with equitable remuneration practices. Other and more pressing claims for social justice took precedence and muffled the overdue

debate on what are equitable remuneration arrangements for our public servants in the context of our society in the making. It may indeed be argued that in the face of dire poverty, unemployment, pandemic ill-health and vast economic disparities, public office bearers should not expect any further largesse. On the other hand, it is true that without properly resourced, committed and effective public officials, the good and socially just society our Constitution promises will, in time, become illusionary.

4. It bears repetition that our Constitution is the supreme law of our country and requires that all spheres of government and all organs of state must fulfil the obligations imposed by it and must be loyal to the Republic and its people. The government and all other organs of state must perform their public duty in a manner consistent with the democratic values and the fundamental rights and freedoms enshrined in the Constitution and other law. The state through its office bearers must provide effective, transparent, accountable and coherent government that observes a high standard of professional ethics. The public office bearers must promote efficient, economic and effective use of public resources and they must adopt employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past and to achieve broad representation. It is therefore apt that, with the benefit of this experience and understanding gathered during the past decade, the Commission should review and make recommendations on the remuneration patterns and practices of public office bearers.
5. As we have seen, since the advent of constitutional democracy the roles and duties of public office bearers are required to undergo a radical change. Yet, it is indeed the first time that a review of the structure and levels of public office bearer remuneration in South Africa is undertaken. Our predecessors in earlier remuneration commissions have opted for successive cost of living adjustments rather than a comprehensive review of the remuneration of public office bearers. Our choice is different. But it

does mean that we are venturing into an uncharted terrain and if we were to lose or way the fault would be entirely ours.

6. The major review we have resolved to undertake has several principal objects. The first step is to gain insight into the objective content of the job of every public office bearer; that is the nature, powers and responsibilities the job entails, the complexity of the decisions required and their impact or influence at the workplace and in the broader public. To that end the Commission has compiled job profiles for all public office bearer positions individually or as part of a class. The second purpose of the review is to understand the relative content of the jobs. This implies a measure of ranking or grading of the respective jobs by their relative content, complexity, influence, seniority and status. The third and perhaps most complex principal task of this review is to find and adopt appropriate remuneration benchmarks; that is justifiable, transparent and objective yardsticks against which the actual levels of remuneration are compared and ultimately set at various levels of the graded positions. The fourth aim of this review is to introduce a total cost to employer remuneration regime which will render the overall annual salary bill on public office bearers transparent and predictable, whilst at the same time it will allow incumbents the flexibility to structure their remuneration packages according to their individual preferences.
7. Therefore, seen as a whole, this major review of public office bearer remuneration is aimed at furthering our constitutional democracy through effective governance practices. It is hoped that open and equitable remuneration arrangements, would in time lead to good government that, in turn, will accrue to the benefit of the broader public. Hopefully, public office will become established as a valuable and valued career option. At the same time a justifiable remuneration regime will contribute to combating corruption and other crime related to levels of remuneration, and allocation of ill regulated benefits and allowances.

8. Although these recommendations in some instances may carry with them increased costs, they are not aimed to enrich office-bearers, but rather to provide additional flexibility and choice, which the Commission believes to be important in attracting appropriate skills and talent to public office.
9. In the end the main objective of this major review is to establish a fair and transparent remuneration system for public office bearers, which best encourages viable public institutions and advances good governance which, in turn, will consolidate our constitutional democracy and other imperatives enshrined in our Constitution. All these ultimately will help ensure a better life for all in our land.

## DEFINITIONS AND KEY CONCEPTS

10. At the outset it is necessary to define certain key concepts used frequently in this report and its recommendations.

### PUBLIC OFFICE BEARER

11. In ordinary parlance a public office bearer may be a person who holds any public office in government. However, throughout this report the word "public office bearer" bears the narrow meaning assigned to it by legislation. The Independent Commission for the Remuneration of Public Office Bearers Act, 1997<sup>1</sup> (the Commission Act) and the Remuneration of Public Office Bearers Act, 1998<sup>2</sup> (the Remuneration Act) restricts our jurisdiction in respect of public office bearers to the following positions in public office:

- The President and Deputy President;
- Members of Cabinet;
- Deputy Ministers;
- Members of the National Assembly;
- Permanent Delegates to the National Council of Provinces;
- Members of the National and Provincial Houses of Traditional Leaders;
- Traditional Leaders;
- Premiers and Members of an Executive Council of a Province;
- Members of a Provincial Legislature; and
- Mayors and Members of a Municipal Council.

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<sup>1</sup> Act 92 of 1997

<sup>2</sup> Act 20 of 1998

12. The Judicial Officers (Amendment of Conditions of Service) Act, 2003<sup>3</sup> extended the statutory definition of office-bearers to include Constitutional Court Judges, Judges and Magistrates.

## REMUNERATION

13. In this report the Commission considers remuneration to refer to the total monetary value of the salary, allowances and benefits of any office-bearer, as referred to in section 8(4)(a) and (b) of the Commission Act, 1997<sup>4</sup>, and which is to be clearly distinguished from "tools of trade" discussed below. In current remuneration arrangements benefits differ from one class of office bearers to another and in some instances the distinction between benefits and allowances becomes blurred. However, commonly benefits that may accrue to an office bearer may include pension, medical aid contributions and housing subsidy and a 13<sup>th</sup> cheque. On the other hand, allowances tend to be limited to travel, accommodation, subsistence and in rare cases, entertainment.

## TOOLS OF TRADE

14. Section 8(4)(c) of the Commission Act, 1997<sup>5</sup>, requires the Commission to make recommendations on the resources which are necessary to enable an office-bearer to perform his or her functions effectively. These means or resources or tools which assist an office bearer to do her or his work properly are commonly referred as "tools of trade". They do not form part of the remuneration package of an office bearer but are furnished and paid for by the state. Common example of tools of trade would include workplace equipment and support, means of communication and technology

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<sup>3</sup> Act 28 of 2003

<sup>4</sup> Act 92 of 1997

<sup>5</sup> Act 92 of 1997

(mobile phones, laptops and internet access), means of transport and access to security.

#### TOTAL REMUNERATION PACKAGE

15. The term total remuneration package refers to a composite, comprehensive and flexible remuneration package consisting of a set of core benefits and allowances, and a flexible portion, made up of:
  - Basic salary;
  - Medical aid;
  - Retirement funding;
  - Risk benefits (disability, life insurance); and
  - Flexible portion to be structured in accordance with individual needs.
16. The core characteristic of a total remuneration package is that it represents the total amount of all cash or cash equivalents paid to the employee as compensation (basic salary and certain benefits and allowances), but does not represent a total cost to employer. Ordinarily it does not permit hidden remuneration costs for the employer or undisclosed monetary benefits or allowances for the office bearer. For the purpose of this report total remuneration package has been interpreted as consisting of the following components:
  - Basic salary;
  - Motor vehicle allowance;
  - Employer's contribution to pension fund;
  - Employer's contribution to medical aid fund; and
  - Where applicable, a housing allowance, 13<sup>th</sup> cheque, and cellular telephone allowance has been included in the calculation.

## HISTORY OF THE COMMISSION AND A BACKGROUND TO THE DETERMINATION OF PUBLIC OFFICE BEARER REMUNERATION

17. Well ahead of the advent of democratic government, the determination of the remuneration and conditions of service of the State President, the cabinet and members of legislative chambers of the time posed several challenges. The determination was often *ad hoc* and lacked transparency. However, the most significant problem was that ultimately the beneficiaries, who were political office bearers, set their own salaries, benefits and allowances. The beneficiaries formulated and passed legislation that fixed their salaries and work conditions. Often the legislation on remuneration would be preceded by an *ad hoc* commission established by parliament to enquire into and recommend revised remuneration. One such commission was the Schlebusch Commission of Inquiry which was established in 1985, by Parliament 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.
18. Seemingly then there was a continuous need for major adjustments to the remuneration and conditions of service of public office bearers. A few years after the implementation of the Schlebusch recommendations, the Melamet Commission was brought into being to recommend a coherent remuneration structure for national and provincial legislatures. Some of the recommendations were adopted by legislation shortly before the advent of constitutional democracy.
19. The interim Constitution of 1993, sought to break this *ad hoc* and self-serving mould. Its provisions<sup>6</sup> envisaged a permanent and independent 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

<sup>6</sup> Section 207 of the Interim Constitution



elected legislative bodies of the national, provincial and local governments, and members of provincial houses and the Council of Traditional Leaders. The Commission on Remuneration of Representatives was later established in terms of legislation.<sup>7</sup> The Commission was to be chaired by a judge and it functioned from 21 April 1995 to 05 April 1998. Its first chairperson was Justice HW Levy who sadly passed on before the end of his term. On the 6 March 1996 Justice JH Steyn succeeded him as chairperson.

20. The advent of the 1996 Constitution entrenched the salutary notion of an independent remuneration commission to make recommendations on salaries, benefits and allowances. It also prescribes<sup>8</sup> that legislation 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. The executive may implement the framework only after considering any recommendations of the commission. An important feature of the legislative framework is that the President does not determine his own remuneration, but parliament does so after taking into consideration the recommendations of the Commission. In turn, the President in the light of the recommendations of the Commission sets the remuneration of members of parliament and of other members of the executive. The president also determines the remuneration of the judiciary after the approval of parliament.
21. The legislation envisaged by the 1996 Constitution is the Independent Commission for the Remuneration of Public Office Bearers Act, 1997<sup>9</sup> (the Commission Act). It established the present Commission. Justice JH Steyn is the first chairperson to be appointed under the Act and he served from 21 August 1998 to 30 April 2000. Thereafter Justice RJ Goldstone served as chairperson until 31 March 2004. The current chairperson is Justice Dikgang Moseneke. He assumed office on 1 April 2004 and his term ends on 1 April 2009

<sup>7</sup> Commission on Remuneration of Representatives Act 37 of 1994

<sup>8</sup> Section 219 of the Constitution

<sup>9</sup> Act 92 of 1997

22. Both the Commission Act and the Remuneration Act<sup>10</sup> define who are public office bearers, and in that way obliges the Commission to make annual recommendations on the salaries, allowances and benefits of the following office-bearers:
- The President ;
  - Deputy President;
  - Members of Cabinet;
  - Deputy Ministers;
  - Members of the National Assembly;
  - Permanent Delegates to the National Council of Provinces;
  - Members of the National and Provincial Houses of Traditional Leaders;
  - Traditional Leaders;
  - Premiers and Members of an Executive Council of a Province;
  - Members of a Provincial Legislature; and
  - Mayors and Members of a Municipal Council.
23. The Judicial Officers (Amendment of Conditions of Service) Act, 2003<sup>11</sup> however extended the statutory definition of office-bearers to include Constitutional Court Judges, Judges and Magistrates, in respect of which positions the Commission is now obliged to make annual remuneration recommendations.
24. **Table 1** below sets out the different public office bearer positions within the context of the arm of government under which it falls, as well as the sphere within which it operates.
25. **Annexure A** sets out the broad legislative framework under which the Commission operates.
26. As we have earlier indicated, the remuneration commissions which preceded the present one based their remuneration recommendations on

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<sup>10</sup> Act 20 of 1998

<sup>11</sup> Act 28 of 2003

historical baselines that existed at the time when the public office bearer positions came within the ambit of the commissions' respective mandates. In practice these different baselines led to significant disparities and often inequities in the structure of public office bearer remuneration. Predecessor commissions did not enquire into or report on the nature and extent of these remuneration disparities or make recommendations to eliminate them.

27. It is also necessary to consider whether the system of public office bearer remuneration has kept up with developments in remuneration practice generally. In the latter regard, one of the most important developments has been the increasingly powerful role of performance in remuneration, and a move towards more flexibility in the composition of individual remuneration packages in accordance with the different needs of individual incumbents. As early as 1999, the Commission recommended that remuneration should be translated to a "total package" structure, and in 2002 expressed the need for a project to review the entire remuneration structure. Since then the Commission has collected extensive data from studies directed at the implementation of a "total package" remuneration structure for public office bearers.
28. This Commission has indeed embarked upon and completed the initial project to review the entire remuneration structure of public office bearers as suggested by the 1999 Commission. What is clear from our constitutional and legislative provisions and from best practice within the Commonwealth is that the review and recommendation role of a remuneration commission is not a once off function but rather an ongoing one. In some instances a mere annual adjustment related to the cost of living increase prompted by inflation may well suffice. In others, as in the present case, a fundamental review leading to a structural change may be justified, particularly after a decade of far reaching re-definition of roles in public governance. Even in the instance of a fundamental review it may not be practicable to suggest all round change on all aspects of remuneration.

Matters such as pension and medical fund benefits are a function of the basic cash component of an office bearer's remuneration. Often one has to settle the cash component in order to arrive at a fair formula for determining pension or medical benefit, if any.

29. Similarly the means each job requires in order for it to be done effectively (so-called tools of trade) are best determined in the light of specific needs and peculiarities of each office assessed over time. In subsequent reports this or successor commissions will have to enquire into and make recommendations on matters not covered by the present major review such as "tools of trade" and in the light of recommendations which have been adopted and implemented.

**Table 1: Public office bearer positions**

	Executive Authority	Legislative Authority	Judicial Authority
National Level	<ul style="list-style-type: none"> <li>• President</li> <li>• Deputy President</li> <li>• Minister</li> <li>• Deputy Minister</li> </ul>	<p>National Assembly</p> <ul style="list-style-type: none"> <li>• Speaker</li> <li>• Deputy Speaker</li> <li>• House Chair</li> <li>• Leader of Opposition</li> <li>• Chief Whip: Majority Party</li> <li>• Parliamentary Counsel: President</li> <li>• Parliamentary Counsel: Deputy President</li> <li>• Chairperson of a Committee</li> <li>• Deputy Chief Whip: Majority Party</li> <li>• Chief Whip: Largest Minority Party</li> <li>• Leaders of Minority Parties</li> <li>• Whip</li> <li>• Member</li> </ul> <p>National Council of Provinces</p> <ul style="list-style-type: none"> <li>• Chairperson</li> <li>• Deputy Chairperson</li> <li>• House Chair</li> <li>• Chairperson of a Committee</li> <li>• Chief Whip</li> <li>• Whip</li> <li>• Permanent Delegates</li> </ul> <p>National House of Traditional Leaders</p> <ul style="list-style-type: none"> <li>• Chairperson: NHTL</li> <li>• Deputy Chairperson: NHTL</li> <li>• Member of NHTL</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Justice</li> <li>• Deputy Chief Justice</li> <li>• President of Supreme Court of Appeal</li> <li>• Judge of Constitutional Court</li> <li>• Deputy President of Supreme Court of Appeal</li> <li>• Judge of Supreme Court of Appeal</li> </ul>
Provincial Level	<ul style="list-style-type: none"> <li>• Premier</li> <li>• Member of Executive Council</li> </ul>	<p>Provincial Legislature</p> <ul style="list-style-type: none"> <li>• Speaker</li> <li>• Deputy Speaker</li> <li>• Leader of Opposition</li> <li>• Chairperson of Committees</li> <li>• Deputy Chairperson of Committees</li> <li>• Chairperson of a Committee</li> <li>• Chief Whip: Majority Party</li> <li>• Deputy Chief Whip: Majority Party</li> <li>• Chief Whip: Largest Minority Party</li> <li>• Leader of Minority Parties</li> <li>• Whip</li> <li>• Member of Provincial Parliament</li> </ul> <p>Provincial House of Traditional Leaders</p> <ul style="list-style-type: none"> <li>• Chairperson: PHTL</li> <li>• Deputy Chairperson: PHTL</li> <li>• Member: PHTL</li> </ul>	<ul style="list-style-type: none"> <li>• Judge President of the High Court</li> <li>• Deputy Judge President of the High Court</li> <li>• Judge of the High Court</li> <li>• President of the Divorce Court</li> <li>• Presiding Officer of the Divorce Court</li> </ul>
Provincial Level	<ul style="list-style-type: none"> <li>• Executive Mayor</li> <li>• Deputy Executive Mayor</li> <li>• Mayor</li> <li>• Deputy Mayor</li> <li>• Member of Executive Council</li> <li>• Member of Mayoral Council</li> </ul>	<p>Municipal Council</p> <ul style="list-style-type: none"> <li>• Speaker</li> <li>• Whip</li> <li>• Chairperson of a sub-council</li> <li>• Municipal Councilor</li> </ul> <p>Traditional Leaders</p> <ul style="list-style-type: none"> <li>• King</li> <li>• Senior Traditional Leader</li> <li>• Headman</li> </ul>	<ul style="list-style-type: none"> <li>• Special Grade Chief Magistrate</li> <li>• Regional Court President</li> <li>• Chief Magistrate</li> <li>• Regional Magistrate</li> <li>• Senior Magistrate</li> <li>• Magistrate</li> </ul>

(Deloitte &amp; Touche; 2006)

## THE NEED FOR A REVIEW OF PUBLIC OFFICE BEARER REMUNERATION

30. Since the beginning of constitutional governance in 1994, the annual remuneration recommendations of the Commission were based largely on historical remuneration practices and levels. Then there was no overarching remuneration commission. Remuneration structures of public office bearers became divergent. The Commission considers it appropriate to review the current system for office-bearer remuneration, and to establish baselines and policy for office-bearer remuneration. The following considerations underscore the need for a review:

- It is important to confront the question whether the current system of public office bearer remuneration is properly aligned to the democratic aspirations of the Constitution and particularly whether the system facilitates effective, open, accountable and efficient public governance as required by the Constitution. In the process it is desirable to develop underlying principles and policy which will guide the Commission when it makes recommendations on remuneration.
- There is no comprehensive record of the purpose, duties, responsibilities, powers and activities attached to each position in the relevant institutions.
- There is a need for an exhaustive comparison of existing conditions of services, salaries, allowances and other benefits before and after tax deductions.
- There has been no evaluation and grading of posts of all public office bearers and therefore no common baselines have been set in respect of the entire public office bearer structure.
- At a more practical level it is necessary to determine whether public office bearer remuneration levels and practices have kept pace with developments in general remuneration practice and with economic determinants of remuneration levels generally.
- There has been no adequate comparison of posts with compatible positions in public administration, in organs of state, in state owned enterprises and within the private sector and with international comparators.

- Positions have been added at different times to the definition of “office-bearers”, without necessarily aligning their remuneration arrangements with those of other office-bearer positions.
  - The practices in government institutions for the allocation of resources or means necessary to enable office bearers to perform their functions effectively (so-called ‘tools of trade’) vary widely.
  - An ideal total cost to employer salary system and a process to convert the existing remuneration structure(s) or system(s) to a ‘total remuneration’ structure.
31. It is plain that no common baselines have been set in respect of the entire public office bearer structure and the comparative information is not always readily accessible or transparent. The development of the current office-bearer remuneration structure, based on historical baselines, has led to a number of significant inequities in the current remuneration structure. The comparison and analysis of existing benefits arrangements in **Table 2** below shows that significant differences exist across the institutions.

**Table 2: Benefits per group of public office bearers**

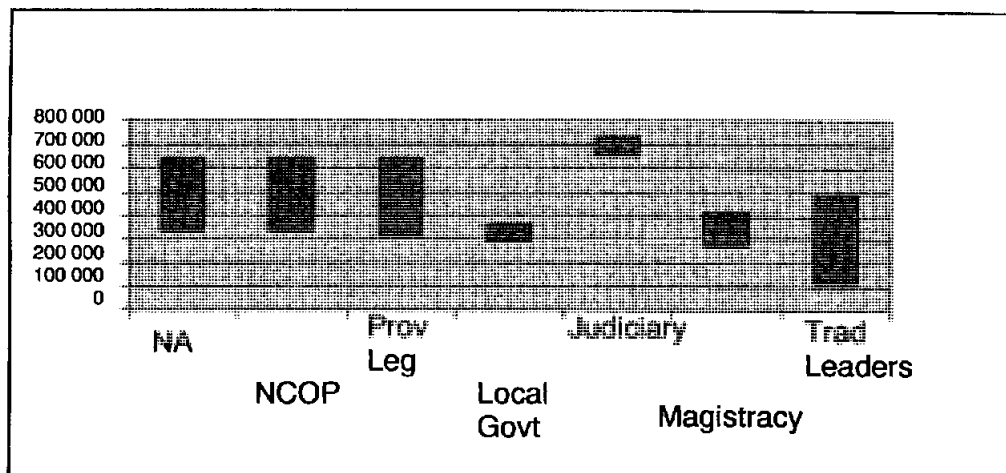
Benefits per group of Office Bearers								
Authority	Title	Basic	Pension	Medical Aid	Motor Allowances	Other Allowances	Home Owners Allowance	13 <sup>th</sup> Cheque
National Parliament: NA and NCOP	Speaker: NA Chairperson: NCOP Deputy Speaker: NA Deputy Chairperson NCOP House Chair CW: Majority Party Chief Whip: NCOP PC: President PC: Deputy President Leader of Opposition Chairperson of a Committee Dep CW: Majority Party CW: Largest Minority Party Leader of Minority Party Whip Member: NA Permanent Delegate NCOP	Y	Y	Y	Y			
Provincial Legislature	Premier Speaker MEC Deputy Speaker Chair of Committees Deputy Chair of Committees Leader of Opposition Chair of a Committee Chief Whip: Majority Party Deputy CW: Majority Party CW: Largest Minority Party Leader of Minority Party Whip MPL	Y	Y	Y	Y			
Local Council	Executive Mayor Deputy Executive Mayor Mayor Deputy Mayor Speaker MEC MMC Chairperson of Sub-Council Whip Municipal Councillor	Y	Y	Y	Y	Y	Y	
Judiciary	Chief Justice Deputy Chief Justice President of the SCA Deputy President of the SCA Judge of the Constitutional Court Judge of the SCA JP of High Court Deputy JP of the High Court Judge of the High Court	Y		Y	Y	Y		
Magistrates	Regional Court President Spec Grade Chief Magistrate Pres of the Divorce Court Regional Magistrate Chief Magistrate Pres Officer of Divorce Court Senior Magistrate District Magistrate	Y	Y	Y	Y		Y	Y
Traditional Leaders	King Chairperson: NHTL Deputy Chairperson: NHTL Chairperson: PHTL Deputy Chairperson: PHTL	Y						

(Deloitte &amp; Touche; 2006)



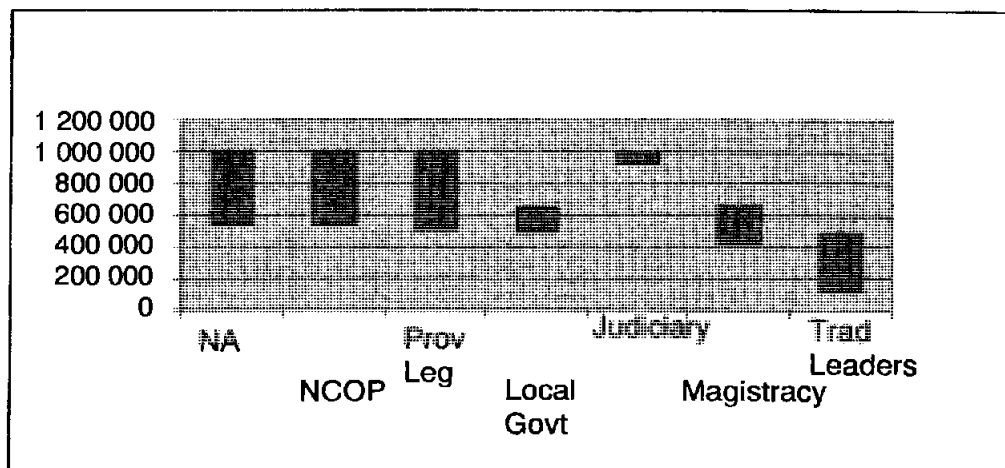
32. **Figures 1 and 2** below illustrate the current bands for the basic salaries and total remuneration packages respectively of each group of public office bearers. The bands demonstrate the difference between the lowest and highest basic salaries. As the traditional leaders do not receive any other guaranteed remuneration apart from the basic salaries, their bands are the same in both sets of graphical illustration.

**Figure 1: Current remuneration bands for basic salaries**



(Deloitte & Touche; 2006)

**Figure 2: Current remuneration bands for total packages**



(Deloitte & Touche; 2006)

33. There is no single, objectively demonstrable answer to the question of what is adequate compensation, in the light of many competing objectives and public interests that often call for compromises. When measuring total compensation, the most significant inequity in public office bearer ranks is likely to be found at the more senior executive, legislative and judicial levels. That is so because the biggest divergences between public office bearer pay line and pay lines in any other sectors occur not at the bottom but at the top end of the pay line. It is important to bear in mind that no single solution is however appropriate. The solution resides in a careful examination and weighing up of all factors relevant to the determination of a transparent, fair, defensible and effective compensation structure.

## REVIEW METHODOLOGY

34. This review is the culmination of a three year project initiated by the Commission at the end of 2002. The review process gathered momentum in 2005 and 2006 when the Commission concluded its research in respect of the translation of public office bearer remuneration to a system characterised by total remuneration packages. It quickly became clear that much work had to precede the introduction of a comprehensive remuneration system for public office bearers.
35. In this review the Commission approached its task in four stages. First, the Commission sought to complete a pioneering but thorough job evaluation of all public office bearer positions by drafting comprehensive role profiles for each position. Secondly, the Commission ranked all public office bearer positions into appropriate grades that would represent a fair vertical and horizontal relationship with other positions. The third stage dealt with the benchmarking of public office bearer positions in the most appropriate manner to determine remuneration levels that would be both fair and equitable. In the fourth stage the Commission, having considered all the material and submissions, assessed and fixed actual pay levels for each public office bearer position.
36. Each of these stages of the review process is set out more fully below. **Table 3** below illustrates the activities and outcomes in respect of each of the phases of the project methodology utilised.

**Table 3: The review process and outcomes**

<b>JOB EVALUATION</b>	<b>JOB GRADING</b>	<b>BENCHMARKING</b>	<b>TOTAL REMUNERATION PACKAGES</b>	<b>FINAL REMUNERATION STRUCTURE</b>
<b>Activities</b> <ul style="list-style-type: none"> <li>Structured interviews</li> <li>Submissions</li> <li>Primary data research</li> <li>Analyse, assess and evaluate jobs</li> <li>Confirmatory consultations</li> </ul>	<b>Activities</b> <ul style="list-style-type: none"> <li>Expert grading by consultants</li> <li>Composite grading tool</li> <li>Compile draft grading tables</li> <li>Grading results consultations with stakeholders</li> </ul>	<b>Activities</b> <ul style="list-style-type: none"> <li>Consider various benchmarking options</li> <li>Private sector</li> <li>Public sector</li> <li>State Owned Enterprises</li> <li>International comparatives</li> </ul>	<b>Activities</b> <ul style="list-style-type: none"> <li>Conceptualisation and component design</li> <li>Pay level determination</li> </ul>	<b>Activities</b> <ul style="list-style-type: none"> <li>Draft report</li> <li>Publication for comment</li> <li>Stakeholder road shows</li> <li>Statutory consultations</li> <li>Consider input</li> <li>Final report</li> </ul>
↑	↑	↑	↑	↑
<b>Outcomes</b> <ul style="list-style-type: none"> <li>Comprehensive job profiles for each office bearer position</li> <li>Established basis for grading</li> </ul>	<b>Outcomes</b> <ul style="list-style-type: none"> <li>Vertically and horizontally integrated grading structures</li> <li>Basis for benchmarking</li> </ul>	<b>Outcomes</b> <ul style="list-style-type: none"> <li>Comparative ranges for fair remuneration options</li> </ul>	<b>Outcomes</b> <ul style="list-style-type: none"> <li>Total remuneration packages for all office bearer positions</li> </ul>	<b>Outcomes</b> <ul style="list-style-type: none"> <li>Stated philosophy for office bearer remuneration</li> <li>Comprehensive job profiles</li> <li>Fair, transparent and flexible remuneration structure for office bearers</li> </ul>

37. During the most critical period of the review, the Commission appointed consultants in 2005 to report on, amongst others:

- The evaluation and grading of all public office bearer posts.
- The appropriate remuneration, allowances and benefits to be paid to public office bearers, in line with applicable legislation; and
- The conversion of existing remuneration structure(s) or system(s) to a 'total remuneration' system/structure.
- An analysis of the purpose, duties, responsibilities, powers and activities attached to the various positions in the relevant institution.
- A description of the nature and scope of each position in the relevant institution.
- An analysis of existing conditions of service, salaries, allowances and other benefits before and after tax deductions, pertaining to the relevant institution.
- A comparison with compatible positions elsewhere.
- A comparison with positions of similar level in the private sector.
- The resources necessary to enable an office bearer to perform his or her functions effectively, with due regard to the constraints imposed by the South African economy.
- A comprehensive integrated remuneration structure for all office bearers.

- A comprehensive implementation plan and costing for the conversion to the “total remuneration” structure; and
  - Any additional recommendations.
38. The Commission, through its Secretariat, participated together with the consultants in all their engagements with stakeholders since June 2005, in order to direct the activities of the consultants, establish rapport with stakeholder groups, build up institutional knowledge, and establish the required basis for its own research in 2006 and beyond. The Commission conducted significant further research during 2006. This included finalising a philosophy of public office bearer remuneration, benchmarking remuneration against the public sector and international comparators, and designing remuneration package proposals that are fair, transparent and flexible.

## JOB PROFILING

39. The primary aim of job evaluation is to determine the “intrinsic” worth of a job, based on a systematic assessment of the degree of complexity of a job’s content and its requirements. This is done independently of any pre-conceived standards of remuneration and without regard to the qualities and performance of the actual personnel who perform the jobs. Job evaluation examines the contents and requirements of jobs and measures these according to a standard procedure. This results in job grades, scores, levels or ratings whereby jobs can be compared with other jobs that have also been evaluated. Job evaluation therefore allows for a comparative analysis of jobs to be conducted. Public office bearer roles were evaluated and graded using the final role profiles that had been approved by stakeholder representatives from each group of public office bearers.
40. The Commission considered the formulation of comprehensive job profiles for each public office bearer position as the most critical starting point for

the evaluation and review of the remuneration structure in respect of public office bearers. No such job profiles existed at the start of this project. Comprehensive job profiles therefore not only had to be drafted from scratch, but also had to be agreed to by current incumbents in respect of every single public office bearer position. The Commission, assisted by its consultants, drafted the job profiles through a process of in depth consultation with incumbents. Structured interviews were held with representatives from all office bearer groups, and relevant documentation was examined, in order to draft comprehensive job profiles. This process was completed in September 2005 when representatives from all public office bearers stakeholder groups accepted these job profiles as being both correct and comprehensive, and agreed that it would be in order for the Commission to use these job profiles as a basis for determining an appropriate remuneration grading structure for all public office bearers. Copies of these job profiles are attached hereto as **Annexure D**.

41. The Commission and its consultants evaluated the roles profiled by adopting a composite evaluation methodology. A combination of the following methodologies was used:
- Peromnes and other job evaluation methodologies.
  - Benchmarking / "Anchoring" of jobs.
  - Inter and Intra-organisational checks.
  - Correlation of jobs to other widely used job evaluation systems (see correlation table in paragraph 57 below).
  - Existing objective criteria used to distinguish job sizes. For example, hierarchies of courts for the judicial institutions, the reach of impact and influence within the National Assembly, the National Council of Provinces, Provincial Legislatures and Local Government. This principle informed the Commission's understanding of the differences between jobs.
  - The relative positioning of roles within the institutional framework was evaluated against the criteria of protocol, status and institutional relativity.

42. The Peromnes system was used as the foundation of the role evaluations, but was extended with factors unique to each of the public office bearer institutions. The job evaluation and grading results were furthermore correlated to a number of other off the shelf evaluation systems to establish an acceptable consistency rate.

## JOB GRADING

43. Job grading is the rating of jobs according to a specifically planned procedure in order to determine the relative worth of each job. Once the size of the job has been determined within the organisation, this job should be benchmarked against market data to determine the grade the job carries and the price that is being paid in the open labour market. Job evaluation also allows for jobs to be related to each other in terms of their intrinsic worth, and hence to determine relative complexities of different jobs and a rational job structure within an organisation.
44. The initial evaluation and grading that was done was recommended by Deloitte & Touche, as consultants to the Commission. They made use of four job evaluation systems:
- **Peromnes**, is arguably the most widely used job evaluation system in South Africa. It was originally developed in the 1960's, and owned by FSA (a Human Resource Consultancy). Since the mid 1970's, it has been extensively developed over time and was first offered as a computerised version in the mid 1990's. It has a client base of 300-400 and supports an extensive salary survey which is part of the "National Remuneration Guide".
  - **Tuned Assessment of Skills and Knowledge (T.A.S.K.)** was developed by FSA in the early 1980's. This system was designed to compete with the Paterson system and accordingly has been mainly sold to Paterson users as a value added system. There is thus some market differentiation between TASK and Peromnes. In general they are not considered competing

products although they do provide the client with some choice. TASK is also available as a computerised version and in total has about 100 clients.

- **Execeval** is an executive evaluation system originally developed from Hay principles and used exclusively as a consulting tool. The system has its own executive pay database to provide market remuneration for executive level positions (Peromnes grade 4 and higher). The system is not sold to clients who, in some cases, are not even aware of its application in a consulting assignment. The client base numbers are about 150. The system is a useful tool in the "market pricing" area of executive pay, particularly for those organisations/jobs that do not fit easily into Deloitte's Guide to Executive Remuneration.
- **Skills and Knowledge Analysis (SKAN)** is a competency based approach to job evaluation. This system is effectively a shell in which competency based grading and job family/skills descriptions may be incorporated. The system was developed in-house by the FSA-Contact IT team and has been used by a number of larger corporate clients. It requires a project based approach where the Deloitte Consultants and the client jointly develop the content of the system.

45. It became clear that the application of a singular or "off-the-shelf" job evaluation system would not suffice in addressing the complexities, influence and impact of the roles of office-bearer in South Africa, as a number of roles fall outside of a traditional business-oriented perspective. In response to these concerns the consultants then used a combination of methodologies in addition to the standard four job evaluation systems discussed above. The Peromnes system, which was used as a foundation for evaluation, uses the factors listed in **Table 4** below to evaluate jobs.



**Table 4: Peromnes job evaluation factors**

	<b>Factor</b>	<b>Explanation</b>
1	Problem Solving	Assesses the complexity of problems in the job by examining the clues or information available and the alternative solutions that can be applied.
2	Consequence of Judgement	Assesses the consequence of judgements, decisions and recommendations, i.e. the limits of discretion of the job.
3	Pressure of work	Assesses the pressures imposed on a job by: <ul style="list-style-type: none"> <li>• Variety and type of work to be achieved in available time.</li> <li>• The need to set priorities to do the most appropriate work at the most appropriate time.</li> <li>• Interruptions and distractions due to inter-action with the needs of other jobs.</li> </ul>
4	Knowledge	Assesses the level of knowledge required to perform the tasks competently.
5	Job Impact	Assesses the extent of influence that the job has on other activities, both within and outside the organisation.
6	Comprehension	Assesses the level of understanding of spoken and written communication required in the job.
7	Education	Assesses the minimum education required of a competent incumbent for entry to the job.
8	Training / Experience	Assesses the typical period required to achieve competence in the job by the quickest reasonable route after the minimum education level assessed in factor 7.

(Deloitte &amp; Touche; 2006)

46. **Table 5** below sets out the correlation amongst different job evaluation methodologies, with specific reference to the decision and task skills levels required at each level within those methodologies.

**Table 5: Correlation Table – Equate, Paterson, Peromnes and Task Grades**

Paterson Grades	Paterson Bands	Peromnes Grade	Equate Grades	Task Grades	Decision Level	Task Skill Level
F4	FU	1++		26	<ul style="list-style-type: none"> <li>• Top Management – Board Level</li> <li>• Policy Making Decisions</li> </ul>	
F3		1+		25		
F2	FL	1	16	24		
F1		1	16	23		
E4	EU	2	16	22	<ul style="list-style-type: none"> <li>• Senior Management</li> <li>• Heads of Major Functions</li> <li>• Programming Decisions</li> </ul>	
E3		2	15	21		
E2	EL	3	15	20		
E1		3	14	19		
D5	DU	4	14	18	<ul style="list-style-type: none"> <li>• Professionally Qualified and Experienced Specialist</li> <li>• Middle Management</li> <li>• Interpretative Decisions.</li> </ul>	<b>Tactical:</b> <ul style="list-style-type: none"> <li>• Middle Management</li> <li>• High Level – Advisory / Supervisory</li> </ul>
D4		5	13	17		
D3	DL	5	13	16		
D2		6	12	15		
D1		7	11	14		
C5	CU	7	11	13	<ul style="list-style-type: none"> <li>• Skilled, Technical and Academically Qualified Employees</li> <li>• Junior Specialists</li> <li>• Supervisors</li> <li>• Foremen</li> <li>• Superintendents</li> <li>• Routine or Process Decisions</li> </ul>	<b>Specialised:</b> <ul style="list-style-type: none"> <li>• Skilled</li> <li>• Technical</li> <li>• Specialist</li> <li>• Senior Supervisory</li> </ul>
C4		8	10	12		
C3	CL	9	9	11		
C2		10	8	10		
C1		11	7	9		
B5	BU	11	7	8	<ul style="list-style-type: none"> <li>• Discretionary / Operative Decisions</li> </ul>	<b>Discretionary:</b> <ul style="list-style-type: none"> <li>• Semi-skilled</li> <li>• General – Clerical / Operational</li> <li>• Junior Supervisory</li> </ul>
B4		12	6	7		
B3	BL	13	5	6		
B2		13	5	5	<ul style="list-style-type: none"> <li>• Defined Decisions</li> </ul>	<b>Basic:</b> Basic-skilled
B1		14 / 15	4	4		
A3	A	16	3	3		
A2		17	2	2		
A1		18 / 19	1	1		

(Deloitte &amp; Touche; 2006)

47. At the end of their evaluation of job profiles of all public office bearers consultants Deloitte & Touche recommended the grading results reflected in **Annexure E**.
48. These grading results were, however, compiled mainly with reference to Peromnes factors which were considered to be inappropriate in some instances. After a direct consultation with all stakeholders it became clear that the Peromnes methodology would not be well suited for the evaluation and grading of public office bearer positions. The Commission thereafter developed a grading structure which it believes to be more appropriate for the public sector, drawing from the strengths of other grading systems

studied by the Commission. Following the establishment of comprehensive and accepted job profiles for all public office bearer positions, the Commission graded all public office bearer positions into a hierarchical structure that is both vertically and horizontally integrated, fair and equitable. The proposed grading structure was discussed with all public office bearer groups at communication events of the Commission in December 2005 during which valuable input was gathered for consideration in the Commission's final review report. After due consideration of all input and other factors, the Commission has drafted a proposed grading structure for all public office bearer positions as set out in **Annexure F**.

49. **Annexure F** sets out the consolidated grading tables in respect of:

- Current grading tables;
- Consultants' grading recommendations;
- Updated grading tables after considering stakeholder input; and
- Recommended grading tables.

## BENCHMARKING

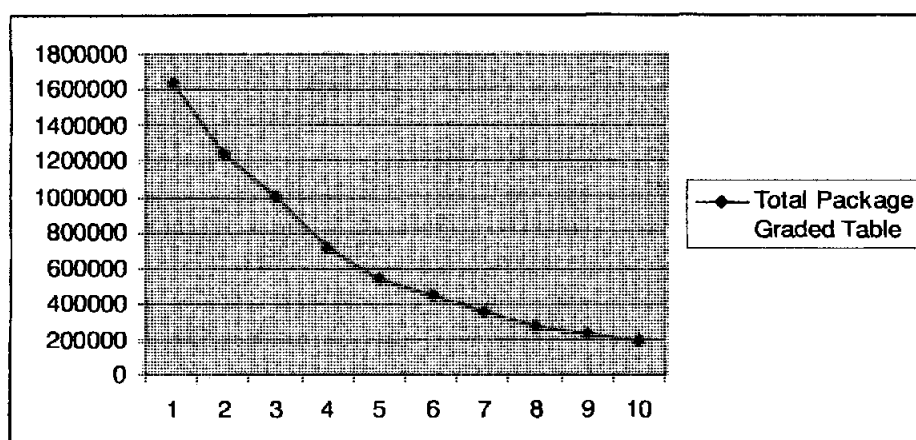
50. The Commission considered various options for the appropriate benchmarking of public office bearer positions against comparable public and private sector positions, both locally and internationally. It was necessary for the Commission to consider whether it would be most appropriate to benchmark public office bearer positions against comparable private or public sector positions. In this regard the Commission engaged with all public office bearer stakeholder groups and relevant international bodies. The recommendations contained in this report are based on what the Commission, after consideration of all the submissions made to it, found to be the most appropriate benchmarking for each public office bearer group and position.

51. Two different benchmarking methodologies were considered, namely a "Graded Benchmarking Methodology" and a "Graded Pay Relativity Methodology".
52. The "Graded Benchmarking Methodology" entails the use of job evaluation results to benchmark positions on a job grade basis. Graded remuneration tables from the *Deloitte National Remuneration Guide* (September 2005) was used as the basis for determining remuneration levels on a job grade basis, for purposes of comparison with the private sector. A grid size "E" private sector organisation was considered to be the most appropriate comparator for public office bearer positions and was used to determine the graded tables to be used for comparator purposes in this methodology. A grid size "E" organisation has the following characteristics:
- Staff numbers of between 500 and 800;
  - Total cost of employment salary bill between R109 million and R223 million;
  - Total assets of between R400 million and R800 million; and
  - Typical annual pre-tax profits of between R29 million and R59 million.
53. **Table 6** and **Figure 3** below have been aged to April 2007 to ensure that the comparison is relative to the where the National Market pay position was located during that time.

**Table 6: Graded table for Grid Size E organisation: April 2007**

Personnel Grade	Total Package Graded Table
1	1 639 260
2	1 237 220
3	993 784
4	704 767
5	531 919
6	437 823
7	353 345
8	268 011
9	225 136
10	181 091

(Deloitte & Touche; 2007)

**Figure 3: Graded graph for Grid Size E organisation: April 2007**

(Deloitte &amp; Touche; 2007)

54. The Commission conducted further benchmarking exercises during 2006 with reference to the total remuneration paid to senior executives in the South African public service and senior executives in government institutions supporting constitutional democracy. **Tables 7 and 8** below set out the total remuneration packages used in this regard for benchmarking purposes.

**Table 7: Total remuneration packages for senior public executives: January 2007**

Position	Total salary package
Governor of the Reserve Bank	2 830 000
Auditor General	1 708 600
National Director of Public Prosecutions	984 072
Public Protector	950 000
Director General	922 491 – 993 492
DDG	717 045 – 772 173
Chief Director	591 510 – 636 939
Director	502 725 – 541 284

(www.dpsa.gov.za)

**Table 8: Remuneration packages: CEO's of State Owned Entities: 2006**

Organisation	Guaranteed Portion	Performance Reward	Total Remuneration
Transnet	4 009 000	2 886 000	6 895 000
South African Airways	5 000 000	1 850 000	6 850 000
Denel	3 129 000	3 125 000	6 254 000
Telkom	2 160 422	3 442 573	5 602 995
Eskom	4 250 000	952 000	5 202 000
Industrial Development Corporation	3 185 328	1 682 861	4 870 000
Land Bank	2 006 040	1 000 000	3 006 040
PetroSA	1 962 000	850 000	2 812 000
Council for Industrial and Scientific Research	1 704 000	847 000	2 551 000
Central Energy Fund	1 456 000	33 000	1 501 000
South African Tourism	1 220 899	1 435 399	1 435 399
SABC (8 months)	1 487 000	0	1 487 000
Financial Services Board (9 months)	1 652 011	172 533	1 824 544
Post Office (8 months)	1 440 000	0	1 440 000
Public Investment Commission	1 883 000	58 000	1 940 000
Independent Development Trust	1 420 000	183 000	1 603 000
International Marketing Council	1 354 000	185 000	1 539 000
National Empowerment Fund	1 287 740	637 500	1 400 000
National Lotteries Board	910 000	174 000	1 078 000
FAIS Ombudsman	909 500	0	909 500

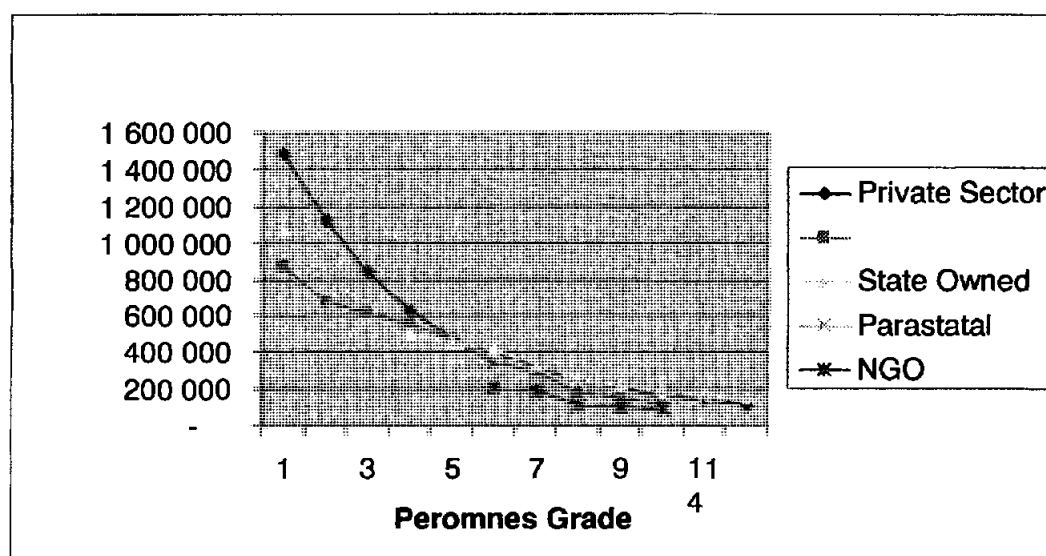
(2006 Annual Reports)

55. **Table 9** below reflects the current remuneration levels 1 to 12 in respect of public servants in South Africa, as at January 2007. **Figure 4** below illustrates the pay analysis across private sector, public sector, state-owned entities, parastatals and non-governmental organisations (NG)'s).

**Table 9: Public service remuneration: January 2007**

SALARY LEVEL											
Salary notches										Inclusive packages	
1	2	3	4	5	6	7	8	9	10	11	12
35,916	40,227	46,200	54,222	64,143	79,407	98,916	122,841	146,685	183,084	286,203	339,825
36,273	40,632	46,665	54,765	64,785	80,208	99,903	124,074	148,143	184,911	289,068	343,224
36,633	41,034	47,133	55,311	65,433	81,006	100,905	125,319	149,628	186,762	291,957	346,659
36,999	41,445	47,607	55,863	66,087	81,822	101,913	126,567	151,128	188,634	294,879	350,127
37,365	41,865	48,078	56,424	66,747	82,635	102,933	127,836	152,640	190,515	297,831	353,631
37,740	42,282	48,581	56,985	67,413	83,463	103,959	129,108	154,167	192,423	300,813	357,168
38,115	42,699	49,050	57,558	68,088	84,297	105,000	130,401	155,706	194,349	303,822	360,741
38,496	43,131	49,539	58,131	68,769	85,137	106,050	131,703	157,263	196,287	306,861	364,350
38,880	43,560	50,034	58,713	69,459	85,992	107,109	133,023	158,835	198,252	309,933	367,995
39,273	43,992	50,532	59,304	70,152	86,853	108,180	134,349	160,419	200,235	313,032	371,676
39,660	44,439	51,039	59,895	70,854	87,720	109,260	135,693	162,027	202,236	316,161	375,393
40,059	44,883	51,552	60,492	71,562	88,593	110,358	137,049	163,647	204,261	319,323	379,149
		52,082	61,098	72,279	89,484	111,459	138,420	165,285	206,301	322,521	382,944
		52,584	61,707	73,002	90,378	112,575	139,806	166,938	208,365	325,749	386,772
		53,109	62,325	73,731	91,281	113,703	141,204	168,606	210,447	329,007	390,642
		53,640	62,946	74,472	92,193	114,843	142,617	170,295	212,550	332,298	394,554
				75,216		116,154		171,813			
								177,198			

(www.dpsa.gov.za)

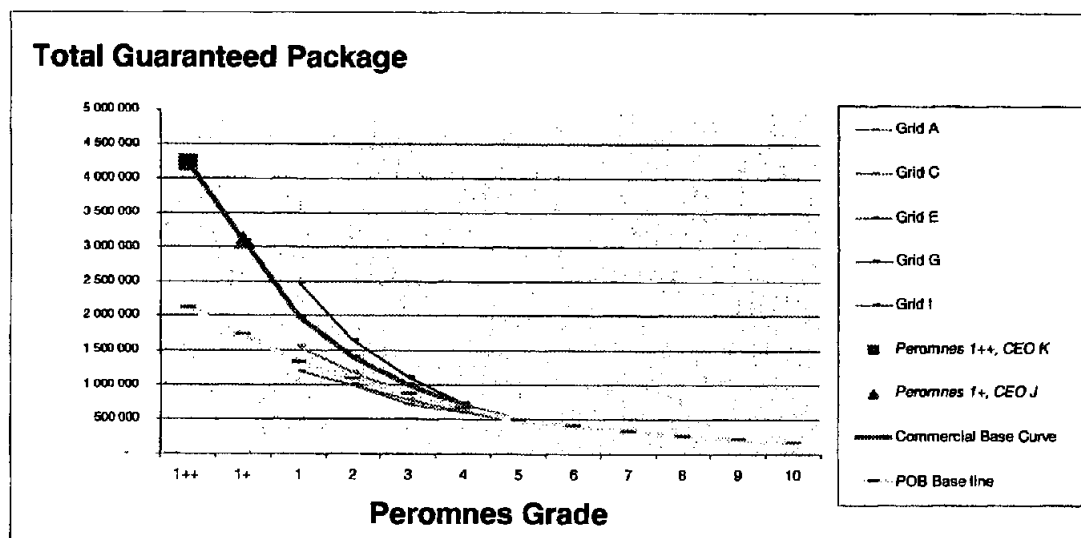
**Figure 4: Pay Analysis across Continuum**

(Deloitte &amp; Touche, 2006)

56. The "Graded Pay Relativity Methodology" proposes determining an anchor public office bearer pay line relative to the private sector. All public office bearer positions are then located relative to this determined pay line on a graded basis. This relativity will then be applied on an annual basis for benchmarking purposes. This process methodology is as follows:

- Create a commercially oriented pay curve from Peromnes 10 through to Peromnes 1++.
- Determine the discount to commercial pay that is to be applied at Peromnes 1++ to establish an anchor pay point.
- From Peromnes 4 to Peromnes 1++ create a target pay curve which is anchored by the Peromnes 1++ pay point. This will be identified as the public office bearers pay curve.
- From the pay data that underpins the consolidated pay curve, establish the pay relativity between Peromnes 1++ and all other Peromnes grades.

57. **Figure 5** below illustrates the public office bearer pay curve relative to the national market, in terms of the Graded Pay Relativity Methodology recommended to the Commission by its consultants, based on the grading results contained in **Annexure E**.

**Figure 5: April 2006 pay curves**

(Deloitte &amp; Touche; 2006)

58. Following this methodology the public office bearer pay curve was determined at the levels relative to an anchor position as indicated in **Table 10** below.

**Table 10: Public office bearer pay line relative to an anchor position**

Peromnes Grade	Commercial Pay Base Curve	Public Office Bearer Pay Line	Relativity to overall anchor
1++	4 224 000	2 112 000	100%
1+	3 100 462	1 722 479	82%
1	1 983 147	1 332 098	63%
2	1 401 168	1 089 797	52%
3	989 970	879 973	42%
4	699 452	660 594	31%
5	494 186	494 186	23%
6	412 707	412 707	20%
7	332 761	332 761	16%
8	252 639	252 639	12%
9	209 780	209 780	10%
10	170 543	170 543	8%

(Deloitte &amp; Touche; 2006)



## LEVELS OF REMUNERATION PACKAGES

59. It is important that the correct pay levels are set for each institution, as this will ultimately determine a target rate of pay for every public office bearer that is employed by the institution. If the target pay levels for the public office bearers are too high the various institutions will run the risk of overpaying and creating an unnecessary financial burden. If target levels of pay are too low the various institutions will run the risk of losing critical skills.
60. The purpose of an anchor position is to allow for an analytical focus on a particular job grade in order to build the entire compensation system around it. As such, job grading should allow an easily comparable set of skills and a sufficient number of subjects to allow an objective comparison and statistical stability in the number of data-points. The role of the anchor should not be so specialised and unique that it does not easily enable comparison to any other job. Moreover, if there is only one incumbent in the anchor position, the set of skills, requirements and capacities are so rare that they do not lend themselves to easy comparison with any other comparable private or public sector role. This adds unnecessary instability and subjectivity to the remuneration determination process. It would make sense to set the anchor where it has the highest financial impact. Although the President has the highest salary, the decision around his pay in and of its own does not have the highest impact on the fiscus. This weight of numbers at the lower levels of the legislature, albeit at a lower salary level, has a much higher impact.
61. It is clear that best practice internationally, as gathered during the Commission's international comparative studies, is not to use the position of the President as the anchor. This is because of political issues and sensitivities attached to this position.

62. Where the anchor is set at the bottom level, the nominal increment over and above this could easily be linked to specific performance requirements. Although the Commission does not believe that such a system could be implemented currently, it is certainly its aim to move towards such anchoring in future when issues detracting from the stability of bottom level positions have been resolved.
63. Choosing an anchor position involves the following mechanical steps:
- Defining the role;
  - Getting appropriate benchmarks;
  - Determining the anchor salary;
  - Reviewing the percentage gaps; and
  - Applying the percentage gaps through the grading scale.
64. It is important to establish pay levels, and a pay line for the relevant institution, with the additional aims of pay line consistency and aspiration to higher levels in mind.

## STAKEHOLDER AND PUBLIC COMMENT

65. The Commission engaged stakeholders from all public office bearer groups throughout its review project, not only to gather relevant information, but also to test different philosophies and suggestions developed at different times. In this regard the Commission, had direct consultations with public office bearers, received numerous submissions, completed international comparative studies, invited public comment and considered a number of consultant reports.
66. The Commission is indebted for these valuable submissions which have all been considered duly in the process of making the recommendations contained herein. A list of the submissions received and considered by the Commission appears as **Annexure D**. In addition, the Commission consulted a number of resources during its own research process, of which details appear in **Annexure E**.
67. The Commission also gained some valuable insights from similar institutions and practices in other countries. This lends international credibility to the research and affords a more comprehensive basis for the determination of fair and equitable remuneration levels for South African public office bearers. In addition to desktop research in respect of the remuneration of public office bearers in the countries listed below, the Commission conducted formal study tours to Australia, Canada and the United Nations:
- United States of America;
  - United Kingdom;
  - Botswana;
  - Germany;
  - India;
  - Nigeria;
  - Finland; and
  - Indonesia.

68. The Commission's function is not limited to addressing the issues raised and presented by participants. It can and does retain the assistance and advice of its own experts. It analyses information itself and develops its own recommendations without fear, favour or prejudice.
69. The paragraphs below set out briefly the extent of submissions made to the Commission on behalf of all three arms of government in response to a series of philosophical questions posed to it by the Commission, and some valuable lessons learnt by the Commission in its search for international best practice in the field of public office bearer remuneration.

#### SUBMISSIONS MADE BY THE THREE ARMS OF GOVERNMENT

70. In addition to direct engagements with stakeholder groups, the Commission posed a list of philosophical and fundamental questions to each of the three arms of government for consideration and response. The Commission is indebted for their high quality and valuable submissions in this regard. The essence of the principles eluded to in each of those submissions are recorded below.

#### NATIONAL EXECUTIVE

71. An assigned group of Ministers, headed by the Minister of Finance, submitted the following five guiding principles in respect of the restructuring of a public office bearer remuneration dispensation:
- All public office bearers should receive fair and equitable remuneration in accordance with their respective responsibilities;
  - The remuneration structure should be clear and transparent to facilitate comparisons both within and across institutions;
  - The public service Senior Management Service (SMS) should be used as benchmark for determination of public office bearer remuneration;

- The remuneration of the President should be the overall anchor for a public office bearer remuneration structure; and
  - Proposed adjustments should be clearly and carefully motivated, and should be linked to identified deficiencies in the present structure.
72. Their submission suggested that the position of the President should be the overall anchor position for the public office bearer remuneration and that anchor positions for each branch of government should be related to it. The suggested institutional anchors should be:
- Judiciary : Chief Justice
  - Legislature : Speaker of the National Assembly
73. It was further suggested that simple benchmarking against either public or private sector positions would not be appropriate, but may be useful to compare political office bearer remuneration with that of SMS members in the public service. Total Remuneration packages should therefore be developed for public office bearers that incorporate all of the components available to SMS members.
74. The Ministerial Committee took the view that current public office bearer remuneration was adequate, but that targeted adjustments to the upper level of public office bearer positions were required to correct current inequities. It emphasized that one of these inequities was the level of compression of salary levels within the judiciary.
75. Although there is a need for consistency in according appropriate "tools of trade", an institution-by-institution investigation was required to determine unique institutional requirements.
76. The submission advises of an Additional Service Benefit (ASB) pension scheme in terms of which political office bearers who left office between 1994 and 2004 would receive a gratuity of up to two times the member's pensionable salary. The ASB would also provide adequate pension benefits

for political office bearers leaving office in 2009, and for those elected to office in 2004.

77. The submission acknowledges that the current remuneration structure for public office bearers is not transparent, is fraught with problems, and does not lend itself to vertical or horizontal comparisons. It recommends that a grading structure should be based on proper job evaluations and should guard against compression within certain institutions.
78. The submission supports a move towards establishing an all-inclusive remuneration package for all public office bearers, which should be flexible enough to allow members to structure their packages according to their individual needs.

#### LEGISLATURE

79. Parliament constituted a workgroup to consider the questions posed to it by the Commission, and to make a singular and comprehensive submission in relation to those questions and other relevant issues. The Commission is indebted for a most impressive, professional and comprehensive submission. The following broad principles were suggested to guide an approach to the remuneration of Members of Parliament:
- Parliament is elected to represent the people and to ensure government by the people under the Constitution, and to represent the provinces in the national sphere of government;
  - Parliamentarians are key decision makers, custodians of democracy and protectors and promoters of human rights;
  - Parliamentarians are important role players in ensuring good governance, and the upholding of democratic values and principles;
  - The doctrine of separation of powers juxtaposed with the system of cooperative government and shared powers and functions of the three arms of government denote a governance system comprising independent institutions whose functions and operations are distinct but nonetheless

interrelated and interdependent. There is therefore no vertical comparison (hierarchy) amongst the three arms of government, but rather their status, roles and functions are horizontally comparable;

- The roles and functions of Parliamentarians require the attraction and retention of multi-skilled public representatives that are committed to the socio-economic transformation and development of South Africa and Africa at large, and who are able and willing to avail themselves on a full-time basis;
- The remuneration of public office bearers should reflect the value placed by South African society on our representative Constitutional democracy and in our democratically elected institutions and public representatives;
- As public representatives, Members are expected to act in the interests of the public with absolute integrity and to uphold the values and principles of the Constitution and the highest standards of public service and ethical conduct. In so doing, Members of Parliament must be readily accessible to the public on a full-time basis;
- The remuneration of Members of Parliament should be congruent with their levels of responsibility and job impact both nationally and internationally;
- The total remuneration of Members of Parliament should be open and transparent; and
- Remuneration packages of Members of Parliament should be flexible to recognise their diverse roles, functions and work environments.

80. In considering benchmarking options for the determination of appropriate remuneration of Parliamentarians, three options emerge:

#### International comparisons

81. Comparative research may prove useful in exploring some of the underlying principles and philosophies guiding remuneration, but would have limited value for benchmarking as socio-political contexts and governance systems vary considerably amongst different countries.

Fixed ratios to pre-determined public or private sector positions

82. It would be inappropriate to benchmark the remuneration of public representatives against private sector positions. Determining the level of public office bearer remuneration against comparable public service positions would also add little value. Public servants within the government administration do not have political accountability to the electorate.

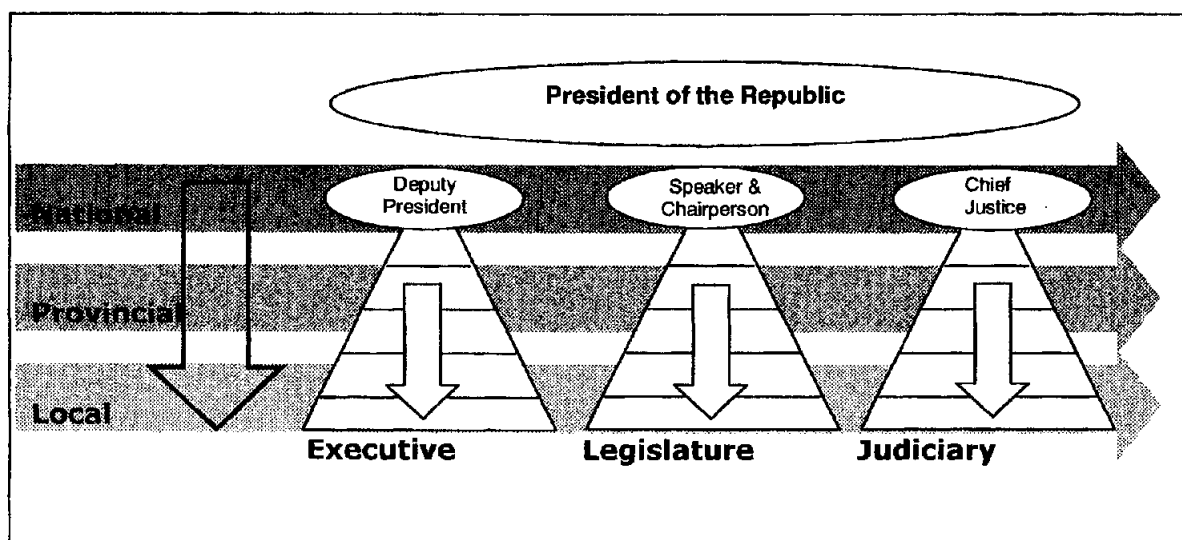
Remuneration relative to specific anchor position(s)

83. Linking remuneration of public office bearers relative to an anchor position(s) would be the most appropriate benchmarking option. The identification of an anchor position(s) should reflect the internal hierarchy, the separation of powers and shared powers across the three arms of government.
84. In the context of three separate but equal arms of State with exclusive as well as shared roles and functions, the equal remuneration of anchor positions in each arm would be one of the most important considerations in maintaining the balance of power necessary for such a system to work effectively. The specific hierarchies within each arm, based on the specific powers, roles, functions and job impact of the different public office bearer positions should in turn form the basis for the determination of remuneration relative to the specific anchor position.
85. The determination of the appropriate grade and remuneration of the anchor positions (i.e. benchmarking the anchor positions) should be informed by the specific status, powers, roles, functions and job impact of the anchor position(s). Benchmarking exercises for these anchor positions should also consider a cross section of positions of comparable seniority in the public and private sectors and international practice.
86. The following specific proposals were made in this regard:



- The unique position of the President as Head of State and head of the National Executive should be elevated to a position above and de-linked from all other State structures.
- Each arm of State should have an anchor position for the benchmarking of remuneration of public office bearer positions in accordance with the internal hierarchy of the arm. The following anchor positions could be considered:
  - Executive: The Deputy President
  - Parliament: Speaker of the NA and Chairperson of the NCOP
  - Judiciary: Chief Justice
- In keeping with the equal status of the three arms of State elaborated in the preceding sections of this submission, the grading and remuneration of the anchor positions should be equal across the three arms of government, as depicted in **Figure 6** below.

**Figure 6: Proposed anchor positions in the three arms of State**



(Parliamentary submission; 2006)

87. It was proposed that the Commission develop a formal job evaluation grading system for public office bearer positions for future application, in which it could use a combination of the factors listed in **Table 11** below.

**Table 11: Suggested job evaluation factors**

<b>Job Evaluation System</b>				
<b>JE Manager</b>	<b>Equate</b>	<b>Hay</b>	<b>Peromnes</b>	<b>Paterson<sup>12</sup></b>
Theoretical knowledge and application / Acquisition and application of knowledge	Knowledge	Know-how	Problem solving	Defined decisions
Skills acquisition and practice	Responsibility	Problem solving	Consequences of judgement	Automatic decisions
Judgement	Thinking demands	Accountability	Pressure of work	Routine decisions
Leadership / planning and management	Communication and contacts	Abnormal physical conditions	Job knowledge	Interpretive decisions
Communication	Environment		Job impact	Programming decisions
Job impact				Policy making decisions

(Parliamentary submission; 2006)

88. The core principles that should be applied in determining the appropriate ratio between the remuneration of the anchor position and the lowest position in the hierarchy and between the consecutive positions in the hierarchy are:

- The ratio should reflect the smallest acceptable difference between the anchor position and the lowest position. This is in keeping with the contemporary view of flat organisational structures, particularly within bureaucracies; and
- There should be an acceptable degree of consistency between the ratios of consecutive positions in the hierarchy except where the jobs carry markedly different powers, roles, functions and responsibilities.

89. Retirement benefits for political office bearers have always been a bone of contention. The present pension fund for Members of Parliament is known as a "defined contribution fund". What is defined is the contribution by the

member and the contribution by the employer, in this case the State. Even though the State's contribution of 22.5% can be seen as adequate it only applies for as long as a member remains a member.

90. The submission proposes that members should receive pension benefits in terms of an upward sliding scale on the basis of the length of tenure of the office-bearer, as well as a gratuity upon termination of office.
91. The submission includes an international comparative overview of the remuneration and benefits of Members of Parliament, attached to this report as **Annexure L**. This submission was taken into consideration as part of the Commission's research on international office-bearer remuneration practices.

#### JUDICIARY

92. The primary submission postulated by the judiciary is that they are under-paid and have been so for a long time, which makes a judicial appointment ever less attractive.
93. The judiciary is a separate arm of government with unique characteristics. There must be an appropriate correlation between judicial remuneration and the salaries paid in private practice. Consideration must also be given to the professional qualifications required for a position in the judiciary. Although it is accepted that a judicial salary should be "discounted" for public service, the discount should not be so great that it becomes a disincentive to a suitable and competent person for appointment in the position.
94. Generally speaking, salary structures should be such as to attract suitable persons with the required competence and experience. There is no single, proper comparative according to which the judicial salaries can be

determined, and it is difficult to evaluate positions in the judiciary by using conventional job evaluation methods. The judiciary is not an organisation where a judge follows a particular career path. All judges do essentially the same "job". Although benchmarking against the private sector may not be appropriate, it is still important to consider the different salary levels from the view of attracting suitable talent.

95. The Commission was urged to conclude its task without any delay, and that the recommendations be implemented with effect from the new fiscal year.
96. The retirement benefit which members of the judiciary enjoy is an indispensable part of providing security of tenure of an independent judiciary, comprising judges of integrity, and is a vital component of democracy.

#### INTERNATIONAL RESEARCH

97. The Commission considered it both appropriate and essential to conduct research in international remuneration principles and practices relating to different categories of public office bearers. In this regard 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.
98. Besides desktop research concluded by the Commission and various submissions made to it by stakeholders and consultants, the Commission undertook visits to Australia, Canada and the United Nations Headquarters in the USA to gather relevant first hand information.

Head of State Remuneration

99. The Commission conducted a very basic desktop research to establish the remuneration levels of the heads of state and government of countries which could be regarded as having comparable legislative structures and socio-economic backgrounds to South Africa. **Table 12** below compares such remuneration with that of the President of South Africa in order to establish a basic comparison on the President's remuneration when compared to appropriate international benchmarks.

**Table 12: Comparative Heads of State Remuneration**

COUNTRY	CURRENCY	BASIC SALARY	EXCHANGE RATE AS ON 04/12/06	BASIC SALARY IN SA RAND	% RELATIVE TO SA	GDP ** (US \$ mil)	Ratio of GDP / Basic Salary
South Africa	Rand	1 181 438	1 : 1	1 181 438	100.00	234 419	1.42
USA	US Dollar	400 000	1 : 7.17	2 868 000	242.76	12 455 825	31.14
United Kingdom	Pound	183 932	1 : 14.11	2 595 280	219.67	2 229 472	6.16
Australia	Aus Dollar	190 320	1 : 5.66	1 077 211	91.18	708 519	4.71
Finland	Euro	1 458 000	1 : 9.50	13 851 000	1 172.38	196 053	0.10
Canada	Can Dollar	294 000	1 : 6.27	1 843 380	156.03	1 132 436	4.40
Germany	Euro	291 000	1 : 9.50	2 764 500	233.99	2 791 737	7.24
Nigeria	Naira	7 400 000	1 : 0.057	421 800	35.70	99 147	1.69
Botswana *	Pula	332 460	1 : 1.17	388 978	32.92	10 196	0.19
Indonesia *	Rupiah	750 000 000	1 : 0.0007	525 000	44.43	281 264	3.84

\* Excludes amount of remunerative benefits and daily allowances, which cannot be calculated accurately.

\*\* International Monetary Fund, World Economic Outlook Database, September 2006

Desktop research**THE UNITED STATES OF AMERICA**

100. The President is simultaneously the Head of State, Head of Government, Commander-in-Chief of the armed forces, and leader of his or her political party. The President receives an annual salary of \$400 000, and \$50 000 for expenses, as well as \$100 000 for travel expenses. In addition, the President receives handsome retirement benefits. Only the salary portion is currently taxable. The Constitution directs that Presidential salaries may only be amended at a change in administration, and may not be amended during a term of office. The process for determining Presidential remuneration rests with Congress, who, after conducting hearings into the matter, considers the need and level for a Presidential remuneration

adjustment, and upon resolution, passes a Bill to determine the relevant remuneration.

101. Former Presidents receive a lifetime pension in terms of the Former Presidents Act, 1958, as well as various office, travel, mailing and security allowances.
102. The salaries of Members of Congress, which is still to the dismay of the judiciary statutorily linked to the salaries paid to Judges in the USA, are determined in one of three ways:
  - Stand alone legislation by Congress, determining its own salaries;
  - Automatic annual adjustments based on the Employment Cost Index, unless disapproved by Congress; or
  - Pursuant to recommendations by the President, which are in turn based on the recommendations by an independent Commission.
103. The Ethics Reform Act, 1989, provides for annual adjustments in the salaries of the Vice President, Members of the Senate and House of Representatives and Judges, based on the percentage change in the Employment Cost Index. The level of remuneration of the Vice President is identical to that of the Chief Justice and the Speaker of the House of Representatives. Benchmarking for the purpose of determining salary levels of legislative, executive and judicial officials are done against the salaries of members of the Senior Executive Services (SES) in the public sector.

#### THE UNITED KINGDOM

104. Members of Parliament are paid a uniform basic parliamentary salary. Those Members of Parliament who are appointed to specific positions in Parliament are paid amounts in addition to the basic parliamentary salary. Grading and benchmarking are therefore done from the bottom up. These salaries are statutorily promulgated. Annual increases are based on the level of increases paid to members of the Senior Civil Service (SCS).

105. In addition to the above salaries, Members of Parliament (with the exception of the Prime Minister, Lord Chancellor and Speaker, who enjoy preferential pension benefits), are entitled to:

- A resettlement grant (of between 50% and 100% of annual salary in the event of the member losing his or her seat);
- A severance payment (equal to three months salary, subject to certain conditions relating to age and re-employment);
- A tax exemption in respect of resettlement and severance payments (up to a determined amount); and
- Other allowances (including subsistence, constituency, travel, and tools of trade).

#### BOTSWANA

106. The salaries and allowances of political office bearers in Botswana are statutorily proclaimed. Generally, office bearer remuneration consists of a salary attached to each specific position, and a series of allowances to accommodate practical demands on those positions. These allowances include:

- A responsibility allowance;
- A hospitality allowance;
- A communications allowance;
- A subsistence allowance; and
- Other allowances (including domestic services, water and electricity).

107. This practice does not allow the public to readily establish the total remuneration paid to its public office holders.

108. Tools of trade for public office bearers are similarly prescribed statutorily to the extent that it outlines in detail what the individual resources are that

would be available to different office bearers to perform their respective duties. These tools of trade include traveling, medical, entertainment, housing and household resources.

## FINLAND

109. The remuneration of the President is determined and approved prior to and for each term of office by law, and may not be amended during that term of office. In addition, the Presidential residences and other necessary services are also maintained with public funds. The pension benefits of the President are similarly determined prior to taking office, and may not be amended during the President's term of office. The President would be entitled to the full pension benefits after having served one full term of six years, and the benefits are reduced proportionally by the period served less than a full term. A serving President also receives an office suite, secretarial and administrative support, transport and security services after retirement. All of these benefits and the total remuneration are completely exempt from tax.

### Submissions

110. The Commission also received some valuable submissions relating to international remuneration practices and levels from the following institutions listed below.

## PARLIAMENT

111. A copy of the entire submission in respect of an international comparative analysis of the remuneration of Members of Parliament is attached to this report, marked **Annexure L**.



## NEW YORK STATE SUPREME COURT JUDGES

112. The Commission received a number of articles from the New York Law Journal highlighting the unfortunate consequences of members of the Judiciary having to lobby for salary increases, due to existing undue linkages of the remuneration of judges to that of elected political office bearers. The reports describe the impact of this situation on judicial independence and urge for a clear separation between the processes for determination of judicial and political office bearer remuneration.

### Visits

113. The Commission identified the following countries as being favourable for an in depth comparison with South African public office bearer remuneration practice:

- Australia;
- Canada;
- Brazil;
- The United Kingdom;
- India; and
- Nigeria.

114. These countries were identified on the basis of:

- Sharing a bi-cameral parliamentary system;
- Sharing a three-tier system of government;
- Sharing an elected municipal legislature;
- Sharing regional or provincial legislatures with original legislative responsibilities;
- Comparable constitutional and judicial structures; and
- Relatively comparable GDP's, population sizes and population densities.

115. The Commission was able to visit Australia, Canada and the United Nations Secretariat in its endeavour to determine international best practice, and intends to supplement its information in this regard by continued engagements in the foreseeable future.

116. The sub-paragraphs below briefly set out some of the valuable lessons learnt from the countries already visited.

## AUSTRALIA

117. The Commission elected to undertake a study tour to Australia mainly because of the fact that public office bearer remuneration has been determined on the recommendations of similar independent tribunals since 1973, and to learn from the translation of Australian public office bearer remuneration to a total remuneration structure in 2002.

118. The remuneration for the following public office bearer positions in Australia is determined as follows:

- Governor General
  - Remuneration is determined by Parliament, and is linked to the remuneration package of the Chief Justice; and
  - No contributions are made to a pension fund, but defined benefits are received after termination of office.
- Members of Parliament (MP's)
  - The Australian Commonwealth Remuneration Tribunal (ACRT) recommends a base salary for ordinary members of Parliament, which is linked to remuneration bands in the Principal Executive Officer (PEO) structure, and must be accepted by Parliament. The ACRT makes annual determinations of the level of different MP positions

- over and above the stated base pay, which determinations are subject to change by Parliament; and
  - o The determination of MP remuneration is considered by the public as being self determined to a great extent, despite the role of the ACRT.
- Judicial Officers
    - o The ARCT determines the base pay (linked to the PEO structure) and some allowances for judicial officers. Other allowances may be paid from a number of different sources;
    - o Remuneration may not be based on performance; and
    - o There is a current gradual move towards remuneration of judicial offices on a "total remuneration" basis.
  - Principal Executive Officers (PEO's)
    - o The Minister of Employment and Workplace Relations determines, on the advice of the ACRT, what positions are to be included in the PEO structure.
    - o The ACRT sets minimum and maximum amounts within which PEO's may negotiate their "total remuneration" packages with their respective employers on the basis of:
      - The job value, role and responsibilities of the position;
      - A linkage to productivity and performance; and
      - Recruitment and retention considerations.
  - Senior public service executives
    - o The ACRT advises the Prime Minister on the remuneration of Departmental Secretaries (Directors-General) and Heads of Executive Government Agencies, where after the Prime Minister makes a final determination.

- State public office positions

- Six of the eight states and territories have enacted legislation linking the remuneration of states' public office bearers to the federal determinations by the ACRT. The remaining two states make independent determinations, which are apparently informally influenced by federal determinations.

119. No formal job profiling exercise has been conducted to date in Australia. Current remuneration practices are based on historical data which is annually adjusted. Although no formal and comprehensive grading exercise of all public office bearer positions has been conducted, public office bearer positions are graded by the ACRT with reference to the PEO structure determined by the Minister of Employment and Workplace Relations, on the advice of the ACRT. The Remuneration and Allowances Act, 1990, links the base pay of Parliamentary office-bearers to certain positions in the PEO structure (benchmarking). This is, in effect, a government decision, but the Tribunal reviews and adjusts pay in the PEO structure annually by setting parameters within which the actual remuneration is individually negotiable. Base salaries have been linked to remuneration rates in respect of Australian Public Service Senior Executives. The Tribunal determines the additional portion of remuneration above the base pay. In doing so, the Tribunal is obliged, in terms of the Remuneration Tribunal Act, 1973, to consider the "Principles of Wage Determination" established from time to time by the Australian Industrial Relations Commission. The anchor position for public office bearer remuneration in Australia is set at the level of an ordinary Member of Parliament. This is referred to as the base salary. The ACRT determines ratios for each other public office bearer position in relation to the base salary. Anchoring is therefore done from the bottom up, as opposed to the South African methodology of anchoring from the top down. Benchmarking of public office bearer positions in Australia is done exclusively to public sector positions. The ACRT advised that it attempted some time ago to benchmark public office bearer positions against the

private sector, but found it to be both impractical and untenable. Their argument is that the drivers for public sector and private sector remuneration are fundamentally different to such an extent that comparative benchmarking is not sustainable over the long term.

120. A clear distinction is made in Australia between remuneration and entitlements. This is similar to the distinction in the South African Remuneration of Public Office Bearers Act between remuneration (salary, benefits, allowances) and "tools of trade" (resources which are necessary to enable an office-bearer to perform functions). In Australia the concept "total remuneration" is viewed as an exhaustive statement of an office-bearer's remuneration and significantly related non-monetary benefits intended for personal use. It does not include allowances, leave pay-outs, separation benefits or re-imbursement for expenses. The term entitlements is used in Australia as a synonym for "tools of trade". The remuneration tribunals make many different ad hoc determinations relating to entitlements for public office bearers. Most entitlements are administered by relevant institutions on an "actual expense subsistence and travel" basis, which does not allow office-bearers the freedom to administer their own entitlements. A general observation is that remuneration is determined as flexible as possible, while entitlements ("tools of trade") are strictly prescribed and administered.
121. Presiding officers at both federal and state level are not obliged to contribute to a pension fund, but rather receive defined benefits after termination of tenure. All other office-bearers take part in a defined contribution pension scheme in terms of which the employer currently contributes monthly payments equal to 15.4% of the office-bearer's monthly basic salary. Pension contributions are only made during the period of tenure, and are only accessible by office-bearers or former office-bearers when they turn 55 years of age.

## CANADA

122. The Commission elected to undertake a study tour to Canada on the basis of its similar constitutional dispensation, similar remuneration commissions and practices, and leading developments in respect of judicial independence. The visit took place between 07 and 13 November 2006.
123. Salaries and allowances of Canadian Members of Parliament, including annual percentage adjustments are proclaimed in terms of specific legislation.<sup>13</sup> The proclamations are based mainly on recommendations by ad hoc Commissions appointed by the Governor after general elections. Annual salary adjustments are made in relation to the annual inflation rate. Total remuneration packages consist of a salary, an annual allowance, sessional allowances, a motor vehicle allowance, an allowance for incidental expenses, and the payment of actual costs in respect of moving, transportation, travel and telecommunications expenses. The principle is that all Members of Parliament should be remunerated at the same level (currently \$147 700), and that those members with additional duties receive an additional salary to compensate them for those additional duties. The table below indicates the actual pay data for Members of Parliament (House of Commons), with effect from 01 April 2006.
124. Salaries and allowances of Members of Parliament are no longer based on and adjusted in relation to the salary of the Chief Justice, but in accordance with the published average increase in base-rate wages in the Canadian labour market, as published annually.
125. Tools of trade for Members of Parliament are handled as actual expense claims against a pre-determined budget.
126. Pension entitlements are regulated in terms of the Members of Parliament Retiring Allowances Act, in terms of a fixed formula based on one's period

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<sup>13</sup> Parliament of Canada Act, Part IV, Remuneration of Members of Parliament.

of tenure and age. Members of Parliament are only entitled to a pension payout after they reach the age of fifty-five, irrespective of the age at which they ceased to be Members of Parliament.

127. Under section 100 of the Constitution of Canada, it is the duty of Parliament to fix the salaries, allowances and pensions of federal judges. In order for it to do so, a statutory Commission completes the necessary reviews and makes recommendations to the Minister of Justice, who is under a statutory obligation to table the report in Parliament. The Judicial Remuneration and Benefits Commission (whose three members are appointed by the Minister of Justice for terms of four years each), is mandated to review and make recommendations to the Minister with regard to the remuneration and benefits of federal judges. In conducting its review the Commission is obliged to consider:

- Economic and cost-of-living conditions in Canada;
- The financial position of government;
- The role of financial security of judges in relation to judicial independence; and
- Other relevant criteria.

128. Although it may appear that Parliament controls the judiciary by determining its remuneration, there is overwhelming case law in Canada directing that Parliament may only deviate from the recommendations of an independent and effective remuneration commission on compelling grounds.

129. In 1997 the Supreme Court of Canada<sup>14</sup> listed the following core characteristics of judicial independence:

- Security of tenure;
- Financial security;

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<sup>14</sup> *Reference re Remuneration of Judges* [1998] 1 S.C.R. 3  
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- Administrative independence;
- A depoliticised relationship between judges and the executive and legislative branches of government. This implies that:
  - There should be no changes to judicial remuneration without a prior independent and effective process for determining judicial remuneration;
  - Members of the judiciary should never engage in remuneration negotiations with the executive or legislature. To do so would be fundamentally at odds with the principle of judicial independence; and
  - Judicial salaries may not be reduced below a minimum level.

130. The benchmarks applied for the determination of judicial remuneration are a combination of the following factors, which have proven to be problematic if used in isolation:

- The most senior level of Deputy Ministers (similar to DG's in South Africa) in government (DM3 and DM4);
- The top 33% of salaries of self-employed legal practitioners in private practice; and
- Salaries of judges in other jurisdictions (including England, Australia and New Zealand).

131. The reason for benchmarking judges' salaries to those in private legal practice is to attract suitable talent to the bench from what is perceived to be the greatest pool of such talent. There is an established practice that there should be a 10% gap between the remuneration paid to different levels of judicial posts in a hierarchical structure.

132. The total compensation of judges includes a significant pension annuity benefit that has substantial value when comparing judicial remuneration with that of private practitioners. Judges are the only office-bearers who are entitled to a "pay-for-life" type annuity, in terms of which they continue to receive two thirds of their final salaries after retirement (under similar conditions as in South Africa).



133. One of the key principles followed with regard to compensation in Canada, is that there should be parity between salaries of senior government executives and CEO's of Crown corporations. It acknowledges that while CEO's operate in a more commercial environment, they are nevertheless performing a public service and have responsibilities that are no more onerous than those of executives in public service. It was suggested that it was important to cultivate amongst the youth in a country, a spirit of willingness to do public service, in order to increase the public service recruitment pool.

#### UNITED NATIONS

134. The representatives of the Commission made use of the opportunity of having to travel through New York to meet with officials from the United Nations Secretariat dealing with the remuneration of elected and other officials.
135. United Nations remuneration practice is based on the following two principles:
- Locally recruited staff: In accordance with the Fleming principle, which considers only local salary levels in the public service; and
  - International staff: In accordance with the Nobleman principle, this benchmarks against the best paid civil service in the world.
136. The stated benchmarking practice exercised by the United Nations for the remuneration of elected office bearers is to benchmark their remuneration packages against that of the best paid public service levels in the world, which has been that of the USA. The respective jobs, and not the characteristics of the incumbents, are taken into consideration in the benchmarking process. Benchmarking is not done in comparison to remuneration levels paid in the private sector. There is also no formal link

between the salaries paid to elected officials and judges serving under the banner of the United Nations, to avoid any possibility of impacting negatively on judicial independence.

## COMMISSION'S STATEMENT OF UNDERLYING PRINCIPLES, AND OBJECTIVES IN DETERMINING PUBLIC OFFICE BEARER REMUNERATION

137. Ahead of review results and recommendations, the Commission has formulated a set of underlying principles it has utilised in exercising the discretion and responsibility conferred on it by the Constitution and legislation to make recommendations on the salaries, allowances and benefits of defined public office bearers. They are not a substitute for, but are rather drawn from requirements set by the Constitution and applicable legislation. They reflect the effort of the Commission to arrive at principled but practical bases for determining equitable remuneration. For some of the underlying considerations, the Commission is indebted to submissions proffered by stakeholders such as the executive, legislature, judiciary and traditional leaders. Other principles have emerged from the research and deliberations of the Commission.
138. The principles fall into two interrelated classes. The first set of principles is overarching and is drawn from the objectives and values of our constitutional democracy. The second category of principles are meant to be practical guides in formulating a just remuneration dispensation. None of these principles are intended to be exhaustive or an exact science. The Commission, like the remuneration committee of any enterprise, has to evaluate all relevant considerations and in the end bring sound judgement to bear on what is a fair and justifiable remuneration dispensation

### FIRST PRINCIPLES

139. The primary object of the remuneration scheme envisaged by the Constitution and operative law is to entrench good governance in order to

protect and advance democracy, fundamental rights and freedoms and social justice.

140. Public office bearers are there to serve the people. They assume and hold power in the name of the people. Those who assume office through the ballot may continue to hold it only on sufferance and for so long as the electorate allows them to. As such, the manner in which public office bearers are remunerated must not only be in accordance with the law but must also be open and justifiable in the context of our history, constitutional and legislative scheme and the political and social context.
141. Remuneration of people who hold public office is a matter of constitutional importance and of legitimate public interest. Public office bearers are amongst the most prominent and indispensable agents of the new democratic order. They are entrusted with the duty to achieve important constitutional and social goals. Equally, if not more importantly, public office bearers, in their diverse roles and obligations must serve to improve the quality of life of all citizens and free the potential of each person.<sup>15</sup> The implication of the authority they wield is that the remuneration policy we adopt should support the substantive and strategic thrust of our constitutional scheme at every appropriate level of state function or administration.
142. One of the organising principles of our Constitution is the separation of powers amongst the three principal arms of government. The legislative authority of the national sphere of government is vested in Parliament; provinces are vested in the provincial legislature and the local authority is vested in the municipal councils.<sup>16</sup> On the other hand, the executive authority of the Republic is vested in the President together with the other members of Cabinet.<sup>17</sup> Similarly, judicial authority of the Republic is vested

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<sup>15</sup> Preamble to the Constitution.

<sup>16</sup> Section 43 of the Constitution.

<sup>17</sup> Section 85 of the Constitution.

in the courts.<sup>18</sup> Although our notion of separation of powers may not be absolute,<sup>19</sup> the Constitution allocates to each arm of the State specified powers. The architecture of our remuneration scheme must enhance rather than impede separation of powers and, when appropriate, the proper and independent functioning of each arm of government.

143. Therefore positions in each arm of the State must be evaluated and graded and benchmarked vertically and internally. Each arm of government (or if you will, each institutional silo) must display a rational ranking, internal cohesion and equity. Horizontal comparisons of roles in different silos present enormous challenges. Whilst the comparison may be done in a few instances, generally legislative, judicial and executive roles cannot be helpfully compared, graded and benchmarked.
144. Whether the remuneration of public office bearers is appropriate hinges on several important factors. One that stands out is whether the different levels of remuneration are affordable in relation to available State resources and the public purse. One such claim which is deeply embedded in our uneven past relates to reconstruction and development; to equalising opportunity; to creating sustainable jobs, to the systematic destruction of poverty, and endemic ill-health. What is clear is that the remuneration scheme for public office bearers must be affordable and within the means of the national treasury.
145. Transparency in the conduct of public affairs is one of the central values of our constitutional democracy. It is closely allied to another pivotal constitutional principle of accountability. Public office bearers must be held to account for their conduct including whether their remuneration is justified. That can happen only if there is openness. These values taken together are a crucial antidote against abuse of public power and public funds. It is therefore legitimate to ask whether public office bearers ensure and deliver to the people of this country proper governance; whether the

<sup>18</sup> Section 166 of the Constitution.

<sup>19</sup> See for instance chapter 2 of the Constitution on co-operative Government.

citizenry gets, so to speak, a bang for its money, or an adequate return of clean, effective and good government.

146. The very creation and role of an independent commission on remuneration originates from the Constitution and other law. Therefore, the process by which remuneration is set must be lawful, open and fair and the substance of the recommendations on remuneration must be justifiable and equitable in relation to all relevant factors.
147. The purpose of the constitutional and legislative provisions establishing a remuneration commission is to arrive at a fair remuneration dispensation for public office bearers. The Commission is duty bound to furnish the decision makers with independent and unbiased suggestions on pay dispensation, and in so doing to eliminate self-serving decisions by beneficiaries of the remuneration framework. It may also be said that the additional object of the provision is to avoid a conflict of interests concerning the fixing of the remuneration of public office bearers by entrusting the recommendations on remuneration to an independent constitutional body.
148. Implicit in all these principles is the requirement that public office bearers must have the competences and abilities demanded by the offices they hold. Therefore in theory, and hopefully in practice, there must be an appropriate relationship between the job content, complexity and competence, on the one hand, and the size of the remuneration, on the other.
149. Without failing, every public office bearer must obey uphold and protect the Constitution and all other law and must perform her or his functions diligently and to the best of her or his ability.<sup>20</sup> In order to ascertain the powers functions and duties of a public office bearer and the complexity of the decisions he or she has to make, one must look at the Constitution and

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<sup>20</sup> Oaths and Solemn Affirmations in Schedule 2 of the Constitution.

the operative legislation. Again, public office bearer jobs are graded or ranked relative to other positions in the relevant State institution on the basis of the complexity and impact of their constitutional and legislative responsibilities. Therefore, the subjective opinions of incumbents on the job content and grading may be helpful but certainly not decisive.

150. The operative legislation commands us to consider current principles and levels of remuneration in society in general before making recommendations. A typical remuneration philosophy suited to a corporate or business environment would ordinarily require that the remuneration should be: (a) transparent; (b) justifiable; (c) market related; (d) performance driven; and (e) able to attract and retain skilled and competent staff.
151. We have already emphasised that remuneration arrangements for public office bearers must be **accessible** to the public and must be decided openly.
152. The remuneration of a public office bearer, in the private and other sectors, must be **justifiable**. The remuneration package must be properly connected or related to the office bearer post. It must fit the purpose, duties, responsibilities, powers and activities attached to the position in the relevant institutions. The remuneration must be properly aligned to the relative rank or grading and status of the job in the state institution and must be assessed keeping in mind appropriate external comparators such as pay levels of comparable positions in public administration, organs of state, state-owned enterprises, non-governmental organisations, the private sector, foreign governments and public international institutions.
153. The Commission is obliged to take notice of market trends but this does not mean that public office bearer remuneration must be **market related**, in the sense that pay levels should be at the same level the private sector would pay. The subtext of this requirement is that market trends are

beyond reproach. The Commission takes the view that whilst market trends are useful as part of a collection of comparators, it would be inappropriate to require public remuneration to be market driven. In fact, it may constitute a breach of a vital principle of public service to equate what the market can bear on remuneration to what may be appropriate pay levels in the public sector. It must be emphasised that public office should not be a place for material largesse or profit.

154. Ordinarily in the private sector remuneration is required to be **performance driven**. However, matters are different in the domain of public office bearer remuneration. Historically, in this country, office bearers in the same grade (or notch) are deemed to be equal and are normally entitled to the same pay level despite their manifest unequal performance. This entrenched notion of entitlement to equal remuneration seems to be intolerant to performance based remuneration. The constraint is embedded in the so-called principle of parity of precedence.
155. The Commission has sought to observe and advance equal treatment and uniformity of salaries, allowances and benefits for positions adjudged to entail equal work and responsibility. Also the Commission must observe uniform norms and standards nationally. This principle is not beyond criticism. In fact, it is often at odds with recognising and rewarding good performance and experience. The Commission has been confronted with submissions that suggest that Cabinet portfolios should be remunerated differently and relative to the complexity of their tasks. Judges were unanimous in their submissions that performance related financial incentives and differentiation on grounds of judicial experience would be inconsistent with judicial independence. Submissions by Parliament and provincial legislatures and by traditional leaders did not press for performance related remuneration.
156. The role of public office bearers present a special challenge in setting appropriate performance outputs or targets, because the roles require the



exercise of a discretion or judgement in the public interest. Sometimes the decisions are driven by policy or political choices that are hard to measure as performance. For instances one cannot reward or refuse to reward legislators for the way they craft or vote on legislation or the manner in which they oversee executive function. Equally, it would be unacceptable to so structure remuneration as to impact the independence of the judiciary.

157. The Commission recognises the salutary role of performance as a determinant of fair remuneration. Public office bearers too must perform their tasks dutifully and to the best of their skills and ability. However, the Commission accepts that the public power wielded by office bearers must be exercised as required by the Constitution and other law. Therefore no remuneration system, laudable as its objects may be, should bear the potential to undermine the proper or lawful exercise of power which often requires sound judgement and discretion untainted by financial incentive. As a possible midway, the Commission considered recommending a performance incentive scheme within a fixed financial range at the behest of an executive head such as the President, Premier or Mayor. They would have the discretion whether to use the incentive scheme. The scheme is a derogation from the notion of parity and would require detailed workings before implementation.
158. It seems that at this stage the Commission has no option but to observe parity of precedence by not seeking to differentiate the remuneration levels of posts in the same category through performance criteria. For the Commission's part this is not the last word on this matter. It remains important to explore appropriate means of enhancing the performance of public office bearers without limiting the proper fulfilment of duties imposed by law. It must be added that not all measured performance need be linked to financial reward. Quite often internal and external rating of performance and public disclosure of poor performance has a salutary effect.
159. Like any good employer, the State should have a remuneration system that is able to ***attract and retain skilled and competent staff***. The

immediate difficulty is that public office bearers are appointed in different ways and their tenures of office differ remarkably. Legislators at all spheres of government are appointed from election lists of political parties and serve at best from election to election. Ordinarily, executives emerge from the ranks of politically elected lawmakers and remain so but serve at the pleasure of the President or of the Premier or of the Mayor, as the case may be. Judges and magistrates may be appointed only if they have suitable academic qualifications and appropriate practical experience. They enjoy security of tenure as they are appointed until retirement and may be removed only through parliamentary impeachment or other prescribed procedure, in the case of magistrates. However, beyond family lineage traditional leaders do not seem to require set qualifications for appointment and the term of office appears to be limitless.

160. Despite vast differences in each arm of government, it is appropriate and necessary that the remuneration regime strive, within reasonable limits, to attract and retain skilled and competent people who would want to pursue public life for the greater good. For the legislative and executive posts much depends on the competence and skill of candidates on party election lists. On the other hand, judicial officers are appointed mainly from the ranks of the practising legal profession and law academics. Be that as it may, should the remuneration scheme in each arm of government fail to attract and retain good office bearers in the public space, our democracy, in time, will falter.

## SECOND PRINCIPLES

161. All public office bearers should receive justifiable and equitable remuneration in accordance with their respective responsibilities.
162. The primal source of the respective responsibilities of public office bearers is the Constitution and other law. Therefore their provisions override the

subjective views of incumbents over their role, status duties and responsibilities. The Commission, however, acknowledges that roles may become customised by incumbents. That explains why at the beginning of this process we compiled job profiles on an interactive basis. We took into consideration the job descriptions of incumbents. However, for purposes of grading we relied on the Constitution and the law where the job profiles provided by the incumbents were different.

163. The Commission examined the most used grading tools in the private sector. It also examined the grading system utilised by the Senior Management Service. In our view, none was appropriate for the task at hand. Market grading systems are clearly useful and the Commission has in fact used Peromnes grading for the purpose of comparing pay levels. However, market grading systems fail to capture the complexity and nuances of public roles. On the other hand, senior members of the public service do not carry the stewardship responsibility and accountability toward the electorate. Simply put, senior public servants do not bear the burden of political accountability to the electorate and of broad policy formulation and directional leadership.

164. The Commission has developed a customised and eclectic grading system. It has adopted appropriate job attributes measured in widely used job grading systems in the private sector. In addition, when appropriate, it has relied on existing objective criteria used to distinguish job sizes, for example, the hierarchy within judicial institutions; the hierarchy between the president and deputy ministers or the authority, impact and influence of a position within legislatures. Another objective criteria derives from institutional relativity. The position of an institution relative to others in our constitutional scheme tells much about the size of the job, and the status and protocol it should enjoy.

165. The job attributes the Commission relied upon are:

- The role, status, duties and responsibilities of the office bearer concerned;

- Problem solving and decision making;
- Job impact and consequences of decision making;
- Leadership planning and management;
- Accountability;
- Policy making decisions;
- Pressure of work; and
- Knowledge, its acquisition and application.

166. The Commission has not quantified any of these job factors nor do we consider it appropriate to do so. However, it goes without saying that ordinarily an office bearer position which engages most or all of these evaluative factors will enjoy a grading higher than a post which does not. In the end the grading the Commission opted for is an outcome of careful evaluation of all these factors in relation to each post. Happily so, the grading was put to stakeholders who expressed their support.

167. We now turn to benchmarking, which has several options, and engaged the Commission most. The Commission declined to follow the proposals of our independent consultants, that we benchmark the positions of public office bearer's against the national market trends. As a matter of principle, public office differs from private office. It bears repetition that business thrives on profit and material acquisition. The public office should be animated by public spiritedness, stewardship and accountability. The data we have explored earlier in graphs and figures sought to demonstrate that even if public sector jobs are graded in the same manner as the private sector, the pay in business amounts to many multiples of public sector remuneration. The data reveals the same trend in state-owned enterprises. Their chief executives earn, on average, four to five times what the President earns. In conclusion the Commission will have regard to private sector trends but refuses to use this as a benchmark for the determination of remuneration of public office bearers. We have scanned the international landscape. The comparisons of salaries of heads of state and of legislators elsewhere are informative but are not alone helpful in our cause

168. Having evaluated all benchmarking options, the Commission has decided to link remuneration of public office bearers to anchor positions internal to the ranks of public office bearers.
169. Choosing an anchor position involves the following mechanical steps:
- Defining the role;
  - Getting appropriate benchmarks;
  - Determining the anchor salary;
  - Reviewing the percentage gaps; and
  - Applying the percentage gaps through the grading scale.
170. The identification of public office bearers as anchor positions is premised on the internal hierarchy, the separation of powers and shared powers across the three arms of government. Our Constitution places a premium on three separate but equal arms of state with exclusive as well as shared roles and functions. It follows that each arm of the state should have an anchor position reflective of internal hierarchy. It is just as clear that the remuneration of anchor positions in each arm should be equal. That parity of remuneration would be one of the important considerations in maintaining the balance of power necessary for our constitutional democracy to function effectively. The graded positions within each arm of state should in turn form the basis for the determination of remuneration relative to the specific anchor position.
171. The Commission has determined the appropriate grade and remuneration of the anchor positions by the job attributes and other grading factors discussed above. The fixing of remuneration levels for the anchor positions was done by considering the pay levels of a cross section of positions of comparable seniority in the public and private sectors as well as international practice.

172. The Commission turns to identifying the anchor position in each arm of state. The President is not an appropriate position to be used as anchor. He or she occupies a unique position. Although he or she is elected by parliament he or she ceases to be a member of parliament on election and assumes the role of Head of State and Head of the National Executive. The president carries unmatched influence and power of appointment across all arms of the state. The role of an anchor should not be so specialised and unique that it does not easily enable comparison to any other job. Moreover, if there is only one incumbent in the anchor position, the set of skills, requirements and capacities are so rare that they do not lend themselves to easy comparison with any other comparable private or public sector role. This adds unnecessary instability and subjectivity to the remuneration determination process from all other state structures.
173. Moreover, it is clear that best practice internationally is not to use the position of the President as the anchor. This is because of the political issues and sensitivities attached to this position.
174. The Commission takes the view that each arm of state should have an anchor position for the benchmarking of remuneration of public office bearer positions in accordance with the internal hierarchy of the arm. The following anchor positions have been selected:
- Executive : The Deputy President;
  - Parliament : Speaker of the NA and Chairperson of the NCOP; and
  - Judiciary : Chief Justice.
175. In keeping with the equal status of the three arms of state the grading and remuneration of the anchor positions should be equal across the three arms of government.

176. In determining the appropriate ratio between the remuneration of the anchor position and the lowest position in the grading of an arm of the state and between the consecutive positions in the hierarchy:

- The ratio should reflect the smallest acceptable difference between the anchor position and the lowest position within the arm of state. This consideration accords with the progressive view of flat organizational structures, particularly within bureaucracies; and
- There should be an acceptable degree of consistency between the ratios of consecutive positions in the grading structure of an arm of government except where the jobs carry substantially different responsibilities.

## REVIEW RESULTS

177. The Commission is acutely aware of the possibility of some negative public sentiment which may result from the extent of its remuneration recommendations contained in this report. The Commission however strongly believes that it has a constitutional duty to make remuneration recommendations which are fair and justifiable, and which are made without fear, favour or prejudice.
178. The Commission has formed a strong view that public office bearer remuneration has not kept pace with economic and other developments in the past. In addition, remuneration levels have not to date been determined in accordance with scientific methodologies. The Commission therefore set out to make recommendations which would, for the first time, settle public office bearer remuneration at levels that would be fair, just and equitable, and at the same time reflect the value of public office and service to the country.
179. The review results are presented for each Public Office Bearer institutional group, namely National Executive and Deputy Ministers, Parliament (National Assembly and National Council Of Provinces), Provincial Legislatures, Local Government, Traditional Leaders, and the Judiciary (Judges and Magistrates). The results in respect of each institution are presented in respect of the following review phases:
- Job profiling;
  - Job grading;
  - Benchmarking; and
  - Appropriate pay levels/ remuneration packages.



## THE NATIONAL EXECUTIVE AND DEPUTY MINISTERS

### JOB PROFILING

180. Job profiles were drafted for the positions of President, Deputy President, Minister, and Deputy Minister, in consultation with a Ministerial Committee assigned by Cabinet for this purpose. These job profiles are attached hereto as **Annexure D**.
181. The aim of drafting these job profiles was to establish a basis for job evaluation, grading and benchmarking of public office bearer positions for remuneration purposes, but could also assist at a secondary level in respect of job clarity and with improvements in performance of responsibilities intrinsic to each public office bearer position.

### JOB GRADING

182. A vertically and horizontally integrated grading structure has been developed for all elected political office bearers, which reflects the intra- and inter-institutional relatedness amongst different positions. The methodology applied in this regard has already been explained in chapter 7 above.
183. The proposed grading table in respect of all political office bearer positions is attached as **Annexure I**. The grading structure is characterised by both grades and pay levels to distinguish between positions on the basis of its relative worth.
184. The grading results for public office bearer positions in the National Executive and Deputy Ministers are as depicted in **Table 13** below.

**Table 13: Grading table for National Executive and Deputy Ministers**

Grade	Pay level	Position
EA	1	President
EB	1	Deputy President
EC	1	Minister
ED	1	Deputy Minister

185. The grading results formed the basis of determining the market comparison and internal relativity of salaries for these positions.

#### BENCHMARKING

186. It was already stated above that the Commission applied a hybrid benchmarking model that contained elements of both a Graded Benchmarking Methodology (benchmarking positions on a job grade basis) and a Graded Pay Relativity Methodology (determining positional ratios to an anchor position). The Commission's hybrid model involved, for the time being, benchmarking anchor positions at the top levels of public office bearer positions in each of the institutions against comparatives in private, public and international sectors. In addition, the Commission considered statutory and other directives relating to remuneration links and benchmarking. After establishing appropriate benchmarks for the anchor positions, the Commission determined appropriate ratios at which different public office bearer positions were to be placed within a hierarchical structure in each of the institutions.
187. In order to conduct a comprehensive and credible benchmarking exercise, the Commission considered comparators in private sector, senior public service, senior executives in State Owned Entities and institutions supporting constitutional democracy, and similar international positions and practices.

188. The Commission considers the position of the Deputy President to be the most appropriate remuneration anchor position for public office bearer positions in the National Executive and Deputy Ministers. In order to find an optimal benchmark for the position of the Deputy President, the Commission considered the following:

- Private sector remuneration at a similar Peromnes grade. In this regard the Commission was advised by that remuneration levels for a Size E private sector company would be most appropriate.
- Benchmarking practices in countries with similar constitutional and governmental systems as South Africa show that the remuneration of the head of state or head of government is at a similar or lower level to that of its Chief Justice.
- For reasons advanced earlier, it is inappropriate to use the President, as an anchor. For many good reasons implied by our constitutional configuration, the President should be located above the heads of the other arms of government. It is the view of the Commission that the Deputy President, Speaker of the National Assembly jointly with Chairperson of the National Council of provinces and the Chief Justice should serve as anchors of their respective institutions.

189. The Commission had the benefit of comparative data to be found in **Table 12**, which is duplicated below for ease of convenience. It relates to known salaries of other heads of states or of government. It may be added that only a few countries disclose remuneration arrangements of heads of government to the public or to officials of other governments. The data does not in itself constitute dependable comparators. Firstly, often the salaries disclosed are a poor catalogue of the entire remuneration package. Secondly, the different social, economic and political contexts in these countries make direct remuneration level comparison less than optimal. One of the ways, however, to compare remuneration paid to Heads of State is to compare their relative salaries to the respective countries' Gross Domestic Product (GDP), the latter which is a measure of the size of the

economy of a country and an indicator of the standard of living in the country. The ratio *GDP / US \$ value basic salary* expresses the number of times GDP is higher than the basic salary of the Head of State, and is used as a basis for comparing like with like.

**Table 12: Comparative Heads of State Remuneration**

COUNTRY	CURRENCY	BASIC SALARY	EXCHANGE RATE AS ON 04/12/06	BASIC SALARY IN SA RAND	% RELATIVE TO SA	GDP ** (US \$ mil)	Ratio of GDP / Basic Salary
South Africa	Rand	1 181 438	1 : 1	1 181 438	100.00	234 419	1.42
USA	US Dollar	400 000	1 : 7.17	2 868 000	242.76	12 455 825	31.14
United Kingdom	Pound	183 932	1 : 14.11	2 595 280	219.67	2 229 472	6.16
Australia	Aus Dollar	190 320	1 : 5.66	1 077 211	91.18	708 519	4.71
Finland	Euro	1 458 000	1 : 9.50	13 851 000	1 172.38	196 053	0.10
Canada	Can Dollar	294 000	1 : 6.27	1 843 380	156.03	1 132 436	4.40
Germany	Euro	291 000	1 : 9.50	2 764 500	233.99	2 791 737	7.24
Nigeria	Naira	7 400 000	1 : 0.057	421 800	35.70	99 147	1.69
Botswana *	Pula	332 460	1 : 1.17	388 978	32.92	10 196	0.19
Indonesia *	Rupiah	750 000 000	1 : 0.0007	525 000	44.43	281 264	3.84

\* Excludes amount of remunerative benefits and daily allowances, which cannot be calculated accurately.

\*\* International Monetary Fund, World Economic Outlook Database, September 2006

190. Having thus established appropriate benchmarks for the anchor positions of the Deputy President, ratios to the anchor position were determined for the positions of President, Minister and Deputy Minister, after taking into consideration:

- The extent of job evaluation and grading differences;
- Location on or close to the public office bearer pay line developed by the Commission's consultants;
- Consistency in the rates of spread between top and bottom remuneration levels in institutions; and
- Creating room for aspiration and career progression within an institution.

191. **Table 14** below reflects the ratios at which the Commission proposes the location of public office bearer positions in National Executive and Deputy Ministers.

**Table 14: Remuneration ratios in relation to institutional anchor**

Grade	Pay level	Position	Ratio to anchor
EA	1	President	EB1 + 10%
EB	1	Deputy President	Anchor
EC	1	Minister	EB1 - 15%
ED	1	Deputy Minister	EB1 - 30%

**PAY LEVELS**

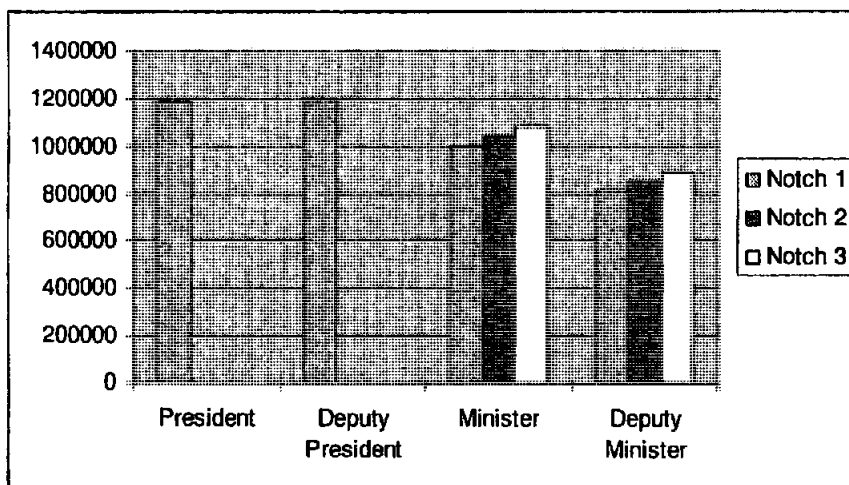
192. Having completed the required job evaluations, established horizontally and vertically integrated grading structures, and having determined optimal benchmarks for public office bearer remuneration, the next step in the Commission's review process is to recommend actual pay levels for each public office bearer position.

193. The current total remuneration of the President, Deputy President, Ministers and Deputy Ministers is as set out in **Table 15** and **Figure 7** below.

**Table 15: Current total remuneration packages: National Executive**

Office	Notch 1	Notch 2	Notch 3
President	1 181 438 *	/	/
Deputy President	1 188 940	/	/
Minister	989 572	1 037 055	1 084 512
Deputy Minister	811 856	850 441	889 007

- This amount does not reflect the pension and medical aid benefits a former President is entitled to. The pension and medical aid benefits of the President are regulated by section 2 (5) and (6) of the Remuneration of Public Office Bearers Act, 1998, which provides that these benefits shall be determined by resolution of the National Assembly, after taking into consideration the recommendations of the Commission.
- The value of the current total remuneration packages have been calculated as set out in Annexure H, and includes basic salary, motor vehicle allowance, medical aid and pension fund benefits.

**Figure 7: Current total remuneration packages: National Executive**

194. The Commission developed recommended remuneration levels, ratios, and a pay curve for public office bearer positions in the National Executive and Deputy Ministers, as depicted in **Table 16** and **Figure 8** below.

**Table 16: Recommended remuneration Table for National Executive and Deputy Ministers**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	SEC 8(1)(b) ALLOWANCE	INCREASE IN REMUNERATION	PROPOSED TOTAL REMUNERATION	DIFFERENCE	PERCENTAGE CHANGE		NO OF POSTS	TOTAL COST	EXPLANATION
								Sec 8(1)(b) Allowance	Remuneration			
EA	1	President ***	1 181 438	80 000	678 982	1 898 400	716 962	100	57.30	1	716 962	A + 10%
EB	1	Deputy President	1 188 940	80 000	479 660	1 708 600	519 660	100	40.34	1	519 660	Anchor (A)
EC	1	Minister	1 084 512	80 000	327 788	1 492 300	367 788	100	30.22	26	9 562 488	A - 15%
ED	1	Deputy Minister	989 007	80 000	289 993	1 358 000	308 993	100	30.03	21	6 448 853	A - 30%
TOTAL COST IMPLICATION											17 265 963	

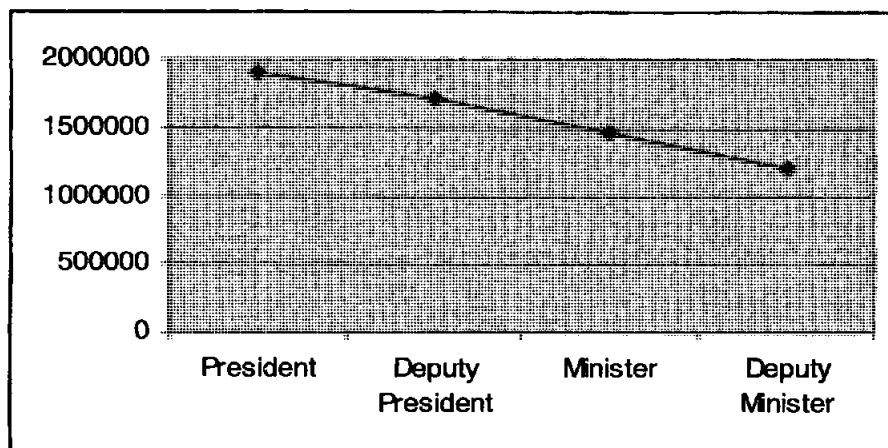
\* The value of current total remuneration packages have been calculated as set out in Annexure H, and include basic salary, motor vehicle allowance, pension and medical aid benefits.

\* The basis for current package values is the total remuneration in the third notch. The % change stated above will therefore be understated in respect of those incumbents who are not currently remunerated in terms of the third notch.

\*\* This allowance represents an increase from the current level of R40 000 per annum, which amount is included in the calculation of the current package in the previous column.

\*\*\* The current package of the President appears less than that of the Deputy President because the remuneration of the Deputy President includes a medical and pension benefit, whereas the President's medical and pension benefits are regulated by a separate legislative provision, and are not included in his package reflected in the table.

**Figure 8: Recommended remuneration Curve for National Executive and Deputy Ministers**



195. It is critical to note that the amounts reflected above represent the total remuneration which is recommended for payment to public office bearers, which includes salaries, all allowances and all benefits, but excluding any tools of trade allowances, which element will be considered by the Commission as part of its future work.

## POSITIONS IN THE LEGISLATIVE AUTHORITIES

### PARLIAMENT

#### JOB PROFILING

196. After a process of initial consultations, and considering all submissions and correspondence received from representatives of Parliament, as well as subsequent in depth role profiling consultations, job profiles were drafted for the following public office bearer positions in Parliament (National Assembly and National Council of Provinces):

- Speaker;

- Chairperson;
- Deputy Speaker;
- Deputy Chairperson;
- House Chairperson;
- Chief Whip: Majority Party;
- Chief Whip: NCOP;
- Leader of Opposition;
- PC: President;
- PC: Deputy President;
- Chairperson of a Committee;
- Chief Whip: Largest Minority Party;
- Deputy Chief Whip: Majority Party;
- Leader of a Minority Party;
- Whip;
- Member of the NA; and
- Permanent delegate to the NCOP.

197. These job profiles are attached hereto as **Annexure D**.

198. The purpose of drafting the job profiles was to establish a basis for job evaluation, grading and benchmarking of public office bearer positions for remuneration purposes, but could also assist at a secondary level in respect of job clarity and with improvements in performance of responsibilities intrinsic to each public office bearer position.

#### JOB GRADING

199. A vertically and horizontally integrated grading structure has been developed for all elected political office bearers, which reflects the intra- and inter-institutional relatedness amongst different positions. The methodology applied in this regard has already been explained above.



200. The proposed grading table in respect of all political office bearer positions is attached as **Annexure I**. The grading structure is characterized by both grades and pay levels to distinguish between positions on the basis of their relative worth.

201. The grading results for public office bearer positions in both houses of the National Parliament are as depicted in **Table 17** below.

**Table 17: Grading Results for National Parliament**

Grade	Pay level	Position
PA	1	Speaker of the National Assembly Chairperson of the NCOP
PB	1	Deputy Speaker of the National Assembly Deputy Chairperson of the NCOP
	2	House Chairperson
PC	1	Chief Whip: Majority Party Chief Whip: NCOP Leader of the Opposition Parliamentary Counsel: President Parliamentary Counsel: Deputy President
	2	Chairperson of a Committee
PD	1	Chief Whip: Largest Minority Party Deputy Chief Whip: Majority Party Leader of a Minority Party
	2	Whip
PE	1	Member of the National Assembly Permanent Delegate to the NCOP

202. The grading results formed the basis of determining the market comparison and internal relativity of salaries for these positions.

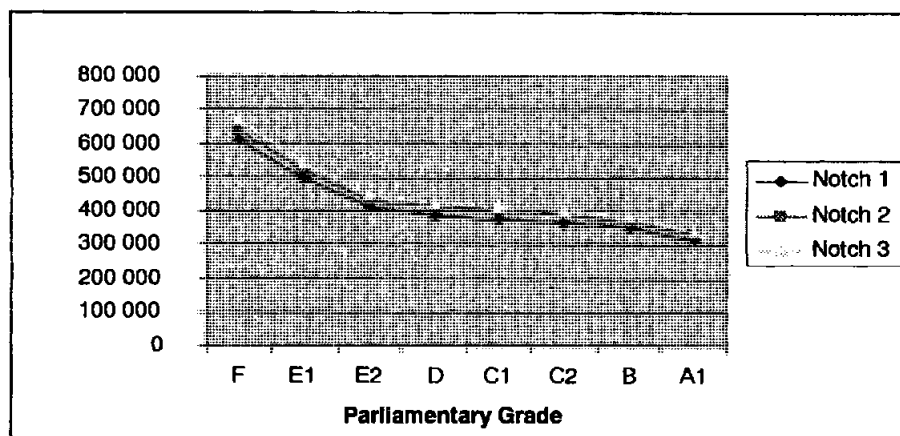
#### BENCHMARKING

203. It was already stated above that the Commission applied a hybrid benchmarking model that contained elements of both a Graded Benchmarking Methodology (benchmarking positions on a job grade basis) and a Graded Pay Relativity Methodology (determining positional ratios to an anchor position). The Commission's hybrid model entails benchmarking anchor positions at the top levels of public office bearer positions in each of the institutions against comparatives in private, public and international

sectors. In addition, the Commission considered statutory and other directives relating to remuneration links and benchmarking. After establishing appropriate benchmarks for the anchor positions, the Commission determined appropriate ratios at which different public office bearer positions were to be placed within a hierarchical structure in each of the institutions.

204. In order to conduct a comprehensive and credible benchmarking exercise, the Commission considered comparators in private sector, senior public service, senior executives in State Owned Entities and institutions supporting constitutional democracy, and similar international positions and practices.
205. The Commission considers the positions of Speaker of the National Assembly and Chairperson of the National Council of Provinces to be the most logical and appropriate top level anchor positions in Parliament. In order to find an optimal benchmark for the anchor positions, the Commission considered the following:
- It is of cardinal importance for our constitutional democracy to benchmark the leadership of parliament on par with that of the executive and the judiciary. This parity of ranking pays homage to the central role parliament plays and the constitutional requirement of separation of powers.
  - Private sector remuneration at a similar Peromnes grade. In this regard the Commission was advised by its expert consultants that remuneration levels for a Size E private sector company would be most appropriate.
  - Benchmarking practices in countries with similar constitutional and governmental systems as South Africa show that the remuneration of the head of the legislature does not lag behind that of the executive and the judiciary.
  - The hierarchical relation between national, provincial and local spheres of government.

206. The Commission had the benefit of considering a submission on behalf of both Houses of Parliament, which addresses the issues of local and international benchmarking for different parliamentary positions comprehensively. In addition thereto the Commission considers it essential to establish a vertically and horizontally integrated structure for elected political office bearers in national, provincial and local spheres, and across executive and legislative arms of government. In following this principle it is therefore important to consider the benchmarks established in respect of public office bearer positions in the national executive and the judiciary. Parliament must enjoy the parity of precedence which will reinforce its legislative role and oversight obligations over the executive and other organs of state.
207. One of the contentious aspects of the current remuneration structure for political office bearers is the notch progression system. It applies only to the executive and legislatures at national and provincial spheres. The system entitles an incumbent to progress to a higher salary notch only for the reason of the length of tenure in the position. Usually the progression to higher notches occurs as follows:
- Notch One - applies to all members of the national executive who are not re-elected members.
  - Notch Two - applies to all re-elected members (except Notch Three members).
  - Notch Three - applies to re-elected members who have occupied their current office or an office in the same or a higher grade for a period of at least twenty four months in total.
208. **Figure 9** below indicates the difference in basic salaries between the three notches. The difference varies between five to seven percent between notch one and two and between three and five percent between notch two and three. These ranges may inform the spread for a proposed performance-based salary progression system.

**Figure 9: Comparison between Basic Salaries within Notches**

209. The Commission found that the practice of basing remuneration progression on a notch system is both archaic and counterproductive and at odds with modern trends towards performance-based remuneration. The Commission is therefore of the view that the current notch system of remuneration should be abolished in favour of a remuneration system, within which incumbents could progress on the basis of performance and achievement of institutional goals.

210. Having thus established appropriate benchmarks for the anchor positions, ratios were determined for the remaining institutional positions, after taking into consideration:

- The extent of job evaluation and grading differences;
- Location on or close to the public office bearer pay line developed by the Commission's consultants;
- Consistency in the rates of spread between top and bottom remuneration levels in institutions; and
- Creating room for aspiration and career progression within an institution.

211. **Table 18** below reflects the ratios at which the Commission proposes the location of public office bearer positions in National Parliament.

**Table 18: Remuneration ratios in relation to institutional anchor**

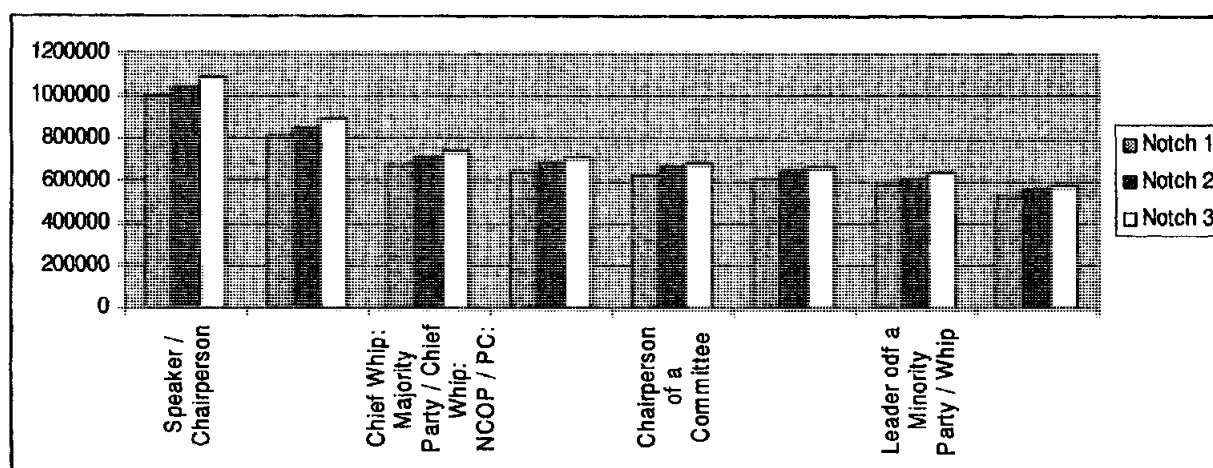
Grade	Pay level	Position	Ratio to anchor
PA	1	Speaker of the National Assembly Chairperson of the NCOP	Anchor
PB	1	Deputy Speaker of the National Assembly Deputy Chairperson of the NCOP	PA1 – 30%
	2	House Chairperson	PA1 – 35%
PC	1	Chief Whip: Majority Party Chief Whip: NCOP Leader of the Opposition Parliamentary Counsel: President Parliamentary Counsel: Deputy President	PA1 – 45%
	2	Chairperson of a Committee	PA1 – 50%
PD	1	Chief Whip: Largest Minority Party Deputy Chief Whip: Majority Party Leader of a Minority Party	PA1 – 55%
	2	Whip	PA1 – 62%
PE	1	Member of the National Assembly Permanent Delegate to the NCOP	PA1 – 66%

**PAY LEVELS**

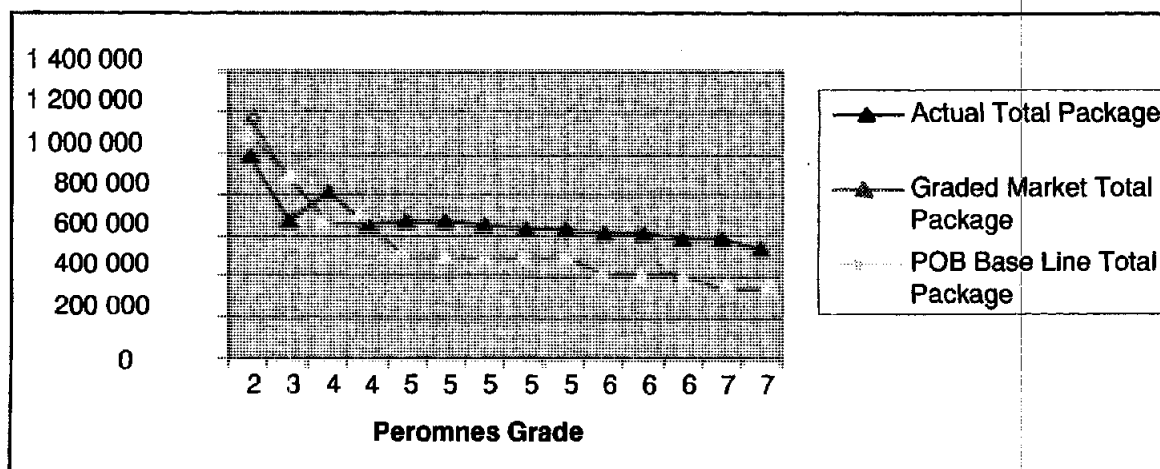
212. Having completed the required job evaluations, established horizontally and vertically integrated grading structures, and having determined optimal benchmarks for public office bearer remuneration, the next step in the Commission's review process is to recommend actual pay levels for each public office bearer position.
213. The current total remuneration of Members of Parliament is set out in **Table 19** and **Figure 10** below. Based on the grading and market data per grade, it appears that the majority of ordinary members of the National Assembly and the NCOP are being paid at a level which does not merit increase. The pension fund benefit is regarded as being favourable when compared with the general market. The facilities of Members are fair and can be compared favourably to facilities for similar positions in the private sector.

**Table 19: Current total remuneration of members of National Parliament**

Office	Notch 1	Notch 2	Notch 3
Speaker / Chairperson	989 572	1 037 055	1 084 512
Deputy Speaker / Deputy Chairperson	811 856	850 441	889 007
Chief Whip: Majority Party / Chief Whip: NCOP / PC: President / Leader of Opposition	675 888	707 684	739 490
PC: Deputy President / House Chairperson	644 191	686 471	704 577
Chairperson of a Committee	625 476	666 433	683 973
Chief Whip: Largest Minority Party / Deputy Chief Whip: Majority Party	607 411	647 108	664 124
Leader of a Minority Party / Whip	584 250	611 817	639 031
Member of the NA / Permanent delegate to the NCOP	524 450	558 356	572 873

**Figure 10: Current total remuneration of members of National Parliament**

214. **Figure 11** below compares the current total remuneration paid to Members of Parliament to that of a comparable level in the private sector. In the graph, the yellow line represents the actual total packages for members of the National Parliament against the Graded Market Total Package data (bright blue) and the public office bearer base line total package (purple). In many instances, and especially towards the lower levels, the market data (total package) is below the actual total packages of public office bearers.

**Figure 11: Parliament Total package comparison to market**

(Deloitte &amp; Touche; 2006)

215. The Commission has developed recommended remuneration levels, ratios, and a pay curve for public office bearer positions in the National Parliament, as depicted in **Table 20** and **Figure 12** below.

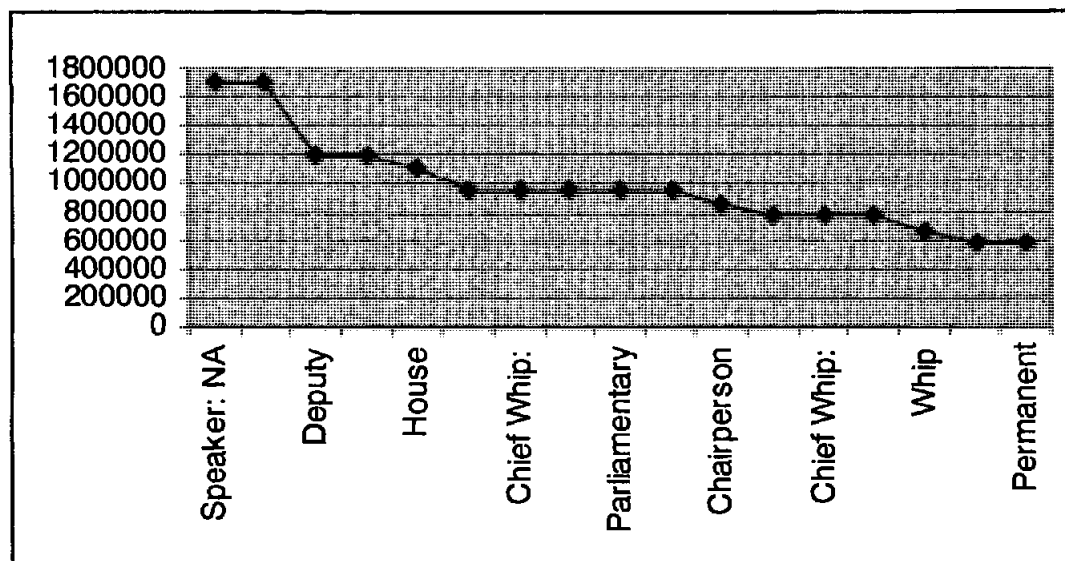
**Table 20: Recommended Remuneration Table for National Parliament**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	SEC 8(1)(d) ALLOWANCE	INCREASE IN REMUNERATION	PROPOSED TOTAL REMUNERATION	DIFFERENCE	PERCENTAGE CHANGE		NO OF POSTS	TOTAL COST	EXPLANATION	
								Sec 8(1)(d) Allowance	Remuneration				
PA	1	Speaker: NA	1 084 512	80 000	584 088	1 708 600	624 088	100	53.85	1	624 088	Anchor (A)	
		Chairperson: NCOP	1 084 512	80 000	584 088	1 708 600	624 088	100	53.85	1	624 088		
PB	1	Deputy Speaker: NA	889 007	80 000	288 993	1 198 000	308 993	100	30.03	1	308 993	A - 30%	
		Deputy Chairperson: NCOP	889 007	80 000	288 993	1 198 000	308 993	100	30.03	1	308 993		
	2	House Chairperson	704 577	80 000	388 023	1 110 600	406 023	100	51.95	3	1 219 089	A - 35%	
PC	1	Chief Whip: Majority Party	739 490	80 000	180 210	939 700	200 210	100	21.98	1	200 210	A - 45%	
		Chief Whip: NCOP	739 490	80 000	180 210	939 700	200 210	100	21.98	1	200 210		
		Parliamentary Counsel: President	739 490	80 000	180 210	939 700	200 210	100	21.98	1	200 210		
		Parliamentary Counsel: Deputy President	739 490	80 000	180 210	939 700	200 210	100	21.98	1	200 210		
		Leader of Opposition	739 490	80 000	180 210	939 700	200 210	100	21.98	1	200 210		
	2	Chairperson of a Committee	683 973	80 000	130 327	854 300	170 327	100	19.05	48	8 175 696	A - 50%	
PD	1	Deputy Chief Whip: Majority Party	684 124	80 000	64 776	788 900	104 776	100	9.75	1	104 776	A - 55%	
		Chief Whip: Largest Minority Party	684 124	80 000	64 776	788 900	104 776	100	9.75	1	104 776		
		Leader of a Minority Party	684 124	80 000	64 776	788 900	104 776	100	9.75	14	1 456 864		
	2	Whip	639 031	80 000	34 469	713 500	74 469	100	5.40	53	3 948 957	5.4% increase + allowance increase	
PE	1	Member: NA	572 873	80 000	30 927	643 800	70 927	100	5.40	296	21 138 246	5.4% increase + allowance increase	
		Permanent Delegate: NCOP	572 873	80 000	30 927	643 800	70 927	100	5.40	27	1 915 029		
		TOTAL COST IMPLICATION										40 931 525	

\* The value of current total remuneration packages have been calculated as set out in Annexure H, and include basic salary, motor vehicle allowance, pension and medical aid benefits.

\* The basis for current package values is the total remuneration in the third notch. The % change stated above will therefore be understated in respect of those incumbents who are not currently remunerated in terms of the third notch.

\*\* This allowance represents an increase from the current level of R40 000 per annum, which amount is included in the calculation of the current package in the previous column.

**Figure 12: Recommended Remuneration Curve for National Parliament**

216. It is critical to note that the amounts reflected above represent the total remuneration which is recommended for payment to public office bearers, which includes salaries, all allowances and all benefits.

## PROVINCIAL LEGISLATURES

### JOB PROFILING

217. After a process of initial consultation, and considering all submissions and correspondence received from representatives from each of the Provincial Legislatures, as well as subsequent in-depth role profiling consultations, job profiles were drafted for the following public office bearer positions in Provincial Legislatures:

- Premier;
- MEC;
- Speaker;
- Deputy Speaker;



- Chief Whip: Majority Party;
- Leader of Opposition;
- Chairperson of Committees;
- Chairperson of a Committee;
- Chief Whip: Largest Minority Party;
- Deputy Chief Whip: Majority Party;
- Deputy Chairperson of Committees;
- Leader of a Minority Party;
- Parliamentary Counsel to a King;
- Whip; and
- MPL.

218. These job profiles are attached hereto as **Annexure D**.

219. The aim of drafting these job profiles was to establish a basis for job evaluation, grading and benchmarking of public office bearer positions for remuneration purposes, but could also assist at a secondary level in respect of job clarity and improvements in performance of responsibilities intrinsic to each public office bearer position.

#### JOB GRADING

220. A vertically and horizontally integrated grading structure has been developed for all elected political office bearers, which reflects the intra- and inter-institutional relatedness amongst the different positions. The methodology applied in this regard has already been explained above.

221. The proposed grading table in respect of all political office bearer positions is attached as **Annexure I**. The grading structure is characterised by both grades and pay levels in order to distinguish between positions on the basis of their relative worth.

222. The grading results for public office bearer positions in Provincial Legislatures are as depicted in **Table 21** below.

**Table 21: Grading Results for Provincial Legislatures**

Grade	Pay level	Position
LA	1	Premier
LB	1	MEC Speaker
LC	1	Deputy Speaker
	2	Chief Whip: Majority Party Chairperson of Committees Leader of the Opposition
	3	Chairperson of a Committee Chief Whip: Largest Minority Party Deputy Chief Whip: Majority Party Deputy Chairperson of Committees Leader of a Minority Party
LD	1	Parliamentary Counsel to a King Whip
	2	MPL

223. The grading results formed the basis for determining the market comparison and internal relativity of salaries for these positions.

#### **BENCHMARKING**

224. It was already stated above that the Commission applied a hybrid benchmarking model that contained elements of both the Graded Benchmarking Methodology (benchmarking positions on a job grade basis) and the Graded Pay Relativity Methodology (determining positional ratios to an anchor position). The Commission's hybrid model involves benchmarking anchor positions at the top levels of public office bearer positions in each of the institutions against comparatives in private, public and international sectors. In addition the Commission considered statutory and other directives relating to remuneration links and benchmarking. After establishing appropriate benchmarks for the anchor positions, the Commission determined appropriate ratios at which different public office bearer positions were to be placed within a hierarchical structure in each of the institutions.

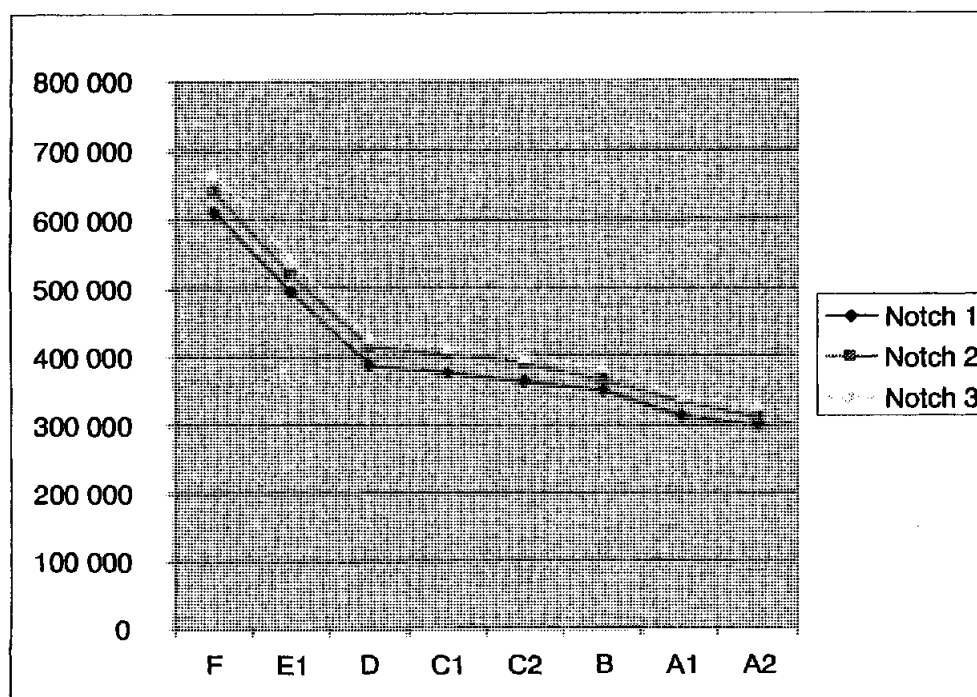
225. In order to conduct a comprehensive and credible benchmarking exercise, the Commission considered comparators in private sector, senior public service, senior executives in State Owned Entities and institutions supporting constitutional democracy, and similar international positions and practices.
226. The Commission considers the position of the Premier to be the most appropriate remuneration top level anchor position for public office bearer positions in the provincial legislature structure. In order to find an optimal benchmark for the anchor positions, the Commission considered the following:
- Private sector remuneration at a similar Peromnes grade. In this regard the Commission was advised by its expert consultants that remuneration levels for a Size E private sector company would be most appropriate.
  - Benchmarking practices in countries with similar constitutional and governmental systems to South Africa show that the remuneration of the Head of State/Head of Government is at a similar or lower level as that of its Chief Justice.
  - The hierarchical relation between National, Provincial and Local spheres of government.
227. The principles eluded to in the abovementioned comprehensive submission on behalf of Parliament are equally relevant, *mutatis mutandis*, to public office bearers in Provincial Legislatures. In addition thereto the Commission considers it essential to establish a vertically and horizontally integrated structure for elected political office bearers in national, provincial and local spheres, and across executive and legislative arms of government. In following this principle it is therefore important to consider benchmarks established in respect of public office bearer positions in the National Executive, as an important input towards the establishment of an intergraded framework for elected political office bearers.

228. One of the most contentious aspects of the current remuneration structure in respect of political office bearers is the inconsistencies in the notch progression remuneration system, in terms of which incumbents progress to higher notches as a result of, essentially, the time served in those positions. Progression to higher notches occurs as follows:

- Notch One applies to all members of the Provincial Legislature who are not re-elected members.
- Notch Two applies to all re-elected members (except Notch Three members).
- Notch Three applies to all re-elected members who have occupied their current office or an office in the same or a higher grade for a period of at least twenty four months in total.

229. **Figure 13** below indicates the difference in basic salaries between the three notches.

**Figure 13: Comparison between basic salaries within Notches**



230. The difference between the same grade salaries in the different notches varies between three and seven percent. The typical difference between Notch one and two salaries is seven percent and between Notch two and three is three percent. These ranges may inform the spread for a proposed performance-based salary progression system.
231. The Commission found that the practice of basing remuneration progression on a notch system is both archaic and counterproductive in terms of modern trends towards performance-based remuneration. The Commission is therefore of the view that the current notch system of remuneration should be abolished in favour of a remuneration system, within which incumbents could progress on the basis of performance and achievement of institutional goals.
232. Having established appropriate benchmarks for the anchor positions of the President, ratios were determined for the remaining institutional positions, after taking into consideration:
- The extent of job evaluation and grading differences;
  - Location on or close to the public office bearer pay line developed by the Commission's consultants;
  - Consistency in the rates of spread between top and bottom remuneration levels in institutions; and
  - Creating room for aspiration and career progression within an institution.
233. **Table 22** below reflects the ratios at which the Commission proposes the location of public office bearer positions in Provincial Legislatures.

**Table 22: Remuneration ratios in relation to institutional anchor**

Grade	Pay level	Position	Ratio to anchor
LA	1	Premier	PA1 – 20%
LB	1	MEC Speaker	PA1 – 30%
LC	1	Deputy Speaker	PA1 – 45%
	2	Chief Whip: Majority Party Chairperson of Committees Leader of the Opposition	PA1 – 50%
	3	Chairperson of a Committee Chief Whip: Largest Minority Party Deputy Chief Whip: Majority Party Deputy Chairperson of Committees Leader of a Minority Party	PA1 – 62%
LD	1	Parliamentary Counsel to a King Whip	PA1 – 66%
	2	MPL	PA1 – 67.5%

**PAY LEVELS**

234. The President determines the upper limit of salaries and allowances for members of the Provincial Legislatures, while the Province concerned may determine the salaries within the limitations of the upper limits. The salaries and allowances are charged against and are paid from the budget of the Province concerned. Currently, Members of a Provincial Legislature receive a basic salary, pension, medical aid and motor allowance. As with Members of the National Parliament, the basic salaries of Members of the Provincial Legislature include the amount of R40 000 per annum as the amount to which section 8(1)(d) of the Income Tax Act, 1962 applies.

235. Having completed the required job evaluations, established horizontally and vertically integrated grading structures, and having determined optimal benchmarks for public office bearer remuneration, the next step in the Commission's review process is to recommend actual pay levels for each public office bearer position.

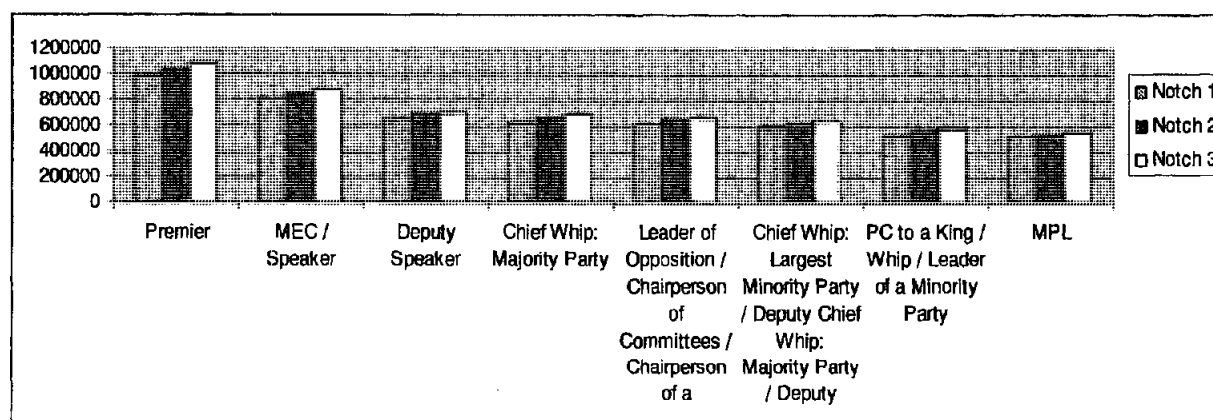
236. The current total remuneration of public office bearer positions in Provincial Legislatures is as set out in **Table 23** and **Figure 14** below. Based on the

grading and market data per grade, it appears that the majority of members of the Provincial Legislatures are being overpaid. The pension fund benefit is regarded as being very favourable when compared with the general market.

**Table 23: Current total remuneration of members of Provincial Legislatures**

Office	Notch 1	Notch 2	Notch 3
Premier	989 572	1 037 055	1 084 512
MEC / Speaker	811 856	850 441	889 007
Deputy Speaker	644 191	686 471	704 577
Chief Whip: Majority Party	625 476	666 433	683 973
Leader of Opposition / Chairperson of Committees / Chairperson of a Committee	607 411	647 108	664 124
Chief Whip: Largest Minority Party / Deputy Chief Whip: Majority Party / Deputy Chairperson of Committees	584 250	611 817	639 031
PC to a King / Whip / Leader of a Minority Party	524 450	558 356	572 873
MPL	506 572	520 568	553 216

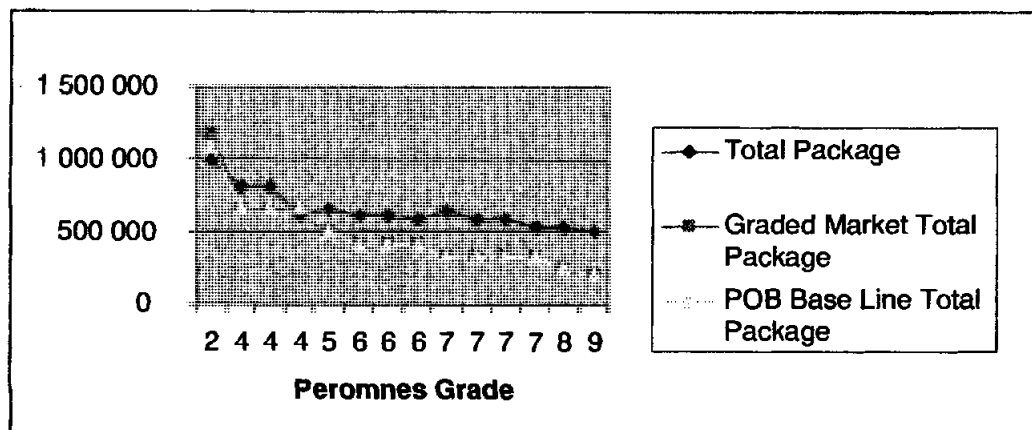
**Figure 14: Current total remuneration of members of Provincial Legislatures**



237. **Figure 15** exhibit the comparison between the current Provincial Legislature upper limits (notch 2) and market information. Based on the

Peromnes grades and the market data for those grades, most members in the Provincial Legislature in the lower levels are being paid compared to the suggested market comparators.

**Figure 15: Provincial Legislature Total Package comparison to Market**



(Deloitte & Touche; 2006)

238. The Commission has developed recommended remuneration levels, ratios, and a pay curve for public office bearer positions in Provincial Legislatures, as depicted in **Table 24** and **Figure 16** below.



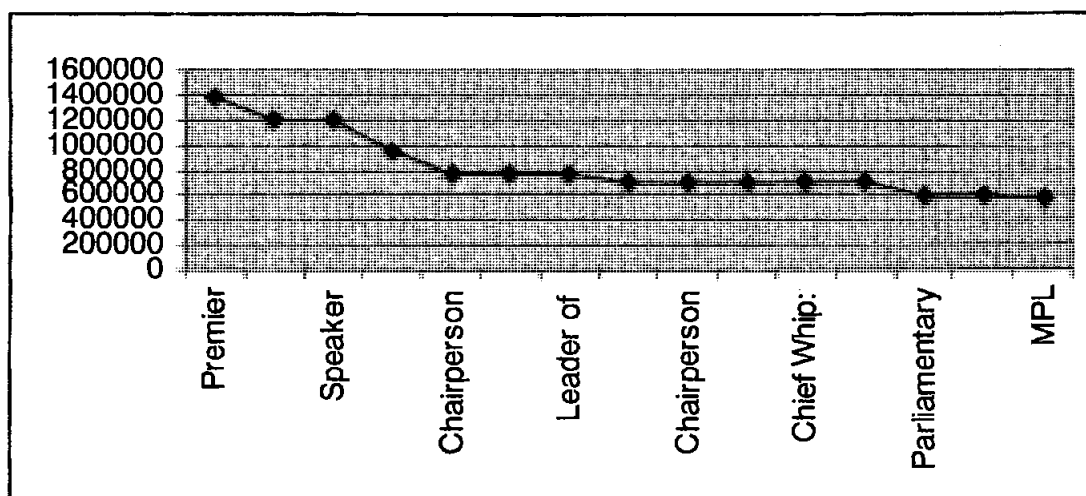
**Table 24: Recommended Remuneration Table for Provincial Legislatures**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	SEC 8(1)(b) ALLOWANCE	INCREASE IN REMUNERATION	PROPOSED TOTAL REMUNERATION	DIFFERENCE	PERCENTAGE CHANGE		EXPLANATION
								Sec 8(1)(d) Allowance	Remuneration	
LA	1	Premier	1 084 512	80 000	242 388	1 366 900	282 388	100	22.35	A - 20%
LB	1	MEC	889 007	80 000	268 993	1 196 000	306 993	100	30.03	A - 30%
		Speaker	889 007	80 000	268 993	1 196 000	306 993	100	30.03	
LC	1	Deputy Speaker	739 490	80 000	160 210	939 700	200 210	100	21.95	A - 45%
	2	Chairperson of Committees	664 124	80 000	64 776	768 900	104 776	100	9.75	A - 55%
		Chief Whip: Majority Party	664 124	80 000	64 776	768 900	104 776	100	9.75	
		Leader of Opposition	664 124	80 000	64 776	768 900	104 776	100	9.75	
	3	Deputy Chairperson of Committees	639 031	80 000	44 369	723 400	84 369	100	8.94	A - 60%
		Chairperson of a Committee	639 031	80 000	44 369	723 400	84 369	100	8.94	
		Deputy Chief Whip: Majority Party	639 031	80 000	44 369	723 400	84 369	100	8.94	
		Chief Whip: Largest Minority Party	639 031	80 000	44 369	723 400	84 369	100	8.94	
		Leader of a Minority Party	639 031	80 000	44 369	723 400	84 369	100	8.94	
LD	1	Parliamentary Counsel to a King	572 873	80 000	30 927	643 800	70 927	100	5.4	5.4% increase + allowance increase
		Whip	572 873	80 000	30 927	643 800	70 927	100	5.4	
	2	MPL	559 216	80 000	29 884	623 100	69 884	100	5.4	5.4% increase + allowance increase

\* The value of current total remuneration packages have been calculated as set out in Annexure H, and include basic salary, motor vehicle allowance, pension and medical aid benefits.

\* The basis for current package values is the total remuneration in the third notch. The % change stated above will therefore be understated in respect of those incumbents who are not currently remunerated in terms of the third notch.

\*\* This allowance represents an increase from the current level of R40 000 per annum, which amount is included in the calculation of the current package in the previous column.

**Figure 16: Recommended Remuneration Curve for Provincial Legislatures**

239. It is critical to note that the amounts reflected above represent the upper limits of the total remuneration which is recommended for payment to public office bearers, which includes salaries, all allowances and all benefits.

#### LOCAL GOVERNMENT

240. It is important to note that the Commission is statutorily mandated to only make recommendations regarding the upper limits of the salaries, allowances and benefits of public office bearer positions in local government institutions, and that the determination of remuneration throughout all levels of local government institutions is the prerogative of the Minister for Provincial and Local Government. The Minister has published remuneration determinations in this regard on 31 June 2006, which were based on a similar review of Councilor remuneration conducted during 2005 and 2006. This determination addressed the inequities in and levels of Councilor remuneration in the same way as is intended by the Commission's current review. The Commission therefore does not intend to duplicate the major review of Councilor remuneration, which has already led to significant and corrective remuneration adjustments at the end of June 2006.
241. The Minister for Provincial and Local Government determines the upper limit of salaries and allowances for members of local government institutions, while the Council may determine salaries within those limitations. Salaries and allowances are charged against and are paid from the budget of the municipality concerned.
242. There are six levels of Municipalities in South Africa, with the number of points allocated for rates income and the number of registered voters determining the grade of the Municipality. The highest grade Municipality is at Grade 6 and the lowest grade is at Grade 1. Salaries of councillors vary depending on the grade of the applicable Municipality. Municipalities have full-time and part-time councillors. A full-time councillor is a councillor who

has been elected or appointed to an office that has been designated as full-time. A part-time councillor is a councillor other than a full-time councillor.

#### JOB PROFILING

243. After a process of initial consultations, and considering all submissions and correspondence received from representatives from the South African Local Government Association (SALGA), as well as subsequent in-depth role profiling consultations, job profiles were drafted for the following public office bearer positions in Provincial Legislatures:

- Executive Mayor;
- Mayor;
- Deputy Executive Mayor;
- Deputy Mayor;
- Speaker;
- MEC;
- MMC;
- Chairperson of a sub council;
- Whip; and
- Municipal Councillor.

244. These job profiles are attached hereto as **Annexure D**.

245. The aim of drafting these job profiles was to establish a basis for job evaluation, grading and benchmarking of public office bearer positions for remuneration purposes, but could also assist at a secondary level in respect of job clarity and improvements in performance of responsibilities intrinsic to each public office bearer position.

JOB GRADING

246. A vertically and horizontally integrated grading structure has been developed for all elected political office bearers, which reflects the intra- and inter-institutional relatedness amongst different positions. The methodology applied in this regard has already been explained above.

247. The proposed grading table in respect of all political office bearer positions is attached as **Annexure I**. The grading structure is characterised by both grades and pay levels in order to distinguish between positions on the basis of their relative worth.

248. The grading results for public office bearer positions in the Local Government institutions are as depicted in **Table 25** below.

**Table 25: Grading Results for Local Government**

Grade	Pay level	Position
MA	1	Executive Mayor Mayor
MB	1	Deputy Executive Mayor Deputy Mayor Speaker
MC	1	MEC MMC Chairperson of a sub-council Whip
MD	1	Municipal Councillor

249. The grading results formed the basis for determining the market comparison and internal relativity of salaries for these positions.

**BENCHMARKING**

250. It was already stated above that the Commission applied a hybrid benchmarking model that contained elements of both a Graded Benchmarking Methodology (benchmarking positions on a job grade basis) and a Graded Pay Relativity Methodology (determining positional ratios to an anchor position). The Commission's hybrid model involves benchmarking anchor positions at the top levels of public office bearer positions in each of the institutions against comparatives in private, public and international sectors. In addition the Commission considered statutory and other directives relating to remuneration links and benchmarking. After establishing appropriate benchmarks for the anchor positions, the Commission determined appropriate ratios at which different public office bearer positions were to be placed within a hierarchical structure in each of the institutions.
251. In order to conduct a comprehensive and credible benchmarking exercise, the Commission considered comparators in private sector, senior public service, senior executives in State Owned Entities and institutions supporting constitutional democracy, and similar international positions and practices.
252. The Commission considers the position of Executive Mayor to be the most appropriate remuneration top level anchor position for public office bearer positions in the Local Government structures. In order to find an optimal benchmark for the anchor positions, the Commission considered the following:
- Private sector remuneration at a similar Peromnes grade. In this regard the Commission was advised by its expert consultants that remuneration levels for a Size E private sector company would be most appropriate.
  - Benchmarking practices in countries with similar constitutional and governmental systems to South Africa shows that the remuneration of the

Head of State/Head of Government is at a similar or lower level as that of its Chief Justice.

- The hierarchical relation between National, Provincial and Local spheres of government.

253. One of the most contentious aspects of the current remuneration structure in respect of political office bearers is the inconsistencies in the notch progression remuneration system, in terms of which incumbents progress to higher notched as a result of, essentially, the time served in those positions. The Commission found that the practice of basing remuneration progression on a notch system is both archaic and counterproductive in terms of modern trends towards performance based remuneration. The Commission is therefore of the view that the current notch system of remuneration should be abolished in favour of salary ranges for each position, within which incumbents could progress on the basis of performance and achievement of institutional goals. Similarly, the Commission is of the firm view that longevity in public office should not primarily be rewarded through a notch progression system that is not necessarily performance related, but rather through appropriate pension payouts.

254. The principles eluded to in the abovementioned comprehensive submission on behalf of Parliament are equally relevant, *mutatis mutandis*, to public office bearers in Local Government institutions. In addition thereto the Commission considers it essential to establish a vertically and horizontally integrated structure for elected political office bearers in national, provincial and local spheres, and across executive and legislative arms of government. In following this principle it is therefore important to consider benchmarks established in respect of public office bearer positions in the National Executive, as an important input towards the establishment of an intergraded framework for elected political office bearers.

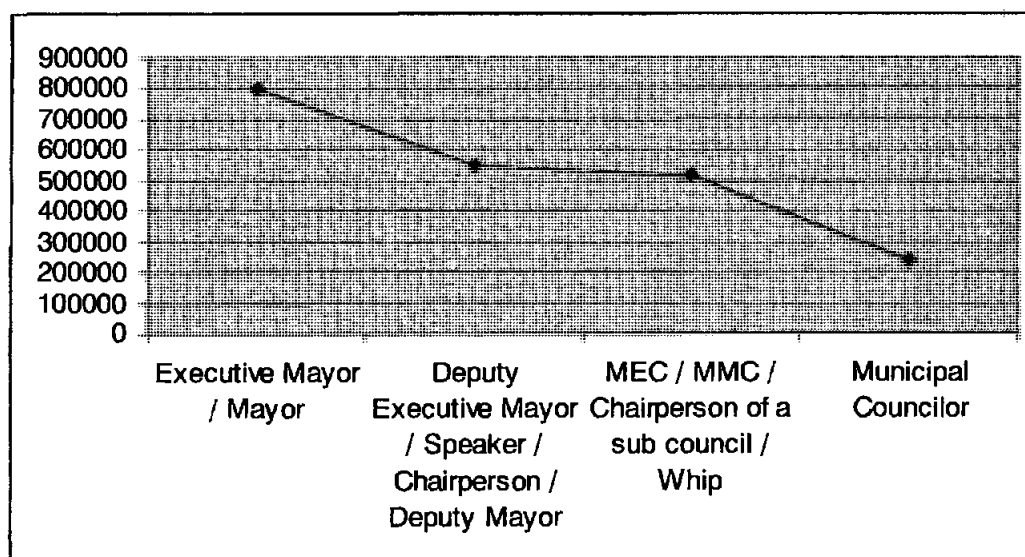
PAY LEVELS

255. The current upper limits of total remuneration of public office bearers in Local Government institutions are set out in **Table 26** and **Figure 17** below.

**Table 26: Current total remuneration of Local Government office-bearers**

Office	Grade	Total remuneration
Executive Mayor / Mayor	6	794 217
Deputy Executive Mayor / Speaker / Chairperson / Deputy Mayor	6	544 122
MEC / Chairperson of a sub council / MMC / Whip	6	510 114
Municipal Councilor	6	238 053

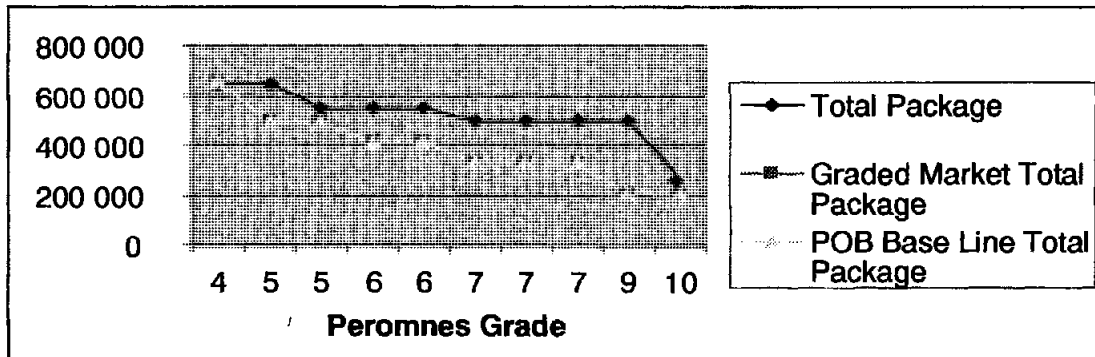
**Figure 17: Current total remuneration of Local Government office-bearers**



256. Based on the grading and market data per grade, as reflected in **Figure 18** below, the rates of Executive Mayor / Mayor and the Deputy Executive Mayor / Mayor of a grade 6 municipal structure are close to the national market rates when considering the total package cost figures. All other

positions of public office bearers in this municipal structure appear to be significantly overpaid compared to the suggested market comparators.

**Figure 18: Local Government Total Package comparison to Market**



(Deloitte & Touche; 2006)

257. The Commission did not develop any remuneration tables, ratios, or pay curves for public office bearer positions in Local Government, as a result of the major remuneration review thereof conducted in 2006, which resulted in the determination of appropriate remuneration levels in Local Government in June 2006.
258. The Commission therefore only recommends an annual cost-of-living adjustment to the total remuneration of members of Local Government institutions, as set out in **Table 27** below.



**Table 27: Total Remuneration Table for members of Local Government institutions**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	SEC 8(1)(d) ALLOWANCE	INCREASE IN REMUNERATION	PROPOSED TOTAL REMUNERATION	DIFFERENCE	PERCENTAGE CHANGE		EXPLANATION
								Sec 8(1)(d) Allowance	Remuneration	
MA	1	Executive Mayor	680 152	80 000	38 748	756 900	76 748	100	5.40	5.4% increase + allowance increase
		Mayor	680 152	80 000	38 748	756 900	76 748	100	5.40	
MB	1	Deputy Executive Mayor	544 122	80 000	29 378	613 500	89 378	100	5.40	5.4% increase + allowance increase
		Speaker / Chairperson	544 122	80 000	29 378	613 500	69 378	100	5.40	
		Deputy Mayor	544 122	80 000	29 378	613 500	69 378	100	5.40	
MC	2	MEC	510 114	80 000	27 586	577 700	67 586	100	5.40	5.4% increase + allowance increase
		M/MC	510 114	80 000	27 586	577 700	67 586	100	5.40	
		Chairperson of a sub-council	510 114	80 000	27 586	577 700	67 586	100	5.40	
		Whip	510 114	80 000	27 586	577 700	67 586	100	5.40	
MD	1	Municipal Councillor	238 053	80 000	12 947	290 900	52 847	100	5.40	5.4% increase + allowance increase

\* The value of current total remuneration packages have been calculated as set out in Annexure H, and include basic salary, motor vehicle allowance, cellular phone allowance, pension and medical aid benefits.

\* The basis for current package values is the total remuneration in the third notch. The % change stated above will therefore be understated in respect of those incumbents who are not currently remunerated in terms of the third notch.

\*\* This allowance represents an increase from the current level of R40 000 per annum, which amount is included in the calculation of the current package in the previous column.

## TRADITIONAL LEADERSHIP POSITIONS

### JOB PROFILING

259. Drafting job profiles for some positions in the Traditional Leadership structure proved to be difficult, as a result of the fact that some positions are based on lineage and not necessarily on the performance of clearly defined functions, and others on normal office holder duties. These issues were however extensively debated with the relevant stakeholders, and duly considered by the Commission before adopting the applicable job profiles for inclusion in its report and recommendations.

260. Job profiles were drafted for the following public office bearer positions in Traditional Leadership structures:

- King;
- Chairperson NHTL;
- Deputy Chairperson NHTL;
- Chairperson PHTL;
- Deputy Chairperson PHTL;
- Member NHTL;
- Member PHTL;
- Senior Traditional Leader; and
- Headman.

261. These job profiles are attached hereto as **Annexure D**.

262. The aim of drafting these job profiles was to establish a basis for job evaluation, grading and benchmarking of public office bearer positions for remuneration purposes, but could also assist at a secondary level in respect of job clarity and improvements in performance of responsibilities intrinsic to each public office bearer position.

#### JOB GRADING

263. A vertically integrated grading structure has been developed for all office bearers in the Traditional Leadership structure, which reflects, amongst other things, the differences between office-holder and lineage positions, as well as the intricate relationships amongst those positions.

264. The grading results for public office bearer positions in the Traditional Leadership structure are depicted in **Table 28** below.

**Table 28: Grading Results for Traditional Leaders**

<b>Grade</b>	<b>Pay level</b>	<b>Position</b>
TA	1	King / Queen
TB	1	Chairperson NHTL
	2	Chairperson PHTL
	3	Deputy Chairperson NHTL
	4	Deputy Chairperson PHTL
TC	1	Member NHTL
	2	Member PHTL
TD	1	Senior Traditional Leader
	2	Headman

265. The grading results formed the basis for determining the market and other comparisons, as well as internal relativity of salaries for these positions.

#### BENCHMARKING

266. It was already stated above that the Commission applied a hybrid benchmarking model that contained elements of both the Graded Benchmarking Methodology (benchmarking positions on a job grade basis) and the Graded Pay Relativity Methodology (determining positional ratios to an anchor position). The Commission's hybrid model involves benchmarking anchor positions at the top levels of public office bearer positions in each of the institutions against comparatives in private, public and international sectors. In addition the Commission considered statutory and other directives relating to remuneration links and benchmarking. After establishing appropriate benchmarks for the anchor positions, the Commission determined appropriate ratios at which different public office bearer positions were to be placed within a hierarchical structure in each of the institutions.

267. In order to conduct a comprehensive and credible benchmarking exercise, the Commission considered comparators in private sector, senior public

service, senior executives in State Owned Entities and institutions supporting constitutional democracy, and similar international positions and practices.

268. The Commission considers it appropriate to make a distinction between full-time and part-time positions, which would inevitably have to be treated very differently for remuneration purposes. The full-time and part-time positions, their respective anchors, and the proposed ratios for the remuneration of the remaining full-time positions in relation to the anchors, are reflected in **Table 29** below.

**Table 29: Remuneration ratios in relation to institutional anchor**

Grade	Pay level	Position	Ratio to anchor
TA	1	King / Queen	Anchor
TB	1	Chairperson NHTL	TA1 – 15%
	2	Chairperson PHTL	TA1 – 30%
	3	Deputy Chairperson NHTL	TA1 – 35%
	4	Deputy Chairperson PHTL	TA1 – 40%
TC	1	Member NHTL	TA1 – 65%
	2	Member PHTL	TA1 – 70%
TD	1	Senior Traditional Leader	TA1 – 78%
	2	Headman	NIL

269. In order to find an optimal benchmark for the anchor positions, the Commission considered the following:

- Private sector remuneration at a similar Peromnes grade. In this regard the Commission was advised by its expert consultants that remuneration levels for a Size E private sector company would be most appropriate;
- Benchmarking practices in countries with similar constitutional and governmental systems as South Africa shows that the remuneration of the Head of State/Head of Government is at a similar or lower level as that of its Chief Justice; and
- The hierarchical relation between National, Provincial and Local spheres of government.

270. The principles eluded to in the abovementioned comprehensive submission on behalf of Parliament are equally relevant, *mutatis mutandis*, to public office bearers in the Traditional Leadership structures. In addition thereto the Commission considers it essential to establish a vertically and horizontally integrated structure for elected political office bearers at national, provincial and local spheres, and across executive and legislative arms of government. In following this principle it is therefore important to consider benchmarks established in respect of public office bearer positions in the National Executive, as an important input towards the establishment of an intergraded framework for elected political office bearers.

271. Having thus established appropriate benchmarks for the anchor position, ratios were determined for the remaining institutional positions, after taking into consideration:

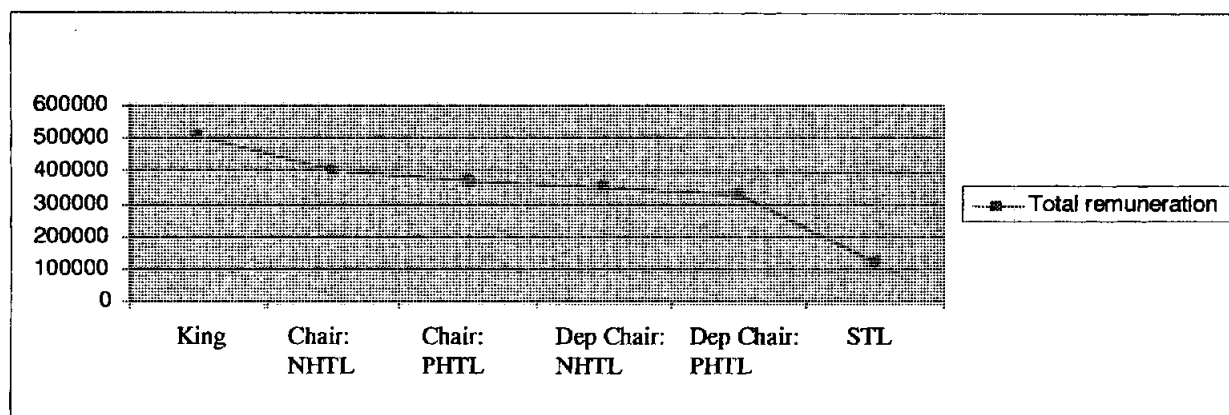
- The extent of job evaluation and grading differences;
- Location on or close to the public office bearer pay line developed by the Commission's consultants;
- Consistency in the rates of spread between top and bottom remuneration levels in institutions;
- Creating room for aspiration and career progression within an institution; and
- The outright comparison of these roles for benchmark purposes is difficult. The relationship of traditional leaders may be closer to the Non-Executive Director type relationship held within the private sector than an employer / employee relationship. The remuneration for the Kings / Senior Traditional Leaders / Headmen roles within the Institution of Traditional Leadership is based on different norms and standards that have to be dealt with in the context of the Constitution.

## PAY LEVELS

272. Having completed the required job evaluations, established horizontally and vertically integrated grading structures, and having determined optimal benchmarks for public office bearer remuneration, the next step in the Commission's review process is to recommend actual pay levels for each public office bearer position.
273. The current total remuneration of the public office bearer positions in the Traditional Leadership structures is as set out in **Table 30** and **Figure 19** below. The current remuneration packages of Traditional Leaders exclude any benefits, and require to be re-considered in respect of newly-created full-time office holder positions within the National and Provincial Houses of Traditional Leaders.

**Table 30: Current total remuneration of Traditional Leaders**

Office	Total remuneration
King / Paramount Chief	507 038
Chairperson NHTL	403 033
Chairperson PHTL	369 035
Deputy Chairperson NHTL	349 875
Deputy Chairperson PHTL	328 252
Senior Traditional Leader	121 702
Member: NHTL	121 702 + allowances
Member: PHTL	121 702 + allowances

**Figure 19: Current total remuneration of Traditional Leaders**

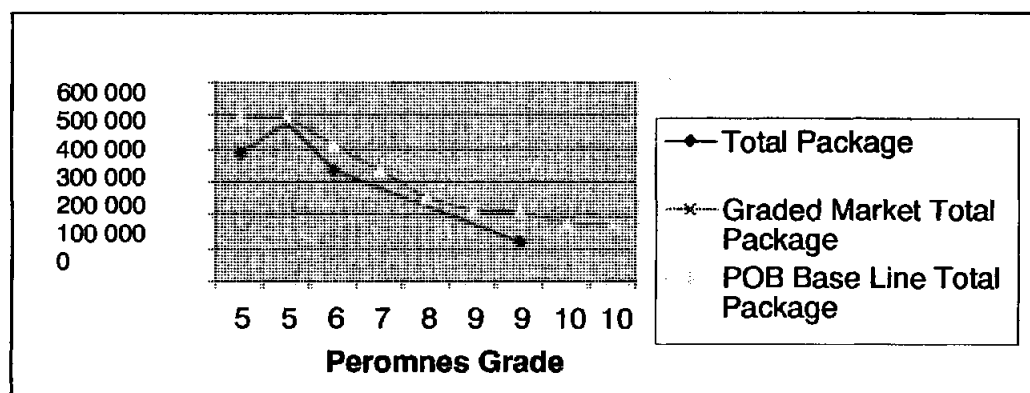
274. Section 5(2) of the Remuneration of Public Office Bearers Act, 1998, states that a traditional leader is, in addition to a salary as traditional leader, entitled to an allowance as determined by the President by proclamation in the Gazette, in respect of his / her membership of a provincial House of Traditional Leaders, the Council of Traditional Leaders and a Municipal Council. Full-time members are however only entitled to the single highest salary in respect of the two appointments. In addition to the salaries and allowances discussed above, Traditional Leaders may claim actual and reasonable expenses for the purpose of subsistence. It is recommended that a market-related salary structure that is based on a flexible total remuneration package, which includes benefits such as medical aid contributions, pensions fund contributions, group life contributions and motor vehicle allowances, is implemented in respect of Traditional Leadership positions.

275. **Table 31** and **Figure 20** below compare current Traditional Leadership remuneration with salaries paid to comparable positions in the Market.

**Table 31: Current Traditional Leader remuneration comparison to Market**

Title	Peromnes Grade	Total Package	Graded Market Total Package	C/R Graded Tables	POB Base Line Total Package	C/R Relativity
Chairperson: NHTL	5	R 381 118	R 494 186	77%	R 494 186	77%
King	5	R 479 469	R 494 186	97%	R 494 186	97%
Deputy Chairperson: NHTL	6	R 330 850	R 412 707	80%	R 412 707	80%
Chairperson: PHTL	7	R 0	R 332 761	0%	R 332 761	0%
Deputy Chairperson: PHTL	8	R 0	R 252 639	0%	R 252 639	0%
Member of NHTL	9	R 0	R 209 780	0%	R 209 780	0%
Senior Traditional Leader	9	R 115 086	R 209 780	55%	R 209 780	55%
Headman	10	R 0	R 170 543	0%	R 170 543	0%
Member of PHTL	10	R 0	R 170 543	0%	R 170 543	0%

(Deloitte &amp; Touche; 2006)

**Figure 20: Traditional Leader remuneration comparison to Market**

(Deloitte &amp; Touche; 2006)

276. Based on the Peromnes grades and the market data the comparative ratios above indicate that the remuneration levels for Total Packages are below the market rates.

277. The Commission has developed recommended remuneration levels, ratios, and a pay curve for public office bearer positions in the Traditional Leadership structures, depicted in **Table 32** and **Figure 21** below.



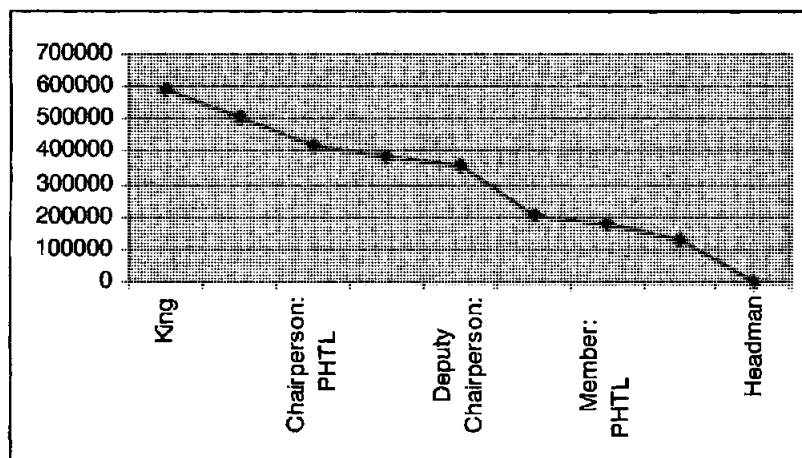
**Table 32: Recommended Remuneration Table for Traditional Leaders**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	PROPOSED PACKAGE	DIFFERENCE	% CHANGE	NO. OF POSTS	TOTAL COST	EXPL
			***						
TA	1	King	507 038	590 400	83 362	16.44	12	1 000 344	Anchor (A)
TB	1	Chairperson: NHTL	403 033	501 800	98 767	24.51	1	98 767	A - 15%
	2	Chairperson: PHTL	369 035	413 300	44 265	11.99	6	265 590	A - 30%
	3	Deputy Chairperson: NHTL *	349 875	383 800	33 925	9.7	1	33 925	A - 35%
	4	Deputy Chairperson: PHTL *	328 252	354 200	25 948	7.9	6	155 688	A - 40%
TC	1	Member: NHTL *	121 702	206 600	84 898	69.76	16	1 358 368	A - 65%
	2	Member: PHTL *	121 702	177 100	55 398	45.52	192	10636 416	A - 70%
TD	1	Senior Traditional Leader	121 702	129 900	8 198	6.74	760	6 230 480	A - 78%
	2	Headman	0	0	0	0	20000	0	
TOTAL COST IMPLICATION **								19 779 578	

\* Part-time office bearers will only receive current allowances plus 5.40%

\*\* Total cost implication will be minimised as a result of the number of part-time office bearers, and current expenditure on allowances

\*\*\* The value of current total remuneration packages have been calculated as set out in Annexure H.

**Figure 21: Recommended Remuneration Curve for Traditional Leaders**

278. It is critical to note that the amounts reflected above represent the total remuneration which is recommended for payment to public office bearers, which includes salaries, all allowances and all benefits. This however does not apply to part-time office-holders in the National and Provincial Houses of Traditional Leaders, who should remain entitled to current salaries and

allowances for attendance of formal meetings of the respective Houses, adjusted by 5.75% to accommodate cost-of-living changes.

## POSITIONS IN THE JUDICIAL AUTHORITY

279. Judges have a crucial role to play in upholding the rule of law and the exercise of public power, which goes to the heart of a constitutional democracy. Under the doctrine of separation of powers, laws are made by Parliament, implemented by the Executive, and interpreted and where necessary tested for legality, by the Judiciary. The Judiciary, as a third arm of government exercises judicial power. The Constitution specifically provides that Courts are independent. Without the foundational safeguard of an independent judiciary that is accountable to the Constitution and its aspiration to uphold these values, there can be no democracy and there will be no check upon the exercise of executive power. Judges must therefore be completely independent, not only from outside interference, but from financial pressure and concerns about provision for retirement. In 1997 the Supreme Court of Canada in the so-called PEI Case<sup>21</sup> listed the following core characteristics of judicial independence, which is universally considered as the most authoritative statement in this regard:

- Security of tenure;
- Financial security;
- Administrative independence;
- A depoliticised relationship between judges and the executive and legislative branches of government. This implies that:
  - There should be no changes to judicial remuneration without a prior independent and effective process for determining judicial remuneration;
  - Members of the judiciary should never engage in remuneration negotiations with the executive or the legislature. To do so would be fundamentally at odds with the principle of judicial independence.
  - Judicial salaries may not be reduced below a minimum level.

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<sup>21</sup> *Reference re Remuneration of Judges* [1998] 1 S.C.R. 3

280. Previously individuals who had reached the pinnacle of their careers in the legal profession were considered for appointment as Judges. At this life stage individuals were motivated more by the status and the recognition of one's achievement and credibility within the legal profession. There is however a need to attract Judges from a younger and more diverse talent pool. The ability to persuade these potential candidates to abandon their careers therefore becomes an important factor in remuneration management processes. It appears that the current remuneration policies are restrictive in achieving this objective.

281. The judicial authority of the Republic is vested in the courts, which are independent, and subject only to the Constitution and the law. The law must be applied impartially and without fear, favour or prejudice. No organ of state or person may interfere with the functioning of the courts.

#### JOB PROFILING

282. Job profiles were drafted for all of the below-mentioned public office bearer positions in the judiciary, including all categories of Judges and Magistrates, after a process of initial consultations, and considering all submissions and correspondence received from representative Judges, Magistrates and other relevant stakeholders, as well as subsequent in-depth role profiling consultations.

- Chief Justice;
- Deputy Chief Justice;
- President: Supreme Court of Appeal;
- Deputy President: Supreme Court of Appeal;
- Judge of the Constitutional Court;
- Judge of the Supreme Court of Appeal;
- Judge President of a High Court;
- Judge President of a Labour Court;

- Deputy Judge President of a High Court;
- Deputy Judge President of a Labour Court;
- Judge of a High Court;
- Judge of a Labour Court;
- Special Grade Chief Magistrate;
- Regional Court President;
- President of a Divorce Court;
- Regional Magistrate;
- Chief Magistrate;
- Presiding Officer: Divorce Court;
- Senior Magistrate; and
- Magistrate.

283. These job profiles are attached hereto as **Annexure D**.

284. The aim of drafting these job profiles was to establish a basis for job evaluation, grading and benchmarking of public office bearer positions for remuneration purposes, but could also assist at a secondary level in respect of job clarity and improvements in performance of responsibilities intrinsic to each public office bearer position.

### Judges

285. Taking into account the transformation process at the judicial level, it seems necessary that the structure of the benefits / package starts to reflect the change in profile and needs of judges. While the role of a judge remains the same, there appears to be a changing profile of person who is selected to become a judge. The person is likely to be younger, and will be selected from a broader sphere of legal professionals (not only those admitted to the Bar, as was the case in the past).

286. There is a hierarchy of judicial positions despite there being a broad similarity of work. Notionally, a higher status is accorded to more senior

judges, but there is no significant difference in the nature of the required tasks amongst judicial positions. Judges are career professionals, and their salaries need to be competitive with the salaries paid to similarly skilled and experienced practitioners in the private sector, which constitutes the greatest pool for attraction of new judges. There is a critical difference between Political Office Bearers and Judicial Office Bearers, which needs to be retained if the constitutional democracy and the rule of law are to be upheld in South Africa.

287. Remuneration for Judges should be commensurate with the dignity of their profession and burden of their responsibilities. Recognition of the role and the value they add to the democratic process has to be recognised and therefore should be reflected in the remuneration of judicial office bearers. It is an acknowledged principle that adequate remuneration should be paid in order to shield judges "from pressures aimed at influencing their decisions and more generally their behaviour."

288. Historically it appears that the structure of Judges' pay has been geared to attract and remunerate people who have made a technical and financial success of a legal career, and who have gained years of experience in so doing. These people were typically 15 years away from retirement i.e. 50 to 55 years old. It has already been indicated above that this position is changing rapidly in South Africa.

289. The attraction and retention of talent into the Judiciary constitutes one of the most critical considerations in the establishment of a remuneration approach for the judiciary.

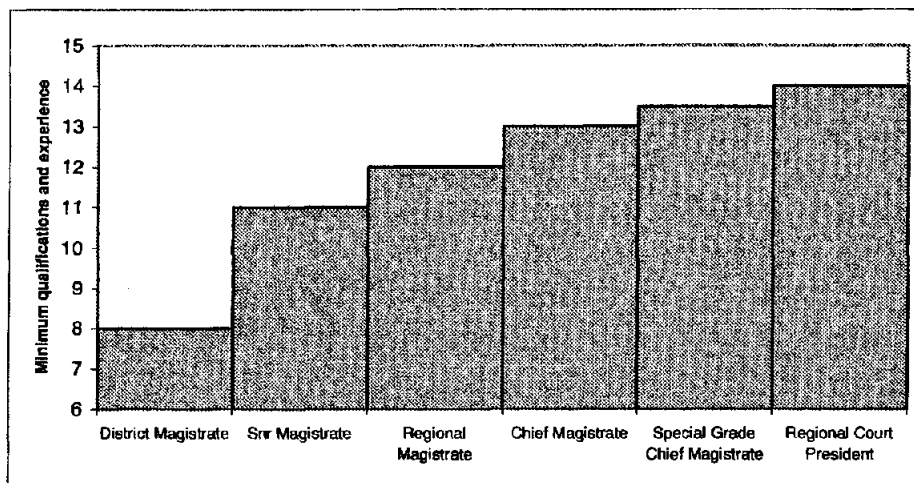
#### Magistrates

290. The minimum requirement to be appointed as a Magistrate in the District Court is a 3-year legal degree and 5 years relevant experience. It is

important to note that a District Magistrate role is not an entry-level role, as significant prior legal experience is required to be competent in such position. The career path of a Magistrate is based on the complexity of the role, and therefore on the knowledge and experience required to perform the role competently.

291. Based on the jurisdiction of the Courts, the magisterial career path starts in the District Court as a Magistrate, and ends in either the District or Regional Court as Special Grade Chief Magistrate (in District Court) or Regional Court President. This does not exclude a Magistrate from being appointed as a Judge in the High Court or moving into the private sector. This career progression is illustrated in **Figure 22** below.

**Figure 22: Magisterial career path**



(Deloitte & Touche; 2006)

## JOB GRADING

292. A grading structure has been developed for all judicial office bearers, which reflects the institutional relatedness amongst different positions in the judiciary. There is overwhelming and compelling support both locally and

internationally for the notion of maintaining completely separate grading, benchmarking and remunerative structures for office bearers in the Judiciary from those in political institutions (Executive and Legislature). The methodology applied in this regard has already been explained above.

293. The proposed grading table in respect of all judicial office bearer positions is attached as **Annexure I**. The grading structure is characterised by both grades and pay levels to distinguish between positions on the basis of their relative worth.

294. The grading results for public office bearer positions in the Judiciary are depicted in **Table 33** below.

**Table 33: Grading Results for Judiciary**

Grade	Pay level	Position
JA	1	Chief Justice
JB	1	Deputy Chief Justice President: Supreme Court of Appeal
JC	1	Deputy President: Supreme Court of Appeal
	2	Judge of the Constitutional Court Judge of the Supreme Court of Appeal
	3	Judge President of the High Court Judge President of the Labour Court
	4	Deputy Judge President of the High Court Deputy Judge President of the Labour Court
	5	Judge of the High Court Judge of the Labour Court
JD	1	Special Grade Chief Magistrate Regional Court President
JE	1	President of a Divorce Court Regional Magistrate Chief Magistrate
	2	Presiding Officer of a Divorce Court
JF	1	Senior Magistrate
JG	1	Magistrate

295. The grading results formed the basis for determining the market comparison and internal relativity of salaries for these positions.



## BENCHMARKING

296. It was already stated above that the Commission applied a hybrid benchmarking model that contained elements of both the Graded Benchmarking Methodology (benchmarking positions on a job grade basis) and the Graded Pay Relativity Methodology (determining positional ratios to an anchor position). The Commission's hybrid model involves benchmarking anchor positions at the top levels of public office bearer positions in each of the institutions against comparatives in private, public and international sectors. In addition, the Commission considered statutory and other directives relating to remuneration links and benchmarking. After establishing appropriate benchmarks for the anchor positions, the Commission determined appropriate ratios at which different public office bearer positions were to be placed within a hierarchical structure in each of the institutions.
297. In order to conduct a comprehensive and credible benchmarking exercise, the Commission considered comparators in the private sector, senior public service, senior executives in State Owned Entities and institutions supporting constitutional democracy, and similar international positions and practices.
298. The Commission considers the position of the Chief Justice to be the most appropriate remuneration top level anchor position for public office bearer positions in the Judiciary. In order to find an optimal benchmark for the position of the Chief Justice, the Commission considered the following:
- Section 7(2)(b) of the Public Audit Act, 2004 (Act No. 25 of 2004) directs that the salary, allowances and other benefits of a person appointed as Auditor-General must be substantially the same as those of the top echelon of the judiciary.
  - Private sector remuneration at a similar Peromnes grade. In this regard the Commission was advised by its expert consultants that remuneration levels

for private legal practitioners and for a Size E private sector company would be most appropriate.

- Current policy directives state that the salary of the National Director of Public Prosecutions should not be at a level lower than that of a High Court Judge, and could be applied as a benchmarking input.
- Remuneration of self-employed private legal practitioners are considered to be meaningful benchmarks.
- Benchmarking practices in countries with similar constitutional and governmental systems as South Africa show that the remuneration of the Head of State/Head of Government is at a similar or lower level as that of its Chief Justice, and that judicial office bearers are generally remunerated at higher levels than political office bearers. This practice is defended on the basis of the highly skilled nature of the duties of judicial office bearers, the academic and experiential requirements for appointment, and the maintenance of judicial independence as a cornerstone of democracy. The Commission found these arguments overwhelmingly convincing.

299. Although it is not advisable nor desirable to establish a formal link between the remuneration of the President, as Head of the National Executive, and the Chief Justice, as Head of the Judicial Authority, the private sector and international sector data, as well as the Commission's grading results indicate that these two positions should be benchmarked at the same or similar level.

300. Having thus established appropriate benchmarks for the anchor position of the Chief Justice, ratios to the anchor position were determined for the remaining positions in the Judiciary, after taking into consideration:

- The extent of job evaluation and grading differences;
- Location on or close to the public office bearer pay line developed by the Commission's consultants;
- Consistency in the rates of spread between top and bottom remuneration levels in institutions; and

- Creating room for aspiration and career progression within an institution.

301. **Table 34** below reflects the ratios at which the Commission proposes the location of public office bearer positions in the Judiciary to be.

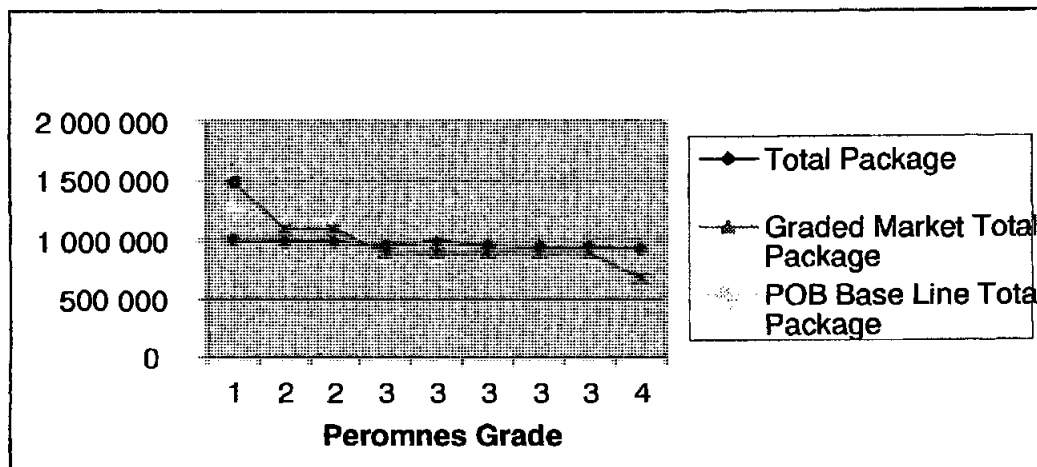
**Table 34: Remuneration ratios in relation to institutional anchor**

Grade	Pay level	Position	Ratio to anchor
JA	1	Chief Justice	Anchor
JB	1	Deputy Chief Justice President: Supreme Court of Appeal	JA1 – 10%
JC	1	Deputy President: Supreme Court of Appeal	JA1 – 15%
	2	Judge of the Constitutional Court Judge of the Supreme Court of Appeal	JA1 – 20%
	3	Judge President of the High Court Judge President of the Labour Court	JA1 – 25%
	4	Deputy Judge President of the High Court Deputy Judge President of the Labour Court	JA1 – 30%
	5	Judge of the High Court Judge of the Labour Court	JA1 – 35%
JD	1	Special Grade Chief Magistrate Regional Court President	JA1 – 55%
JE	1	President of a Divorce Court Regional Magistrate Chief Magistrate	JA1 – 60%
	2	Presiding Officer of a Divorce Court	JA1 – 63%
JF	1	Senior Magistrate	JA1 – 67%
JG	1	Magistrate	JA1 – 70%

302. It is important to note that if the salaries of judicial office bearers are to be equated to those in the Executive or Legislatures, it may negatively impact on judicial independence, or at least on perceived judicial independence. To enhance public confidence in the independence of the judiciary it is necessary to remove any perception of politicisation from the establishment of judicial compensation.

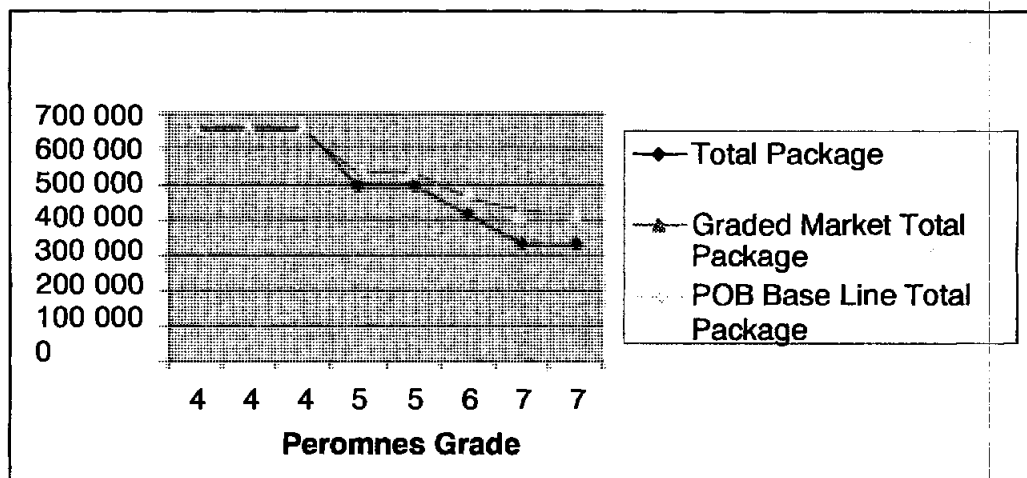
303. **Figures 23 and 24** below show the comparison of current judicial total remuneration packages with that of the comparable market. There is a clear lag in the upper levels of judicial remuneration compared to the market, which undoubtedly has a negative impact on any successful recruitment and retention objectives in the judiciary. It must also be explained that the market data used for comparison is based on Peromnes grading and relates to national remuneration pay levels in the private sector. The Commission requested the General Council of the Bar, Statistics SA and the South African Revenue Services to furnish remuneration levels or trends of advocates, and in particular senior counsel, but has not been furnished with details relating to such salary levels or trends. The Commission has however been advised that the average monthly income of senior counsel varies between R100 000 and R300 000.<sup>22</sup> It is a widely recognised fact that the net earnings of senior counsel practising at the bar are many times a judge's total remuneration. It follows that senior counsel and other senior legal practitioners, from where future judges are recruited, and not the national private sector trends, are the ideal comparator group.

**Figure 23: Judiciary Total Remuneration comparison to Market**



(Deloitte & Touche; 2006)

<sup>22</sup> This information was furnished by the Secretary of Advocates for Transformation KZN.

**Figure 24: Magistracy Total Remuneration comparison to Market**

(Deloitte &amp; Touche; 2006)

304. Remuneration linked to role complexity and attraction and retention strategies may attract premiums. This is more acutely so where the source pool for these positions is located in private practice, and where there is a general scarcity in the market of available talent. Most of the potential candidates for recruitment to judicial positions are either Senior Advocates or senior legal practitioners who are high earners already.
305. Magistrates have been remunerated in terms of the same salary, allowances and benefits structure as public servants until 2003, when they were included under the definition of "office bearers". Despite their addition to the fold of public office bearers, their remuneration packages are however still composed similarly to those of ordinary public servants.
306. The remuneration of the judicial office bearers needs to reflect an internal equity that is clearly defined, and fairly represents the judicial processes from the Constitutional Court to the District Magistrates Courts. On this basis, there needs to be a consistent philosophy and application of remuneration practice within the Judiciary.

307. Magistrates have historically been regarded as separate from Judges. This means the Judiciary is not seen as one integrated authority. Much discussion has been held in the past over linking the salaries of Magistrates to those of Judges in the High Court. No link has been implemented thus far. A uniform remuneration structure including benefits and conditions of service should be developed and implemented for the entire Judiciary. Pay lines therefore are to be developed based on the anchoring of the remuneration of the Chief Justice with a sliding scale moving down the judicial hierarchy through to the District Magistrates. This appears to be the most logical approach if the Judiciary is to be viewed as inclusive of the Magistrates.

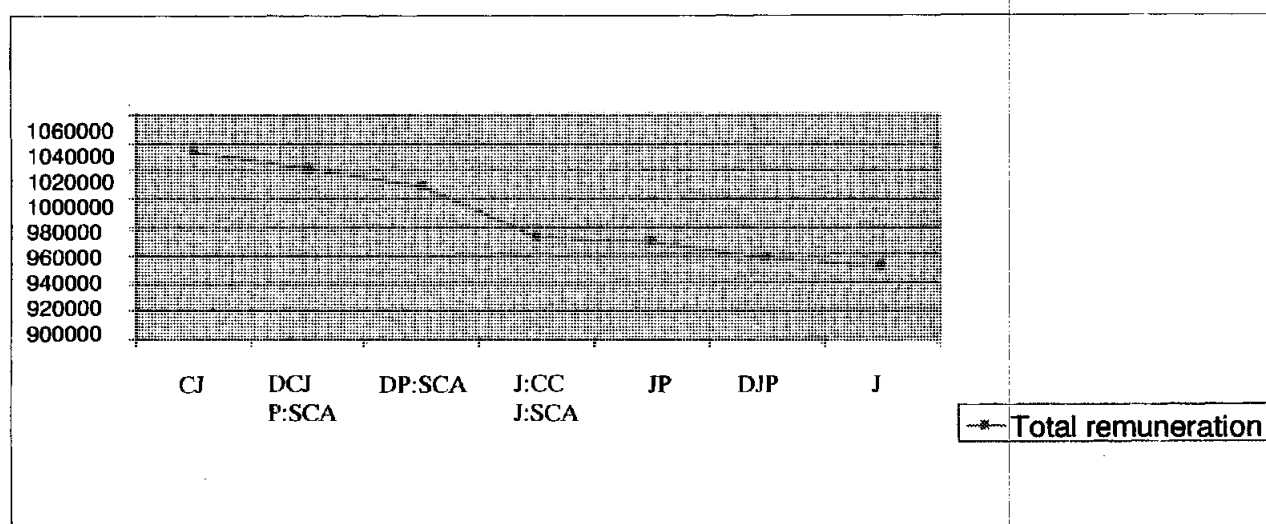
#### PAY LEVELS

308. Having completed the required job evaluations, established horizontally and vertically integrated grading structures, and having determined optimal benchmarks for public office bearer remuneration, the next step in the Commission's review process is to recommend actual pay levels for each public office bearer position.

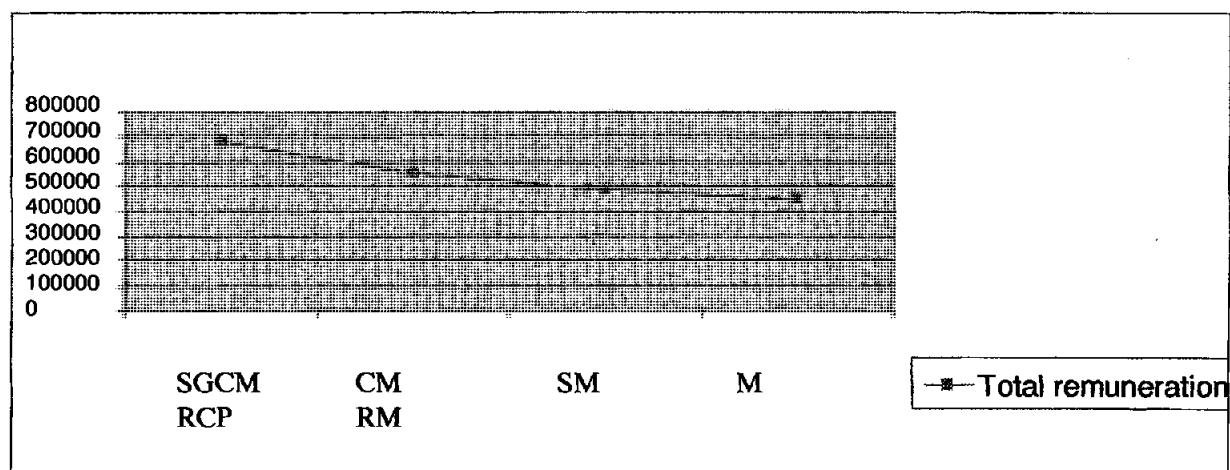
309. The current total remuneration of public office bearer positions in the Judiciary is set out in **Table 35** and **Figure 25** below, and those in the magistracy in **Table 36** and **Figure 26** below.

**Table 35: Current Total Remuneration of Judges**

Office	Total remuneration
Chief Justice	1 092 363
Deputy Chief Justice / President SCA	1 078 404
Deputy President SCA	1 065 351
Judge: Constitutional Court / Judge: SCA	1 026 565
JP: High Court / JP: Labour Court	1 021 902
Deputy JP: High Court / Deputy JP: Labour Court	1 009 710
Judge: High Court / Judge: Labour Court	1 004 082

**Figure 25: Current Total Remuneration of Judges****Table 36: Current Total Remuneration of Magistrates**

Office	Total remuneration
Special Grade Chief Magistrate / Regional Court President	680 779
Chief Magistrate / Regional Magistrate	554 391
Senior Magistrate	489 114
Magistrate	446 535

**Figure 26: Current Total Remuneration of magistrates**

310. In particular the Commission has found that:

- Remuneration levels of judicial office bearers have consistently been dropping in real terms over the years when compared to public office bearers and senior public servants, and more specifically Directors General;
- Judicial remuneration practice has not kept pace with the changing judicial environment and requirements of the judiciary;
- The ability to attract and retain candidates who will uphold, protect and develop the judicial processes in keeping with constitutional and legal practice is compromised with current remuneration practices. There is a concern that the judiciary is unable to attract younger professionals who are able to earn significantly higher levels of remuneration in the private sector;
- Current judicial remuneration is not benchmarked correctly. Statutory directives relating to the benchmarking of the salary of the Chief Justice against that of the Auditor General has not been adhered to;
- A historic undertaking to ensure that judges' salaries would be increased in proportion to the CPIX rate, to ensure that effective purchasing power would be maintained at the level of judges' salaries in 1989, has not been honoured;



- Based on the available grading and market data per grade, it appears as the majority of Magistrates at lower levels are being fairly paid relative to the National Market, but that the gap between the remuneration of the lowest level judge and the highest level magistrate is too wide; and
- The level of compression between the remuneration of a Judge of the high Court and the Chief Justice is unduly small, and not in relation to job evaluation indicators, or international best practice.

311. The Commission considered the levels of remuneration of public prosecutors and other legal practitioners in the public service, and the possible comparison thereof to the remuneration of Magistrates, based on historical remuneration practices. The Commission however considers it inappropriate to deviate from its principled and scientifically formulated remuneration recommendations in respect of Magistrates, as a result of inappropriate comparisons of the two sets of remuneration packages and levels. In particular, the Commission considered the remuneration levels of prosecutors as indicated in **Table 37** below.

**Table 37: Prosecutors' remuneration levels**

Post	Level	Remuneration
Prosecutor	C3	84 180 – 107 271
Prosecutor	C4	110 805 – 146 769
Prosecutor	C5	151 173 – 187 140
Prosecutor	D1	196 503 – 232 467
Prosecutor	D2	328 554 – 372 915
Senior Prosecutor	D3	404 691 – 449 055
Chief Prosecutor	/	584 331 – 633 567
Deputy Director of Public Prosecutions	/	584 331 – 633 567
Director of Public Prosecutions	/	787 260
Deputy National Director of Public Prosecutions	/	836 463
National Director of Public Prosecutions	/	984 072

312. The remuneration package of the Auditor General has recently been set by the President, after having considered recommendations in this regard by Parliament, at a total package value of R1 708 600 per annum. The

parliamentary recommendations were based on a similar job evaluation process applied by the Commission in this review project. Peromnes was also used as a basis for the Parliamentary job evaluation methodology, which enabled the Commission to make a very clear and defensible comparison between the levels of the positions of Chief Justice and Auditor General. The Commission has formed a strong view that equal remuneration levels for the Chief Justice, Auditor General, Deputy President, Speaker of the National Assembly and Chairperson of the National Council of Provinces, would support and develop constitutional democracy optimally in South Africa as far as the impact of remuneration levels thereon is concerned. The determination of the anchor position in the judiciary at an amount of R1 708 600 per annum would not only, for the first time, remunerate judicial office bearers at an appropriate level (based on the required qualifications, experience and characteristics), but would also serve to attract and retain the desired candidates to these positions, which has been a critically problematic area for the judiciary.

313. It is both necessary and useful to include as part of the judicial compensation a significant pension annuity benefit, which has substantial value if compared to that of private practitioners. Although judicial salaries cannot be at the high levels as those of the private legal practitioners, attractive pension benefits could serve as a valuable attraction and retention tool. Current retirement benefits for judges are appropriate, and necessary to attract the best candidates to the bench. An actuarial calculation of the annual value of this benefit is exceedingly complex, and depends on a number of assumptions relating to, amongst others, the period for which the benefit is to be paid, the interest rate, the life expectancy of the judge, etc. The Commission intends to conduct further research in respect of the appropriateness of this benefit in due course, but has in the meantime, and for the purpose of this report, calculated the annual value of this benefit as indicated in Annexure H. In order to make this calculation, the Commission had to assume a contribution period of fifteen years, a return rate of 6.5% per annum, and an average benefit

period of ten years after discharge. The payment of retirement benefits to Constitutional Court judges and judges is regulated in terms of sections 5 and 6 of the Judges Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001). In terms of these sections a Constitutional Court judge or judge who is discharged from active service in terms of section 3 of the same Act, shall be paid:

- A salary in accordance with the formula:  $[(\text{annual salary of the highest office held by such Constitutional Court judge or judge in a permanent capacity during the period of his or her active service}) \div 15] \times [\text{period in years of active service of such Constitutional Court judge or judge}]$ ; and
- A gratuity in accordance with the formula:  $[\text{annual salary of the Constitutional Court judge or judge at the time of his or her discharge from service}] \times 2 \times [(\text{period of years of active service, up to a maximum of 20 years}) \div 15]$ .

314. For the purpose of determining appropriate levels of remuneration for Judges, the Commission used the Deloitte Top Executive Vehicle Tables to value the annual benefit for the type of vehicle allocated to Judges at R211 848. In calculating this value, the following assumptions were made:

- Depreciation was calculated over a period of 48 months (4 years).
- An average use of 30 000km per year was assumed.
- A residual amount of R386 214 has been used (60% of the smoothed value of the vehicle).
- Interest rate of 14%.
- Calculation includes license and registration, insurance costs and monthly instalments.

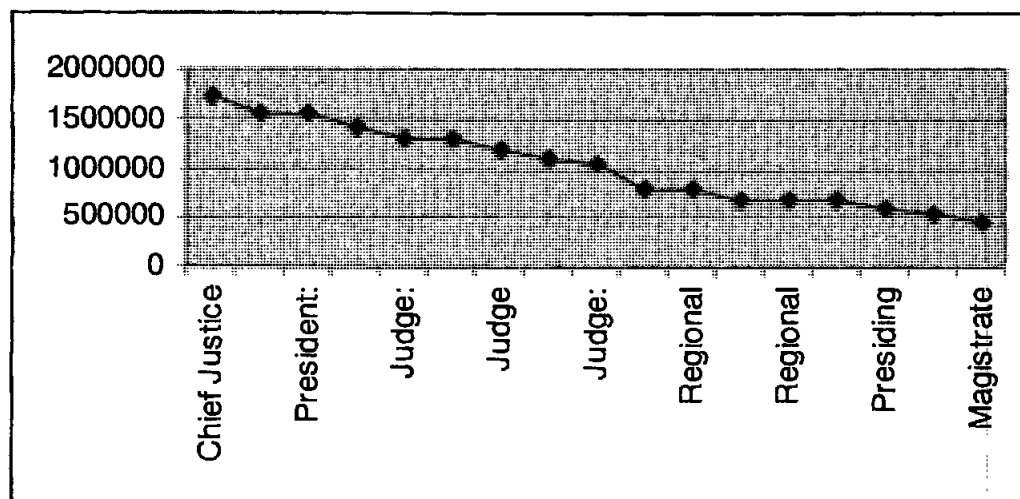
315. The calculation methodology of the benefit is similar to the practice in respect of private and public sector company cars. The Commission found that this scheme falls short of similar schemes in the private sector.

316. The Commission has developed recommended remuneration levels, ratios, and a pay curve for public office bearer positions in the Judiciary, as depicted in **Table 38** and **Figure 27** below.

**Table 38: Recommended Remuneration Table for the Judiciary**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	PROPOSED PACKAGE	DIFFERENCE	% CHANGE	NO. OF POSTS	TOTAL COST	EXPL
JA	1	Chief Justice	1 034 302	1 708 600	674 298	65.19	1	674 298	Anchor (A)
JB	1	Deputy Chief Justice	1 021 322	1 537 700	516 378	50.56	1	516 378	A - 10%
		President: SCA	1 021 322	1 537 700	516 378	50.56	1	516 378	
JC	1	Deputy President: SCA	1 009 184	1 452 300	443 116	43.91	1	443 116	A - 15%
	2	Judge: Constitutional Court	973 118	1 366 900	393 782	40.47	9	3 544 038	A - 20%
		Judge: SCA	973 118	1 366 900	393 782	40.47	19	7 481 858	
	3	Judge President: High/Labour Court	968 782	1 281 500	312 718	32.28	9	2 814 462	A - 25%
	4	Deputy Judge President: High/Labour Court	957 445	1 196 000	238 555	24.92	9	2 146 995	A - 30%
	5	Judge: High/Labour Court	952 211	1 110 600	158 389	16.63	131	20 748 959	A - 35%
JD	1	Special Grade Chief Magistrate	680 779	786 900	88 121	12.94	1	88 121	A - 55%
		Regional Court President	680 779	786 900	88 121	12.94	10	881 210	
JE	1	President: Divorce Court	554 391	683 400	129 009	23.27	3	387 027	A - 60%
		Regional Magistrate	554 391	683 400	129 009	23.27	318	41 024 862	
		Chief Magistrate	554 391	683 400	129 009	23.27	26	3354 234	
	2	Presiding Officer: Divorce Court	554 391	632 200	77 809	14.04	5	389 045	A - 63%
JF	1	Senior Magistrate	489 114	563 800	74 686	15.27	160	11 949 760	A - 67%
JG	1	Magistrate	446 535	512 600	66 065	14.80	1 388	91 698 220	A - 70%
		TOTAL COST IMPLICATION						188 658 961	

\*\*\* The value of current total remuneration packages have been calculated as set out in Annexure H, and include basic salary, motor vehicle allowance, medical aid, pension, housing allowance, 13<sup>th</sup> cheque, and cellular phone allowance.

**Figure 27: Recommended Remuneration Curve for the Judiciary**

317. It is critical to note that the amounts reflected above represent the total remuneration which is recommended for payment to public office bearers, which includes salaries, all allowances and all benefits.

## SUMMARY OF RESULTS AND RECOMMENDATIONS

318. In one of the key chapters of the report the Commission set out the results and recommendations of the review. It records that it has completed comprehensive research to enable it to make recommendations, as is statutorily required, to the President and to Parliament, for the implementation of an integrated, fair and transparent total remuneration structure for all public office bearers in South Africa, as defined in relevant legislation. The process entailed completing job profiles, grading and benchmarking of all public office bearer positions, and making recommendations on appropriate levels of remuneration. The report contains the recommendations in this regard, which could be summarized as follows.

- The grading and remuneration tables for the different public office bearer groups should not be integrated into a single table which allows for vertical and horizontal comparison across the different groups, but should rather be differentiated in terms of each unique characteristics of each of the following institutions:
  - National Executive and Deputy Ministers;
  - National Parliament;
  - Provincial Executives and Legislatures;
  - Local Government;
  - Traditional Leadership structures; and
  - Judiciary (including the Magistracy).
- Grading and benchmarking of all public office bearer positions should be done both scientifically and artistically on the basis of the job profiles of each position, contained in Annexure D hereto.
- All public office bearer positions in the different institutions should be graded and remunerated as indicated in **Tables 39 to 44** below.
- Public office bearers should be remunerated in terms of a total remuneration structure, in which the total remuneration received by such office bearer is:

- Transparent and comprehensive;
- Distinguished from the tools of trade that may be required for the office bearer to perform his or her duties effectively and efficiently;
- Flexible to the extent that the office bearer could structure the remuneration package according to individual needs; and
- Fair and equitable in view of the specific requirements of the position.
- The structuring of the recommended total remuneration packages should include the following elements:
  - Basic salary component (60% of total package);
  - An amount of R60 000,00, as the amount to which section 8(1)(d) of the income Tax Act, 1962, applies;
  - Pension benefit; and
  - Flexible portion.
- The rules relating to the structuring of total remuneration packages should be similar to those in respect of senior management positions in the public service.
- The translation from the current public office bearer remuneration system to a system characterized by total remuneration packages should be with effect from 01 April 2007.
- The Commission should complete a similar review of the allowances, benefits and tools of trade that may be necessary for public office bearers in the different institutions to be able to perform their duties effectively and efficiently. The review will include pension benefits and institutionally unique allowances due to public office bearers, which are currently perceived to be inadequate and inequitable.

**Table 39: Recommended grading and remuneration table for National Executive and Deputy Ministers**

GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION
EA	1	President	1 898 400
EB	1	Deputy President	1 708 600
EC	1	Minister	1 452 300
ED	1	Deputy Minister	1 196 000

**Table 40: Recommended grading and remuneration table for National Parliament**

GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION
PA	1	Speaker: NA	1 708 600
		Chairperson: NCOP	1 708 600
PB	1	Deputy Speaker: NA	1 196 000
		Deputy Chairperson: NCOP	1 196 000
	2	House Chairperson	1 110 600
PC	1	Chief Whip: Majority Party	939 700
		Chief Whip: NCOP	939 700
		Parliamentary Counsel: President	939 700
		Parliamentary Counsel: Deputy President	939 700
		Leader of Opposition	939 700
	2	Chairperson of a Committee	854 300
PD	1	Deputy Chief Whip: Majority Party	768 900
		Chief Whip: Largest Minority Party	768 900
		Leader of a Minority Party	768 900
	2	Whip	713 500
PE	1	Member: NA	643 800
		Permanent Delegate: NCOP	643 800

**Table 41: Recommended grading and remuneration table for Provincial Executives and Legislatures**

GRADE	PAY LEVEL	POSITION	UPPER LIMIT OF TOTAL REMUNERATION
LA	1	Premier	1 366 900
LB	1	MEC	1 196 000
		Speaker	1 196 000
LC	1	Deputy Speaker	939 700
	2	Chairperson of Committees	768 900
		Chief Whip: Majority Party	768 900
		Leader of Opposition	768 900
	3	Deputy Chairperson of Committees	723 400
		Chairperson of a Committee	723 400
		Deputy Chief Whip: Majority Party	723 400
		Chief Whip: Largest Minority Party	723 400
LD	1	Leader of a Minority Party	723 400
		Parliamentary Counsel to a King	643 800
		Whip	643 800
	2	MPL	623 100



**Table 42: Recommended grading and remuneration table for Local Government**

GRADE	PAY LEVEL	POSITION	UPPER LIMIT OF TOTAL REMUNERATION
MA	1	Executive Mayor	756 900
		Mayor	756 900
MB	1	Deputy Executive Mayor	613 500
		Speaker / Chairperson	613 500
		Deputy Mayor	613 500
MC	2	MEC	577 700
		MMC	577 700
		Chairperson of a sub-council	577 700
		Whip	577 700
MD	1	Municipal Councilor	290 900

**Table 43: Recommended grading and remuneration table for Traditional Leadership structures**

GRADE	PAY LEVEL	FULL TIME POSITIONS	TOTAL REMUNERATION
TA	1	King	590 400
TB	1	Chairperson: NHTL	501 800
	2	Full time Chairperson: PHTL	413 300
	3	Deputy Chairperson: NHTL	383 800
	4	Full time Deputy Chairperson: PHTL	354 200
TC	1	Full time Member: NHTL	206 600
	2	Full time Member: PHTL	177 100
TD	1	Senior Traditional Leader	129 900
	2	Headman	0
GRADE	PAY LEVEL	PART TIME POSITIONS *	SITTING ALLOWANCE
/	/	Part time Member: NHTL	R744 per day
/	/	Part time Chairperson: PHTL	R885 per day
/	/	Part time Deputy Chairperson: PHTL	R796 per day
/	/	Part time Member: PHTL	R617 per day

\* 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.

**Table 44: Recommended grading and remuneration table for the Judiciary**

GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION
JA	1	Chief Justice	1 708 600
JB	1	Deputy Chief Justice	1 537 700
		President: SCA	1 537 700
JC	1	Deputy President: SCA	1 452 300
	2	Judge: Constitutional Court	1 366 900
		Judge: SCA	1 366 900
	3	Judge President: High/Labour Court	1 281 500
	4	Deputy Judge President: High/Labour Court	1 196 000
	5	Judge: High/Labour Court	1 110 600
JD	1	Special Grade Chief Magistrate	768 900
		Regional Court President	768 900
JE	1	President: Divorce Court	683 400
		Regional Magistrate	683 400
		Chief Magistrate	683 400
	2	Presiding Officer: Divorce Court	632 200
JF	1	Senior Magistrate	563 800
JG	1	Magistrate	512 600

## TOOLS OF TRADE

319. It is important to draw a clear distinction between remuneration and tools of trade. Definitions of these concepts appear above. The Commission has found that there are significant differences in the approaches adopted by different institutions with regard to the allocation of tools of trade to office bearers in those respective institutions. A full review per institution is necessary, and a similar review process as the one in the report herein would be both appropriate and necessary. It is important to note that the Commission is statutorily mandated, by virtue of section 8(4)(c) of the Independent Commission for the Remuneration of Public Office Bearers Act, 1997, to make recommendations in respect of the resources necessary to enable an office bearer to perform his or her functions effectively ("tools of trade").
320. **Annexure K** sets out a very broad summary of the known resources allocated to office bearers in the different institutions. The detail thereof have not to date been consolidated in a single, accessible and comprehensive document.
321. The Commission is aware of the fact that there is currently widespread unease with regard to the unclear distinction between remuneration and tools of trade, the confusion in respect of what tools of trade are available to different office bearers, and whether the current tools of trade are appropriate or not. It is interesting to note that both the Commission and its consultants were brought under the clear impression, after consultations with representatives from certain public office bearer groups, that incumbents were more agitated by the fact that they were required to sponsor their tools of trade from their own salaries, than by the levels of their salaries. It was even suggested to the Commission that "the harder one works, the poorer he or she becomes". One relevant example relates to the confusion regarding the taxable nature of the use of travel vouchers by family members of Members of Parliament. It can be argued that the

vouchers for use by the spouse or companion, dependents, parent or parent-in-law of a Member is in fact a benefit and should be treated as part of the remuneration package. It can further be argued that members need to be able to motivate the use of each voucher as an official expense. Where it cannot be motivated as an official expense, it should be treated as a benefit and part of the taxable remuneration of the Member. This issue needs to be properly researched and clarified.

322. The Commission therefore intends to institute a comprehensive review of the resources referred to in the said section 8(4)(c) during 2007, and will make full recommendations in such regard after completion thereof. The aim of such a review would be to formalise a transparent record of the total remuneration (salaries, benefits and allowances) as well as the institutionally relevant tools of trade required by each public office bearer position to enable the incumbent to perform his or her duties efficiently and effectively.

**TOTAL REMUNERATION SYSTEM AND IMPLEMENTATION**

323. Successful implementation of a total remuneration structure for all public office bearers will depend on thorough job analysis, consistent job evaluation and job grading, appropriate benchmarking, and a total structure based on equity and fair remuneration. It would further be necessary to define remuneration packages in terms of a set of core components and flexible portions for each package, while at the same time addressing the many differences in existing benefit arrangements amongst different public office bearer groups.

324. The challenges that need to be addressed in the implementation stage of a total package remuneration system are as follows:

- Careful change management of a new remuneration dispensation, including consultation and communication with incumbents, conceptualisation of various key terminologies, payroll system changes, and administrative structures to deal with actual financial transactions.
- Appropriate budgeting and transition costing.

325. A three-phase implementation process is recommended:

- Determination of actual financial cost to translate existing remuneration to a total package structure.
- Communication of the implementation process and package structuring options to all current public office bearers and other relevant stakeholders.
- Administration and systems changes.

Determination of actual financial cost to translate existing remuneration to a total package structure

326. This is the most critical part of the implementation process. The present benefit structure should be analysed and the total cost of the transition to total package is quantified. At this point, the decision-makers responsible for remuneration of Public Office Bearers will decide whether or not to proceed with the full implementation. Much of the necessary work required for implementation was carried out during this review phase and included:

- Drafting of role profiles for every position of public office bearer within each institution.
- Deciding on and developing applicable job evaluation system for each institution.
- Grading of each of the public office bearer positions.
- Development of pay scales for each institution.
- An analysis of the current benefit structure and the valuation of current benefits to determine the present total package cost.
- A full costing of the transition to total package remuneration including equity implications.

327. Typically an investment is required to establish parity in the transition process. This transition does not happen within one financial year, and will be more acceptable to the budgetary process if implemented over a period of between three to five years. The Department of Public Service of South Africa (DPSA) has implemented a Total Inclusive Package for employees of the Senior Management Service at a cost of approximately 5% of the total remuneration. To summarise, this is the cost of 'buying yourself out of the cost' of the promise of a future subsidy. **Annexure J** hereto reflects the actual financial cost of translating the current remuneration system to a Total Remuneration structure.

Communication of the implementation process and package structuring options, to all current public office bearers and other relevant stakeholders

328. Once step 1 is finalised and the extent of the implementation process is understood, a full project timeline should be developed for the following:

- Finalisation of proposed remuneration structures by institutions.
- Amendment of policy documentation and remuneration rules by institution.
- Consultation with appropriate public office bearer representative groups, where necessary.
- Communication requirements, including:
  - Presentations to Public Office Bearers.
  - Booklets and documentation.
  - Communication Workshops.
  - One-on-one package counselling.
- Design and explanation of remuneration structuring tool.

Administration and systems changes

329. During this phase the project map would be implemented including the following deliverables:

- Payroll amendments to accommodate the new remuneration structure.
- Development of communication documentation and the running of presentations and information sessions to all Public Office Bearers.
- Possible linkage of total cost packages to existing administrative mechanisms such as Persal.

## CONCLUSION

330. Due to the fact that this Commission and its predecessors in the past made its remuneration recommendations based on mainly historical remuneration practices and levels, it has become necessary to conduct a review of the remuneration structure, systems and levels pertaining to all public office bearers. No such review had been conducted thus far in South Africa. South Africa has had the benefit of ten years of experience under its current constitution, and an opportune moment existed to evaluate how remuneration practices in respect of public office bearers contributed to the advancement of constitutional democracy and good governance in South Africa.
331. This review also presented an opportunity to address the many inequities that exist in the current system of public office bearer remuneration, which resulted inter alia from the addition of different positions to the definition and fold of public office bearers at different times, and from different remuneration regimes. The review at the same time considered how public office bearer remuneration practices kept up with remuneration developments generally, and what measures were required to address instances where it did not.
332. It was necessary for the Commission to state its remuneration policy in clear terms, and to conceptualise the principles it considers to be of key importance in respect of public office bearer remuneration. Transparency, flexibility and fair remuneration were identified as the main objectives of the establishment of a remuneration regime for public office bearers.
333. The review established, for the first time, comprehensive job profiles for each public office bearer position, through a process of multi-faceted and scientific job evaluation. This served as a strong basis for job grading, benchmarking, and ultimately for the determination of fair and appropriate pay levels for each of those positions.



334. The significantly different allocations of tools of trade by different institutions, the widespread confusion with regard to the nature of such tools of trade, and the appropriateness of these allocations, necessitates a full review thereof by the Commission in the immediate future.

**ANNEXURES**

- A. Legislative framework
- B. Summary of submissions received
- C. List of resources considered
- D. Role profiles per institution
- E. Peromnes grading results
- F. Comparative grading tables
- G. Current remuneration tables
- H. Current total remuneration packages
- I. Recommended remuneration tables
- J. Estimated cost of translation of current remuneration system to Total Remuneration
- K. Summary of Tools of Trade per institution
- L. Parliamentary submission on international comparative study

## ANNEXURES

<b>ANNEXURE A: LEGISLATIVE FRAMEWORK.....</b>	<b>2</b>
<b>ANNEXURE B: SUMMARY OF SUBMISSIONS RECEIVED.....</b>	<b>3</b>
<b>ANNEXURE C: LIST OF REFERENCES.....</b>	<b>4</b>
<b>ANNEXURE D: JOB PROFILES .....</b>	<b>5</b>
Annexure D1: National Executive .....	5
Annexure D2: National Parliament.....	21
Annexure D3: Provincial Legislatures .....	54
Annexure D4: Local Government.....	74
Annexure D5: Traditional Leadership.....	93
Annexure D6: Judges .....	111
Annexure D7: Magistrates.....	138
<b>ANNEXURE E: PEROMNES GRADING RESULTS .....</b>	<b>166</b>
<b>ANNEXURE F: COMPARATIVE GRADING TABLES.....</b>	<b>168</b>
<b>ANNEXURE G: CURRENT REMUNERATION TABLES.....</b>	<b>170</b>
<b>ANNEXURE H: CURRENT TOTAL REMUNERATION PACKAGES.....</b>	<b>175</b>
<b>ANNEXURE I: RECOMMENDED REMUNERATION TABLES.....</b>	<b>178</b>
<b>ANNEXURE J: COST OF TRANSLATION FROM CURRENT TO TOTAL     REMUNERATION PACKAGES .....</b>	<b>181</b>
<b>ANNEXURE K: SUMMARY OF TOOLS OF TRADE PER INSTITUTION.....</b>	<b>184</b>
National Assembly and National Council of Provinces.....	184
Provincial Legislatures .....	185
Local Government.....	185
Judiciary .....	186
Traditional Leaders .....	186
<b>ANNEXURE L: REMUNERATION AND BENEFITS OF MEMBERS OF     PARLIAMENT: A COMPARATIVE OVERVIEW.....</b>	<b>187</b>

**ANNEXURE A: LEGISLATIVE FRAMEWORK**

<b>Act</b>	<b>Act No.</b>	<b>Relevance</b>	<b>Repealed by Act</b>
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 Commission to make recommendations regarding the nature, extent and conditions of remuneration and allowances for 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	Provided 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	Provided a framework for determining salaries, allowances and benefits for 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	Provided for remuneration and conditions of employment of all Judges	N/A
Judicial Officers (Amendment of Conditions of Service) Act	28/2003	Included all judicial office bearers in the scope and definition of office-bearers	N/A
Traditional Leadership and Governance Framework Act	41/2003	Changed the structure of traditional leadership office-bearer positions	N/A

**ANNEXURE B: SUMMARY OF SUBMISSIONS RECEIVED**

<b>By</b>	<b>Description of submission</b>
Deloitte & Touche	59 submissions contained in annexures to their final report to the Commission
Institute of Commerce and Management SA	Remuneration for MEC's and Members of Provincial Legislature
Parliament	Circular No L19/2001: Facilities for Members of the National Assembly and Permanent Delegates to the National Council of Provinces
Parliament	Allowances of Members of the National Assembly and Permanent Delegates to the National Council of Provinces
National Assembly	Rules of the National Assembly
Chief Whips forum, Parliament	Remuneration of Office Bearers
James Selfe, MP	Submission of role profile for the Leader of the Opposition
National Council of Provinces	Booklet - Functioning of the Committee System
National Council of Provinces	The role of the NCOP in Parliament
Western Cape Provincial Legislature	Enabling Facilities for the members of the Provincial Parliament: Western Cape
Western Cape Provincial Legislature	AWEPA Document – Roles and Responsibilities of Presiding Officers and Chief Whips of Legislatures.
Eastern Cape Provincial Legislature	Remuneration of Members of Provincial Legislatures
Adv Graham Richards, SALGA	Proposal on the Municipal Sphere of Government on Appropriate Remuneration for Municipal Councillors
Department of Provincial and Local Government	Report on Review of Remuneration of Members of the Municipal Councils
Judges' Remuneration Committee	Memoranda on Judges' salaries and conditions of service, the effect of CPIX on Judges' remuneration, and the roles of different Judges
Chief Justice A. Chaskalson	The role of Judges under the Constitution, The role of Judges of the Constitutional Court and the role of the Chief Justice
JOASA	Judicial Manual for District Courts
Mr C.J. Barnard	Proposals for Remuneration Adjustments: Magistrates
JOASA	File containing submissions on various issues
ARMSA	File containing submissions on various issues
LCMC	File containing submissions on various issues
JOASA	Memorandum on car allowances for Magistrates
Various Magistrates	Submissions, opinions, letters, emails and faxes on a number of different issues
Inkosi Mpiyezintombi Mzimela	National House of Traditional Leaders, The Determination of Benefits Payable to Traditional Leaders
AM Sithole	Submissions on the remuneration of Traditional Leaders and members of the Local, Provincial and National House of Traditional Leaders

**ANNEXURE C: LIST OF REFERENCES**

21<sup>st</sup> Century Pay Solutions & CS Holdings; May 2004. *Recommendations to the Independent Commission for the Remuneration of Public Office Bearers, on the Remuneration, Allowances and other Benefits of Public Office Bearers.*

Boyle, B. 2006. *Crackdown on State Companies.* Sunday Times; 19 November 2006

Deloitte & Touche; January 2006. *Second Report of Recommendations to the Independent Commission for the Remuneration of Public Office Bearers.*

Parliament of Canada Act, Part IV, *Remuneration of Members of Parliament.*

Parliament of the Republic of South Africa; August 2006. *Proposals on a comprehensive structure for the remuneration of Parliamentary Public Office Bearers.*

Reference re Remuneration of Judges [1998] 1 S.C.R. 3

Statistics South Africa; 16 November 2006. *Statistical Release P0276: Survey of Employers and the Self-employed.*

Statistics South Africa; 12 December 2006. *Statistical Release P0277: Quarterly employment statistics.*

Statistics South Africa; 20 December 2006. *Statistical Release P0141.1: Annual inflation statistics.*

**ANNEXURE D: JOB PROFILES****Annexure D1: National Executive**

<b>Job / Position Title</b>	<p><b>President</b></p> <p>The President is the Head of State and head of the national executive or Cabinet.</p>
<b>Context</b>	<p>The President is elected by members of the National Assembly (section 86 of the Constitution). He is entrusted with maintaining the supremacy of the Constitution as the guiding law of the country, and is also required to promote the unity and interests of the nation. As head of the national Executive, the President is also the Commander-in-Chief of the defence force. The President has the powers entrusted by the Constitution and legislation, including those necessary to perform the functions of the Head of State and head of national executive (section 84(1) of the Constitution). The President is responsible to Parliament.</p> <p>The National Assembly, together with the National Council of Provinces, constitutes Parliament, an independent arm of government in the national sphere.</p> <p>The legal framework within which Parliament operates:</p> <ul style="list-style-type: none"> <li>• The Constitution of the Republic of South Africa.</li> <li>• Powers and Privileges and Immunities of Parliament and Provincial Legislatures Act.</li> <li>• Public Finance management Act.</li> <li>• Rules of the National Assembly and the Joint Rules of Parliament.</li> </ul> <p>The responsibility and authority of the President must be understood within this context.</p>
<b>Key Role</b>	<p>The President is responsible for:</p> <ul style="list-style-type: none"> <li>• appointing the Cabinet;</li> <li>• appointing judges after consulting with the Judicial Services Commission;</li> <li>• appointing the Public Protector, the Auditor-General and members of the various Commissions on the recommendation of Parliament;</li> <li>• appointing the Military Command of the Defence Force;</li> <li>• appointing commissions of inquiry;</li> <li>• assenting to and signing Bills passed by Parliament so that they can become laws, or referring Bills back to the National Assembly or to the Constitutional Court if there are concerns over their constitutionality;</li> <li>• calling special sittings of the Houses of Parliament;</li> <li>• calling a national referendum;</li> <li>• receiving foreign diplomats;</li> <li>• designating South Africa's representatives abroad;</li> <li>• conferring honours;</li> <li>• pardoning or relieving offenders; and</li> <li>• declaring a "state of national defence" with the approval of Parliament.</li> </ul>
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Executive.</li> <li>• All members.</li> <li>• NCOP.</li> <li>• National Assembly.</li> <li>• Chief Whips.</li> <li>• The Judiciary.</li> <li>• Speakers of Provincial Legislatures.</li> <li>• Civil Society.</li> <li>• International Legislative Bodies.</li> <li>• Ministry staff.</li> <li>• Senior staff in other ministries.</li> <li>• Officials of various boards and agencies.</li> <li>• Officials in local government.</li> </ul>
<b>Key Responsibilities</b>	<p><i>Specific responsibilities:</i></p> <ol style="list-style-type: none"> <li>a) The President appoints the Deputy President and Ministers, assigns their powers and functions, and may dismiss them (section 91(2) of the Constitution).</li> <li>b) The President must appoint a member of the Cabinet to be the leader of government business in the National Assembly (section 91(4) of the Constitution).</li> <li>c) The President may appoint- <ul style="list-style-type: none"> <li>– Any number of Deputy Ministers from among the members of the National Assembly, and</li> </ul> </li> </ol>

	<p>– No more than two Deputy Ministers from outside the Assembly, to assist the members of the Cabinet, and may dismiss them (Section 93(1)(a) and (b) of the Constitution).</p> <p>d) The President has powers from various sources: statutes relating to departments and any agencies in the portfolio (management and direction of departments, parliamentary responsibility of the agency), functional statutes (which codify sectoral policies), legislation relating to specialised agencies, regulations made further to the above-mentioned legislation, conventions, precedents and customs, a broad range of responsibilities, missions or special roles emanating from these which the President would perform also in terms of delegation of his powers.</p> <p><i>Presiding responsibilities:</i></p> <ul style="list-style-type: none"> <li>• May attend and may speak in the NCOP but may not vote (Section 66(1) of the Constitution).</li> <li>• May attend a meeting of the NCOP or a committee of the NCOP (Section 66(2) of the Constitution).</li> </ul> <p><i>Legislative Responsibilities:</i></p> <p><i>*National Anthem in terms of section 4 of the Constitution.</i></p> <ul style="list-style-type: none"> <li>• The national anthem of the Republic is determined by the President by proclamation.</li> </ul> <p><i>*Introducing Bills in terms of section 73(2) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• May introduce a Bill in the National Assembly.</li> </ul> <p><i>*Assent to Bills in terms of section 79(1) and (4) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• The President must either assent to and sign a Bill passed in terms of Chapter 4 of the Constitution or, if the President has reservations about the constitutionality of the Bill, refer it back to the National Assembly for reconsideration.</li> <li>• If, after reconsideration, a Bill fully accommodates the President's reservations, the President must assent to and sign the Bill; if not, the President must either- <ul style="list-style-type: none"> <li>– assent to and sign the Bill; or</li> <li>– refer it to the Constitutional Court for a decision on its constitutionality.</li> </ul> </li> </ul> <p><i>*Executive authority exercised together with the other members of Cabinet in terms of section 85(2) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• Implementing national legislation except where the Constitution or an Act of Parliament provides otherwise.</li> <li>• Developing and implementing national policy.</li> <li>• Co-ordinating the functions of state departments and administrations.</li> <li>• Preparing and initiating legislation.</li> <li>• Performing any other executive function provided for in the Constitution or in national legislation.</li> </ul> <p><i>*Transfer of functions by the President by Proclamation in terms of section 97 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• The administration of any legislation entrusted to another member may be transferred to another member.</li> <li>• Any power or function entrusted by legislation to another member may be transferred to another member.</li> </ul> <p><i>*Temporary assignment of functions by the President in terms of section 98 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• The President may assign to a Cabinet member any power or function of another Cabinet member who is absent from office or is unable to exercise that power or perform that function.</li> </ul> <p><i>*Assignment of functions in terms of section 99 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• The President as Cabinet member may assign any power or function that is to be exercised or performed in terms of an Act of Parliament to a member of a provincial Executive Council or a Municipal Council.</li> <li>• An assignment- <ul style="list-style-type: none"> <li>– Must be in terms of an agreement between the relevant Minister and the Executive Council member or Municipal Council;</li> <li>– Must be consistent with the Act of Parliament in terms of which the relevant power or function is exercised or performed; and</li> <li>– Takes effect upon proclamation by the President.</li> </ul> </li> </ul> <p><i>*National Intervention in provincial administration in terms of section 100 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• National Executive which includes the President may intervene when a province cannot fulfill an executive obligation in terms of the Constitution or legislation, by taking any appropriate steps to ensure fulfilment of that obligation, including- <ul style="list-style-type: none"> <li>– Taking effect upon proclamation by the President, issuing a directive to the provincial executive, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations; and</li> <li>– assuming responsibility for the relevant obligation in that province to the extent necessary to-</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>maintain essential national standards or meet established minimum standards for the rendering of a service;</li> <li>maintain economic unity;</li> <li>maintain national security; or</li> <li>prevent a province from taking unreasonable action that is prejudicial to the interests of another province or to the country as a whole.</li> </ul> <p><b>*Executive decisions in terms of section 101(1) of the Constitution:</b></p> <ul style="list-style-type: none"> <li>A decision by the President must be in writing if it is- <ul style="list-style-type: none"> <li>Taken in terms of legislation, or</li> <li>Has legal consequences.</li> </ul> </li> </ul> <p><b>*Political Responsibility in terms of section 201(2) and (3) of the Constitution:</b></p> <ul style="list-style-type: none"> <li>Only the President, as head of national executive, may authorise the employment of the defence force- <ul style="list-style-type: none"> <li>in co-operation with the police service;</li> <li>in defence of the Republic; or</li> <li>in fulfilment of an international obligation.</li> </ul> </li> <li>When the defence force is employed then the President must inform Parliament, promptly and in appropriate detail, of- <ul style="list-style-type: none"> <li>the reasons for employment of the defence force;</li> <li>any place where the force is being employed;</li> <li>the number of people involved; and</li> <li>the period for which the force is expected to be employed.</li> </ul> </li> </ul> <p><b>*Command of defence force in terms of section 202(1) of the Constitution:</b></p> <ul style="list-style-type: none"> <li>The President as head of the national executive is Commander-in-Chief of the defence force, and must appoint the Military Command of the defence force.</li> </ul> <p><b>*State of National Defence in terms of section 203(1) of the Constitution:</b></p> <ul style="list-style-type: none"> <li>The President as head of the national executive may declare a state of national defence, and must inform Parliament promptly and in appropriate detail of- <ul style="list-style-type: none"> <li>the reasons for the declaration;</li> <li>any place where the defence force is being employed; and</li> <li>the number of people involved.</li> </ul> </li> </ul> <p><b>*Control of police service in terms of section 207(1) of the Constitution:</b></p> <ul style="list-style-type: none"> <li>The President as head of the national executive must appoint a woman or a man as the National Commissioner of the police service, to control and manage the police service.</li> </ul> <p><b>*Establishment and control of intelligence services in terms of section 209 of the Constitution:</b></p> <ul style="list-style-type: none"> <li>Any intelligence service, other than any intelligence division of the defence force or police service, may be established only by the President, as head of the national executive, and only in terms of national legislation.</li> <li>The President as head of the national executive must appoint a woman or a man as head of each intelligence service established in terms of subsection (1), and must either assume political responsibility for the control and direction of any of those services, or designate a member of the Cabinet to assume that responsibility.</li> </ul> <p><b>*Remuneration of persons holding public office in terms of section 219 of the Constitution:</b></p> <ul style="list-style-type: none"> <li>The national executive which includes the President, a provincial executive, a municipality or any other relevant authority may implement the national legislation referred to in subsection (1) of section 219 only after considering any recommendations of the commission established in terms of subsection (2) of section 219.</li> </ul> <p><b>Appointment and tenure of members in terms of section 221(1) and (3) of the Constitution:</b></p> <ul style="list-style-type: none"> <li>The President as head of the national executive appoints men and women to the Commission.</li> <li>The President may remove a member from office on the ground of misconduct, incapacity or incompetence.</li> </ul> <p><b>*International Agreements in terms of section 231 of the Constitution:</b></p> <ul style="list-style-type: none"> <li>The negotiating and signing of all international agreements is the responsibility of the national executive which includes the President.</li> </ul>
<b>Recommended Education/Certification</b>	Post-secondary education in related area is preferred.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>Extensive related experience in a senior leadership role with proven success as a leader, formulating policies and directing diverse programs to achieve results.</li> <li>Demonstrates and is recognised for a strategic leadership focus that includes articulation of a vision and government direction.</li> </ul>

	<ul style="list-style-type: none"> <li>• Identifies and integrates relevant information from a variety of sources.</li> <li>• Proven ability to collaborate strategically with a wide variety of stakeholders to balance the needs and interests of these diverse groups with the government's corporate agenda.</li> <li>• Exceptional verbal, written, listening and interpersonal communication skills.</li> <li>• Positively influences others through facilitation, collaboration, consensus-building and modelling to achieve desired outcomes.</li> <li>• A team builder with a commitment to create, support and sustain an environment that enables staff to achieve results and to develop and build organisational capacity for the future.</li> <li>• Significant experience overseeing human, fiscal, information and program resources with the ability to integrate strategies with resources available.</li> <li>• Proactive problem solving and decision making abilities.</li> <li>• Ability to manage change, anticipate implications of strategic direction on a wide variety of stakeholders and develop contingency plans or interventions as required.</li> <li>• Encourages new approaches and questions existing ones to ensure that the most efficient and effective outcomes are achieved.</li> </ul>
<b>Key Attributes and Key Competencies</b>	<p>Key attributes include the following:</p> <ul style="list-style-type: none"> <li>• <b>Adaptability</b> Personal willingness and ability to effectively work in and adapt to change.</li> <li>• <b>Government/Public Focus</b> Understanding and meeting or exceeding government/public needs.</li> <li>• <b>Communication</b> Clearly conveys and receives messages to meet the needs of all.</li> <li>• <b>Organisational Awareness</b> Understands business plan goals.</li> <li>• <b>Problem Solving and Judgment</b> Ability to assess options and implications in order to identify a solution.</li> <li>• <b>Teamwork</b> Working cooperatively and productively with others to achieve results.</li> <li>• <b>Developing Others</b> A desire to work to develop the long-term capability of others.</li> <li>• <b>Innovation</b> Using original and creative thinking to make improvements and/or develop and initiate new approaches.</li> <li>• <b>Impact and Influence</b> Persuading, convincing or influencing.</li> <li>• <b>Self-Management</b> Reflecting on past experiences in order to manage and continually improve our own performance.</li> <li>• <b>Maturity.</b></li> <li>• <b>Impartiality.</b></li> <li>• <b>Tolerance.</b></li> <li>• <b>Fairness.</b></li> <li>• <b>Stress Tolerance.</b></li> </ul> <p>Key competencies include the following:</p> <p><b>Strategic Thinking</b> Taking a broad scale, long-term view, assessing options and implications</p> <ul style="list-style-type: none"> <li>• Understands the projected direction of Government and uses this information to anticipate how changes might impact the department.</li> <li>• Demonstrates a larger-scale, bigger picture view, and aligns actions and contributes to program policy advancement at the overall ministry and government-wide level.</li> <li>• Anticipates how change manifests itself externally.</li> <li>• Develops a plan in situations where the organisation has little prior experience and is moving into "uncharted territory".</li> <li>• Fosters strategic thinking in the organisation.</li> <li>• Creates innovative solutions after analysing key trends and complex or divergent issues.</li> </ul> <p><b>Relationship Building</b> Developing and maintaining win/win relationships and partnerships; building partnerships with the intent of being able to use them to benefit the department or government</p> <ul style="list-style-type: none"> <li>• Develops formal and informal relationships with a wide circle of people, beyond those involved in current activities, including potential clients, stakeholders, and information links.</li> <li>• Nurtures existing and potential relationships to help achieve the department's strategic plans.</li> <li>• Is considered a leader in developing and maintaining effective relationships with staff, colleagues, clients and stakeholders.</li> <li>• Actively seeks out and acts on opportunities to partner with peers to champion initiatives in support of the corporate agenda and goals.</li> </ul> <p><b>Resource Management</b> Effectively managing internal and external resources to achieve organisational goals</p>

	<ul style="list-style-type: none"> <li>• Identifies resource sources (which might include partnerships or indirect resourcing approaches) which will facilitate the achievement of organisational goals.</li> <li>• Questions conventional means of service delivery, resulting in a greater ability to more effectively, efficiently meet organisational goals.</li> <li>• Effectively oversees a range of significant programs and time-sensitive issues using appropriate resources.</li> <li>• Provides leadership in effective management and stewardship of resources.</li> <li>• Develops and implements strategies for the long-term renewal of the organisation.</li> </ul> <p><i>Leadership</i> Positively influencing people and events in a leadership role</p> <ul style="list-style-type: none"> <li>• Communicates a compelling vision.</li> <li>• Works with the team to develop strategies to meet future challenges.</li> <li>• Communicates a vision for the team that generates excitement, enthusiasm and commitment to the team mission.</li> <li>• Embodies the values of the Alberta public service.</li> <li>• Honours commitments and consistently strives to act in the public interest by ensuring the public trust is maintained.</li> <li>• Provides direction to the organisation in instances where direction is not clear.</li> <li>• Leads change on various interests and issues while carrying out the government's direction.</li> <li>• Provides direction to the organisation on emerging public issues and concerns.</li> </ul> <p><i>Results Orientation</i> Knowing which results are important, focusing resources to achieve them in alignment with the goals for the organisation</p> <ul style="list-style-type: none"> <li>• Sets priorities and takes calculated risks in order to optimise resources and improve the delivery of services and operations.</li> <li>• Recommends new policy/program directions focused on the enhancement of program outcomes.</li> <li>• Utilises knowledge of all factors affecting improvement of results within the organisation to improve performance.</li> <li>• Commits appropriate resources in order to further the strategic corporate agenda and to achieve broad-based government goals.</li> <li>• Initiates and implements processes to improve overall performance across government and the public service.</li> <li>• Commits significant resources in the face of uncertainty to increase benefits.</li> </ul>
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<b>Job / Position Title</b>	<b>Deputy President</b> The Deputy President is a Member of Cabinet and a Member of Parliament.
<b>Context</b>	<p>The President appoints the Deputy President from amongst the Members of the National Assembly and may also dismiss her. The Deputy President as member of Cabinet is accountable collectively and individually to Parliament for the exercise of his powers and the performance of his functions (section 92(2)) of the Constitution. The National Assembly, together with the National Council of Provinces, constitutes Parliament, an independent arm of government in the national sphere.</p> <p>The legal framework within which Parliament operates:</p> <ul style="list-style-type: none"> <li>• The Constitution of the Republic of South Africa.</li> <li>• Powers and Privileges and Immunities of Parliament and Provincial Legislatures Act.</li> <li>• Public Finance Management Act.</li> <li>• Rules of the National Assembly and the Joint Rules of Parliament.</li> </ul> <p>The responsibility and authority of the Deputy President must be understood within this context.</p>
<b>Key Role</b>	The President assigns particular powers and functions to the Deputy President who must assist the President in the running of government (section 91 of the Constitution). The Deputy President represents the President at meetings and events locally and internationally when the President is unable to attend.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Executive.</li> <li>• All members.</li> <li>• NCOP.</li> <li>• National Assembly.</li> <li>• Chief Whips.</li> <li>• The Judiciary.</li> <li>• Speakers of Provincial Legislatures.</li> <li>• Civil Society.</li> <li>• International Legislative Bodies.</li> <li>• Ministry staff.</li> <li>• Senior Staff in other ministries.</li> <li>• Officials of various boards and agencies.</li> <li>• Officials in local government.</li> </ul>
<b>Key Responsibilities</b>	<p><i>Specific responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Responsible for the powers and functions of the executive assigned by the President (section 92(1) of the Constitution).</li> <li>• Acting in accordance with the Constitution and provide Parliament with full and regular reports concerning matters under her control (section 92(3)(a) and (b) of the Constitution)</li> <li>• Assisting the President in the execution of functions of government (section 91(5) of the Constitution).</li> <li>• The Deputy President has powers from various sources: statutes relating to the departments and any agencies in the portfolio (management and direction of the departments, parliamentary responsibility of the agency), functional statutes (which codify sectoral policies), legislation relating to specialised agencies, regulations made further to the above-mentioned legislation, conventions, precedents and customs, a broad range of responsibilities, missions or special roles emanating from these which the Deputy President would perform also in terms of delegation of her powers.</li> </ul> <p><i>Presiding responsibilities:</i></p> <ul style="list-style-type: none"> <li>• May attend and may speak in the NCOP but may not vote (Section 66(1) of the Constitution).</li> <li>• May attend a meeting of the NCOP or a committee of the NCOP (Section 66(2) of the Constitution).</li> </ul> <p><i>Legislative Responsibilities:</i></p> <p><i>*Introducing Bills in terms of section 73(2) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• May introduce a Bill in the National Assembly.</li> </ul> <p><i>*Executive authority exercised together with the President in terms of section 85(2) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• Implementing national legislation except where the Constitution or an Act of Parliament provides otherwise.</li> <li>• Developing and implementing national policy.</li> <li>• Co-ordinating the functions of state departments and administrations.</li> <li>• Preparing and initiating legislation.</li> </ul>

	<ul style="list-style-type: none"> <li>Performing any other executive function provided for in the Constitution or in national legislation.</li> </ul> <p><i>*Appointed as Acting President in terms of section 90(1)(a) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>As Acting President, the Deputy President has the responsibilities, powers and functions of the President.</li> </ul> <p><i>*Transfer of functions by the President by Proclamation in terms of section 97 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>The administration of any legislation entrusted to another member may be transferred to the Deputy President.</li> <li>Any power or function entrusted by legislation to another member may be transferred to the Deputy President.</li> </ul> <p><i>*Temporary assignment of functions by the President in terms of section 98 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>Any power or function of another Cabinet member who is absent from office or is unable to exercise that power or perform that function may be assigned to the Deputy President as Cabinet member.</li> </ul> <p><i>*Assignment of functions in terms of section 99 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>The Deputy President as Cabinet member may assign any power or function that is to be exercised or performed in terms of an Act of Parliament to a member of a provincial Executive Council or a Municipal Council.</li> <li>An assignment- <ul style="list-style-type: none"> <li>Must be in terms of an agreement between the relevant Minister and the Executive Council member or Municipal Council;</li> <li>Must be consistent with the Act of Parliament in terms of which the relevant power or function is exercised or performed; and</li> <li>Takes effect upon proclamation by the President.</li> </ul> </li> </ul> <p><i>*National Intervention in provincial administration in terms of section 100 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>National Executive which includes the Deputy President may intervene when a province cannot fulfil an executive obligation in terms of the Constitution or legislation, by taking any appropriate steps to ensure fulfilment of that obligation, including- <ul style="list-style-type: none"> <li>Taking effect upon proclamation by the President issuing a directive to the provincial executive, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations; and</li> <li>Assuming responsibility for the relevant obligation in that province to the extent necessary to- <ul style="list-style-type: none"> <li>maintain essential national standards or meet established minimum standards for the rendering of a service;</li> <li>maintain economic unity;</li> <li>maintain national security; or</li> <li>prevent that province from taking unreasonable action that is prejudicial to the interests of another province or to the country as a whole.</li> </ul> </li> </ul> </li> </ul> <p><i>*Executive decisions in terms of section 101(2) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>The Deputy President as Cabinet member must countersign a written decision by the President if that decision concerns a function assigned to another Cabinet member.</li> </ul> <p><i>*Remuneration of persons holding public office in terms of section 219 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>The national executive which includes the Deputy President, a provincial executive, a municipality or any other relevant authority may implement the national legislation referred to in subsection (1) of section 219 only after considering any recommendations of the commission established in terms of subsection (2) of section 219.</li> </ul> <p><i>*International Agreements in terms of section 231 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>The negotiating and signing of all international agreements is the responsibility of the national executive which includes the Deputy President.</li> </ul>
<b>Recommended Education/Certification</b>	Post-secondary education in related area is preferred.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>Extensive related experience in a senior leadership role with proven success as a leader, formulating policies and directing diverse programs to achieve results.</li> <li>Demonstrates and is recognised for a strategic leadership focus that includes articulation of a vision and government direction.</li> <li>Identifies and integrates relevant information from a variety of sources.</li> <li>Proven ability to collaborate strategically with a wide variety of stakeholders to balance the needs and interests of these diverse groups with the government's corporate agenda.</li> <li>Exceptional verbal, written, listening and interpersonal communication skills.</li> <li>Positively influences others through facilitation, collaboration, consensus-building and modelling, to achieve desired outcomes.</li> </ul>

	<ul style="list-style-type: none"> <li>• A team builder with a commitment to create, support and sustain an environment that enables staff to achieve results and to develop and build organisational capacity for the future.</li> <li>• Significant experience overseeing human, fiscal, information and program resources with the ability to integrate strategies within available resources.</li> <li>• Proactive problem solving and decision making abilities.</li> <li>• Ability to manage change, anticipate implications of strategic direction on a wide variety of stakeholders and develop contingency plans or interventions as required.</li> <li>• Encourages new approaches and questions existing ones to ensure the most efficient and effective outcomes are achieved.</li> </ul>
<b>Key Attributes and Key Competencies</b>	<p>Key attributes include the following:</p> <ul style="list-style-type: none"> <li>• <b>Adaptability</b> Personal willingness and ability to effectively work in and adapt to change.</li> <li>• <b>Government / Public Focus</b> Understanding and meeting or exceeding government/public needs.</li> <li>• <b>Communication</b> Clearly conveys and receives messages to meet the needs of all.</li> <li>• <b>Organisational awareness</b> Understands business plan goals.</li> <li>• <b>Problem solving and judgement</b> Ability to assess options and implications, in order to identify a solution.</li> <li>• <b>Teamwork</b> Working cooperatively and productively with others to achieve results.</li> <li>• <b>Developing others</b> A desire to work to develop the long-term capability of others.</li> <li>• <b>Innovation</b> Using original and creative thinking to make improvements and/or develop and initiate new approaches.</li> <li>• <b>Impact and Influence</b> Persuading, convincing or influencing.</li> <li>• <b>Self-Management</b> Reflecting on past experiences in order to manage and continually improve our own performance.</li> <li>• <b>Maturity.</b></li> <li>• <b>Impartiality.</b></li> <li>• <b>Tolerance.</b></li> <li>• <b>Fairness.</b></li> <li>• <b>Stress Tolerance.</b></li> </ul> <p>Key competencies include the following:</p> <p><b>Strategic Thinking</b> Taking a broad scale, long-term view, assessing options and implications</p> <ul style="list-style-type: none"> <li>• Understands the projected direction of Government and uses this information to anticipate how changes might impact the department.</li> <li>• Demonstrates a larger-scale, bigger picture view, and aligns actions and contributes to program policy advancement at the overall ministry and government-wide level.</li> <li>• Anticipates how change manifests itself externally.</li> <li>• Develops a plan in situations where the organisation has little prior experience and is moving into "uncharted territory".</li> <li>• Fosters strategic thinking in the organisation.</li> <li>• Creates innovative solutions after analysing key trends and complex or divergent issues.</li> </ul> <p><b>Relationship Building</b> Developing and maintaining win/win relationships and partnerships; building partnerships with the intent of being able to use them to benefit the department or government</p> <ul style="list-style-type: none"> <li>• Develops formal and informal relationships with a wide circle of people, beyond those involved in current activities, including potential clients, stakeholders, and information links.</li> <li>• Nurtures existing and potential relationships to help achieve the department's strategic plans.</li> <li>• Is considered a leader in developing and maintaining effective relationships with staff, colleagues, clients and stakeholders.</li> <li>• Actively seeks out and acts on opportunities to partner with peers to champion initiatives in support of the corporate agenda and goals.</li> </ul> <p><b>Resource Management</b> Effectively managing internal and external resources to achieve organisational goals</p> <ul style="list-style-type: none"> <li>• Identifies resource sources (which might include partnerships or indirect resourcing approaches) which will facilitate the achievement of organisational goals.</li> <li>• Questions conventional means of service delivery, resulting in a greater ability to more effectively and efficiently meet organisational goals.</li> <li>• Effectively oversees a range of significant programs and time-sensitive issues using appropriate resources.</li> </ul>

	<ul style="list-style-type: none"> <li>• Provides leadership in effective management and stewardship of resources.</li> <li>• Develops and implements strategies for the long-term renewal of the organization.</li> </ul> <p><i>Leadership</i> Positively influencing people and events in a leadership role</p> <ul style="list-style-type: none"> <li>• Communicates a compelling vision.</li> <li>• Works with the team to develop strategies to meet future challenges.</li> <li>• Communicates a vision for the team that generates excitement, enthusiasm and commitment to the team mission.</li> <li>• Embodies the values of the Alberta public service.</li> <li>• Honours commitments and consistently strives to act in the public interest by ensuring that public trust is maintained.</li> <li>• Provides direction to the organisation in instances where direction is not clear.</li> <li>• Leads change on various interests and issues while carrying out the government's direction.</li> <li>• Provides direction to the organisation on emerging public issues and concerns.</li> </ul> <p><i>Results Orientation</i> Knowing which results are important, focusing resources to achieve them in alignment with the goals for the organisation</p> <ul style="list-style-type: none"> <li>• Sets priorities and takes calculated risks in order to optimize resources and improve the delivery of services and operations.</li> <li>• Recommends new policy/program directions focused on the enhancement of program outcomes.</li> <li>• Utilises knowledge of all factors affecting improvement of results within the organization to improve performance.</li> <li>• Commits appropriate resources in order to further the strategic corporate agenda and to achieve broad-based government goals.</li> <li>• Initiates and implements processes to improve overall performance across government and the public service.</li> <li>• Commits significant resources in the face of uncertainty to increase benefits.</li> </ul>
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<b>Job / Position Title</b>	<p><b>Minister</b></p> <p>The Minister is a Member of Cabinet and a Member of Parliament.</p>
<b>Context</b>	<p>The Minister is appointed in terms of section 91(2) of the Constitution. The Minister is assigned to a department and he / she is accountable collectively and individually to Parliament for the exercise of his / her powers and the performance of his functions.</p> <p>The National Assembly, together with the National Council of Provinces, constitutes Parliament, an independent arm of government in the national sphere.</p> <p>The Minister performs the following:</p> <ul style="list-style-type: none"> <li>• Supervising elaboration, follow up and evaluation for national programs and policies related to administration, good governance and the social well being of South African citizens.</li> <li>• Follow up and assessment of decentralised administrative entities (provincial and local spheres) and reinforcement of their capacities.</li> <li>• Overseeing the public establishments and agencies whose mandates are related to his specific ministerial responsibilities.</li> <li>• Overseeing the general functioning of the Ministry.</li> <li>• Promoting relations with other countries.</li> </ul> <p>The legal framework within which Parliament operates:</p> <ul style="list-style-type: none"> <li>• The Constitution of the Republic of South Africa.</li> <li>• Powers and Privileges and Immunities of Parliament and Provincial Legislatures Act.</li> <li>• Public Finance Management Act.</li> <li>• Rules of the National Assembly and the Joint Rules of Parliament.</li> </ul> <p>The responsibility and authority of the Minister must be understood within this context.</p>
<b>Key Role</b>	<p>The Minister's role includes guiding decision-making in the department, keeping the public informed by speaking on behalf of the department and helping to ensure that the department is responsive to citizens. Various levels of decision-making occur through Cabinet meetings with department staff. Attending special events, visiting facilities and participating in trade conferences. Informing the public through speaking at public events and granting news media interviews. When Parliament is in session, the Minister introduces legislation, discusses issues of the day, and responds to questions posed to him / her.</p>
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Executive.</li> <li>• All members.</li> <li>• NCOP.</li> <li>• National Assembly.</li> <li>• Chief Whips.</li> <li>• The Judiciary.</li> <li>• Speakers of Provincial Legislatures.</li> <li>• Civil Society.</li> <li>• International Legislative Bodies.</li> <li>• Ministry staff.</li> <li>• Senior Staff in other ministries.</li> <li>• Officials of various boards and agencies.</li> <li>• Officials in local government.</li> </ul>
<b>Key Responsibilities</b>	<p><i>Specific responsibilities:</i></p> <ul style="list-style-type: none"> <li>• The Minister has powers from various sources: statutes relating to the department and any agencies in the portfolio (management and direction of the department, parliamentary responsibility of the agency), functional statutes (which codify sectoral policies), legislation relating to specialised agencies, regulations made further to the above-mentioned legislation, conventions, precedents and customs, a broad range of responsibilities, missions or special roles emanating from these which the Minister would perform.</li> <li>• Responsible for government departments and the administration of the departments.</li> <li>• Act in accordance with the Constitution and provide Parliament with full and regular reports concerning matters under his control (section 92(3)(a) and (b) of the Constitution).</li> </ul> <p><i>Presiding responsibilities:</i></p> <ul style="list-style-type: none"> <li>• May attend and may speak in the NCOP but may not vote (Section 66(1) of the Constitution).</li> <li>• May attend a meeting of the NCOP or a committee of the NCOP (Section 66(2) of the Constitution).</li> </ul> <p><i>Legislative Responsibilities:</i></p> <p><i>*Introducing Bills in terms of section 73(2) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• May introduce a Bill in the Assembly, and only the Minister as Cabinet member responsible for</li> </ul>



	<p>national financial matters may introduce the following Bills in the Assembly:</p> <ul style="list-style-type: none"> <li>- a Money Bill; or</li> <li>- a Bill which provides for legislation envisaged in section 214.</li> </ul> <p><i>*Executive authority exercised together with the President in terms of section 85(2) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• Implementing national legislation except where the Constitution or an Act of Parliament provides otherwise.</li> <li>• Developing and implementing national policy.</li> <li>• Co-ordinating the functions of state departments and administrations.</li> <li>• Preparing and initiating legislation.</li> <li>• Performing any other executive function provided for in the Constitution or in national legislation.</li> </ul> <p><i>*Appointed as Acting President in terms of section 90(1)(b) and (c) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• As Acting President, the Minister has the responsibilities, powers and functions of the President.</li> </ul> <p><i>*Transfer of functions by the President by Proclamation in terms of section 97 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• The administration of any legislation entrusted to another member may be transferred to the Minister as Cabinet member.</li> <li>• Any power or function entrusted by legislation to another member may be transferred to the Minister as Cabinet member.</li> </ul> <p><i>*Temporary assignment of functions by the President in terms of section 98 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• Any power or function of another Cabinet member who is absent from office or is unable to exercise that power or perform that function may be assigned to the Minister as Cabinet member.</li> </ul> <p><i>*Assignment of functions in terms of section 99 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• The Minister as Cabinet member may assign any power or function that is to be exercised or performed in terms of an Act of Parliament to a member of a provincial Executive Council or a Municipal Council.</li> <li>• An assignment- <ul style="list-style-type: none"> <li>- Must be in terms of an agreement between the relevant Minister and the Executive Council member or Municipal Council;</li> <li>- Must be consistent with the Act of Parliament in terms of which the relevant power or function is exercised or performed; and</li> <li>- Takes effect upon proclamation by the President.</li> </ul> </li> </ul> <p><i>*National Intervention in provincial administration in terms of section 100 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• National Executive which includes the Minister may intervene when a province cannot fulfill an executive obligation in terms of the Constitution or legislation, by taking any appropriate steps to ensure fulfillment of that obligation, including- <ul style="list-style-type: none"> <li>- Takes effect upon proclamation by the President issuing a directive to the provincial executive, describing the extent of the failure to fulfill its obligations and stating any steps required to meet its obligations; and</li> <li>- assuming responsibility for the relevant obligation in that province to the extent necessary to- <ul style="list-style-type: none"> <li>▪ maintain essential national standards or meet established minimum standards for the rendering of a service;</li> <li>▪ maintain economic unity;</li> <li>▪ maintain national security; or</li> <li>▪ prevent that province from taking unreasonable action that is prejudicial to the interests of another province or to the country as a whole.</li> </ul> </li> </ul> </li> </ul> <p><i>*Executive decisions in terms of section 101(2) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• The Minister as Cabinet member must countersign a written decision by the President if that decision concerns a function assigned to another Cabinet member.</li> </ul> <p><i>*Political Responsibility in terms of section 201(1) of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• Responsible as Cabinet member for defence.</li> </ul> <p><i>*International Agreements in terms of section 231 of the Constitution:</i></p> <ul style="list-style-type: none"> <li>• Negotiating and signing of international agreements.</li> </ul>
<b>Recommended Education/Certification</b>	Post-secondary education in related area is preferred.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Extensive related experience in a senior leadership role with proven success as a leader, formulating policies and directing diverse programmes to achieve results.</li> <li>• Demonstrates and is recognised for a strategic leadership focus that includes articulation of a vision and government direction.</li> <li>• Identifies and integrates relevant information from a variety of sources.</li> <li>• Proven ability to collaborate strategically with a wide variety of stakeholders to balance the needs and</li> </ul>

	<p>interests of these diverse groups with the government's corporate agenda.</p> <ul style="list-style-type: none"> <li>• Exceptional verbal, written, listening and interpersonal communication skills.</li> <li>• Positively influences others through facilitation, collaboration, consensus-building and modeling, to achieve desired outcomes.</li> <li>• A team builder with a commitment to create, support and sustain an environment that enables staff to achieve results and to develop and build organisational capacity for the future.</li> <li>• Significant experience overseeing human, fiscal, information and program resources with the ability to integrate strategies within available resources.</li> <li>• Proactive problem solving and decision making abilities.</li> <li>• Ability to manage change, anticipate implications of strategic direction on a wide variety of stakeholders and develop contingency plans or interventions as required.</li> <li>• Encourages new approaches and questions existing ones to ensure the most efficient and effective outcomes are achieved.</li> </ul>
<b>Key Attributes and Key Competencies</b>	<p>Key attributes include the following:</p> <ul style="list-style-type: none"> <li>• Adaptability Personal willingness and ability to effectively work in and adapt to change.</li> <li>• Government / Public Focus Understanding and meeting or exceeding government / public needs.</li> <li>• Communication Clearly conveys and receives messages to meet the needs of all.</li> <li>• Organisational awareness Understands business plan goals</li> <li>• Problem solving and judgement Ability to assess options and implications, in order to identify a solution.</li> <li>• Teamwork Working cooperatively and productively with others to achieve results.</li> <li>• Developing others A desire to work to develop the long-term capability of others.</li> <li>• Innovation Using original and creative thinking to make improvements and/or develop and initiate new approaches.</li> <li>• Impact and Influence Persuading, convincing or influencing.</li> <li>• Self-Management Reflecting on past experiences in order to manage and continually improve our own performance.</li> <li>• Maturity</li> <li>• Impartiality</li> <li>• Tolerance</li> <li>• Fairness</li> <li>• Stress Tolerance</li> </ul> <p>Key competencies include the following:</p> <p><b>Strategic Thinking</b> Taking a broad scale, long-term view, assessing options and implications</p> <ul style="list-style-type: none"> <li>• Understands the projected direction of government and uses this information to anticipate how changes might impact the department.</li> <li>• Demonstrates a larger-scale, bigger picture view, and aligns actions and contributes to program policy advancement at the overall ministry and government-wide level.</li> <li>• Anticipates how change manifests itself externally.</li> <li>• Develops a plan in situations where the organisation has little prior experience and is moving into "uncharted territory".</li> <li>• Fosters strategic thinking in the organisation.</li> <li>• Creates innovative solutions after analyzing key trends and complex or divergent issues.</li> </ul> <p><b>Relationship Building</b> Developing and maintaining win / win relationships and partnerships; building partnerships with the intent of being able to use them to benefit the department or government</p> <ul style="list-style-type: none"> <li>• Develops formal and informal relationships with a wide circle of people, beyond those involved in current activities, including potential clients, stakeholders, and information links.</li> <li>• Nurtures existing and potential relationships to help achieve the department's strategic plans.</li> <li>• Is considered a leader in developing and maintaining effective relationships with staff, colleagues, clients and stakeholders.</li> <li>• Actively seeks out and acts on opportunities to partner with peers to champion initiatives in support of the corporate agenda and goals.</li> </ul> <p><b>Resource Management</b> Effectively managing internal and external resources to achieve organisational goals</p> <ul style="list-style-type: none"> <li>• Identifies resource sources (which might include partnerships or indirect resourcing approaches) which will facilitate the achievement of organisational goals.</li> <li>• Questions conventional means of service delivery, resulting in a greater ability to more effectively,</li> </ul>

	<p>efficiently meet organisational goals.</p> <ul style="list-style-type: none"> <li>• Effectively oversees a range of significant programs and time-sensitive issues using appropriate resources.</li> <li>• Provides leadership in effective management and stewardship of resources.</li> <li>• Develops and implements strategies for the long-term renewal of the organisation.</li> </ul> <p><i>Leadership</i> Positively influencing people and events in a leadership role</p> <ul style="list-style-type: none"> <li>• Communicates a compelling vision.</li> <li>• Works with the team to develop strategies to meet future challenges.</li> <li>• Communicates a vision for the team that generates excitement, enthusiasm and commitment to the team mission.</li> <li>• Embodies the values of the Alberta public service.</li> <li>• Honours commitments and consistently strives to act in the public interest by ensuring the public trust is maintained.</li> <li>• Provides direction to the organisation in instances where direction is not clear.</li> <li>• Leads change on various interests and issues while carrying out the government's direction.</li> <li>• Provides direction to the organisation on emerging public issues and concerns.</li> </ul> <p><i>Results Orientation</i> Knowing which results are important, focusing resources to achieve them in alignment with the goals for the organisation</p> <ul style="list-style-type: none"> <li>• Sets priorities and takes calculated risks in order to optimize resources and improve the delivery of services and operations.</li> <li>• Recommends new policy / programme directions focused on the enhancement of programme outcomes.</li> <li>• Utilises knowledge of all factors affecting improvement of results within the organisation to improve performance.</li> <li>• Commits appropriate resources in order to further the strategic corporate agenda and to achieve broad-based government goals.</li> <li>• Initiates and implements processes to improve overall performance across government and the public service.</li> <li>• Commits significant resources in the face of uncertainty to increase benefits.</li> </ul>
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<b>Job / Position Title</b>	<b>Deputy Minister</b> The Deputy Minister is a Member of Parliament.
<b>Context</b>	<p>The Deputy Minister is appointed in terms of Section 93(1) of the Constitution. Mandated as an agent serving the government, accountable to Parliament for the exercise of his / her powers and performance of his / her functions in terms of Section 93(2) of the Constitution, and assigned to a department to serve the Minister of the department. The National Assembly (NA), together with the National Council of Provinces (NCOP), constitutes Parliament, an independent arm of government in the national sphere.</p> <p>The Deputy Minister must:</p> <ul style="list-style-type: none"> <li>• Provide support and advice to the Minister.</li> <li>• Act as an interface between the political and administrative function of government.</li> <li>• Ensure that all overarching policies of government are communicated and co-ordinated.</li> <li>• Ensure that matters and sensitive issues requiring strategic direction on the part of government are monitored to ensure their expeditious resolution.</li> <li>• Also acts as an administrative head in achieving the ministry business plan goals and furthering the strategic corporate agenda for the government and the public service.</li> </ul> <p>The legal framework within which Parliament operates are as follows:</p> <ul style="list-style-type: none"> <li>• The Constitution of the Republic of South Africa.</li> <li>• Powers and Privileges and Immunities of Parliament and Provincial Legislatures Act.</li> <li>• Public Finance Management Act.</li> <li>• Rules of the National Assembly and the Joint Rules of Parliament.</li> </ul> <p>The responsibility and authority of the Deputy Minister must be understood within this context.</p>
<b>Key Role</b>	Representing the Minister and the province on various committees, task forces and teams, the Deputy Minister provides input on programme and corporate initiatives. The Deputy Minister supports the Minister by contributing to policy development, planning and implementation of cross ministry initiatives, and advocating new approaches and long term views toward achieving government wide goals. The Deputy Minister ensures that the alignment of policies reflects the direction of government. The Deputy Minister develops and leads an executive management team managing issues and challenges related to service delivery, often through partnerships with the private sector and other governments internationally and in the African continent. The Deputy Minister oversees the development of service standards within the realm of government policy and available resources.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Executive.</li> <li>• All members.</li> <li>• NCOP.</li> <li>• National Assembly.</li> <li>• Chief Whips.</li> <li>• The Judiciary.</li> <li>• Speakers of Provincial Legislatures.</li> <li>• Civil Society.</li> <li>• International Legislative Bodies.</li> <li>• Ministry staff.</li> <li>• Senior Staff in other ministries.</li> <li>• Officials of various boards and agencies.</li> <li>• Officials in local government.</li> </ul>
<b>Key Responsibilities</b>	<p><i>Specific responsibilities:</i></p> <p>The Deputy Minister supports and serves the Minister in his responsibilities by providing advice and carrying out any delegations of authority from the Minister.</p> <ul style="list-style-type: none"> <li>• Providing strategic advice on policy issues and programme decisions.</li> <li>• Providing options for action, including potential risks and consequences, to ensure an informed decision by the Minister and government.</li> <li>• Representing the Minister in communicating the department's business and policy agenda.</li> <li>• Managing significant and complex issues on behalf of the Minister and government through presentation and discussion of factors impacting government decisions and actions.</li> <li>• Establishing positive and effective relationships and collaborating with public service leaders from other departments.</li> <li>• Establishing effective relationships with organisations internationally and in the African continent to define issues and to serve the government's goals, the organisations and public interest.</li> <li>• Developing business plans and strategies which support the corporate agenda over the long term.</li> <li>• Championing and participating in corporate strategic and cross ministry initiatives.</li> <li>• Implementing government policies and decisions, leading and directing staff, and ensuring activities are aligned with the government's corporate strategic agenda.</li> <li>• Ensuring the department's structure, systems and processes, enable staff to effectively and</li> </ul>

	<p>efficiently implement programs and services.</p> <ul style="list-style-type: none"> <li>Ensuring the human, fiscal, information and program resources are maximized and effectively managed to meet goals.</li> <li>Modelling sound public service values.</li> <li>Fostering leadership skills throughout the organisation and ensuring that human resource management plans meet future resource needs.</li> </ul> <p><i>Presiding responsibilities:</i></p> <ul style="list-style-type: none"> <li>May attend and may speak in the NCOP but may not vote (Section 66(1) of the Constitution).</li> <li>May attend a meeting of the NCOP or a committee of the NCOP (Section 66(2) of the Constitution).</li> </ul> <p><i>Legislative Responsibilities:</i></p> <ul style="list-style-type: none"> <li>May introduce a Bill in the NA (Section 73(2) of the Constitution).</li> <li>Acting in terms of delegations arising from and authorised specifically by any statute and/or regulation.</li> </ul>
<b>Recommended Education/Certification</b>	Post-secondary education in related area is preferred.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>Extensive related experience in a senior leadership role with proven success as a leader, formulating policies and directing diverse programs to achieve results.</li> <li>Demonstrates and is recognized for a strategic leadership focus that includes articulation of a vision and government direction.</li> <li>Identifies and integrates relevant information from a variety of sources.</li> <li>Proven ability to collaborate strategically with a wide variety of stakeholders to balance the needs and interests of these diverse groups with the government's corporate agenda.</li> <li>Exceptional verbal, written, listening and interpersonal communication skills.</li> <li>Positively influences others through facilitation, collaboration, consensus-building and modeling, to achieve desired outcomes.</li> <li>A team builder with a commitment to create, support and sustain an environment that enables staff to achieve results and to develop and build organizational capacity for the future.</li> <li>Significant experience overseeing human, fiscal, information and program resources with the ability to integrate strategies with resources available.</li> <li>Proactive problem solving and decision making abilities.</li> <li>Ability to manage change, anticipate implications of strategic direction on a wide variety of stakeholders and develop contingency plans or interventions as required.</li> <li>Encourages new approaches and questions existing ones to ensure the most efficient and effective outcomes are achieved.</li> </ul>
<b>Key Attributes and Key Competencies</b>	<p>Key attributes include the following:</p> <ul style="list-style-type: none"> <li><b>Adaptability</b> Personal willingness and ability to effectively work in and adapt to change.</li> <li><b>Government/Public Focus</b> Understanding and meeting or exceeding government/public needs.</li> <li><b>Communication</b> Clearly conveys and receives messages to meet the needs of all.</li> <li><b>Organisational awareness</b> Understands business plan goals</li> <li><b>Problem solving and judgement</b> Ability to assess options and implications, in order to identify a solution.</li> <li><b>Teamwork</b> Working cooperatively and productively with others to achieve results.</li> <li><b>Developing others</b> A desire to work to develop the long-term capability of others.</li> <li><b>Innovation</b> Using original and creative thinking to make improvements and/or develop and initiate new approaches.</li> <li><b>Impact and Influence</b> Persuading, convincing or influencing.</li> <li><b>Self-management</b> Reflecting on past experiences in order to manage and continually improve our own performance</li> <li><b>Maturity</b></li> <li><b>Impartiality</b></li> <li><b>Tolerance</b></li> <li><b>Fairness</b></li> <li><b>Stress tolerance</b></li> </ul> <p>Key competencies include the following:</p>

	<p><b>Strategic Thinking</b> Taking a broad scale, long-term view, assessing options and implications</p> <ul style="list-style-type: none"> <li>• Understands the projected direction of government and uses this information to anticipate how changes might impact the department.</li> <li>• Demonstrates a larger-scale, bigger picture view, and aligns actions and contributes to program policy advancement at the overall ministry and government-wide level.</li> <li>• Anticipates how change manifests itself externally.</li> <li>• Develops a plan in situations where the organisation has little prior experience and is moving into "uncharted territory".</li> <li>• Fosters strategic thinking in the organisation.</li> <li>• Creates innovative solutions after analysing key trends and complex or divergent issues.</li> </ul> <p><b>Relationship Building</b> Developing and maintaining win/win relationships and partnerships; building partnerships with the intent of being able to use them to benefit the department or government</p> <ul style="list-style-type: none"> <li>• Develops formal and informal relationships with a wide circle of people, beyond those involved in current activities, including potential clients, stakeholders, and information links.</li> <li>• Nurtures existing and potential relationships to help achieve the department's strategic plans.</li> <li>• Is considered a leader in developing and maintaining effective relationships with staff, colleagues, clients and stakeholders.</li> <li>• Actively seeks out and acts on opportunities to partner with peers to champion initiatives in support of the corporate agenda and goals.</li> </ul> <p><b>Resource Management</b> Effectively managing internal and external resources to achieve organisational goals</p> <ul style="list-style-type: none"> <li>• Identifies resource sources (which might include partnerships or indirect resourcing approaches) which will facilitate the achievement of organisational goals.</li> <li>• Questions conventional means of service delivery, resulting in a greater ability to more effectively, efficiently meet organisational goals.</li> <li>• Effectively oversees a range of significant programs and time-sensitive issues using appropriate resources.</li> <li>• Provides leadership in effective management and stewardship of resources.</li> <li>• Develops and implements strategies for the long-term renewal of the organisation.</li> </ul> <p><b>Leadership</b> Positively influencing people and events in a leadership role</p> <ul style="list-style-type: none"> <li>• Communicates a compelling vision.</li> <li>• Works with the team to develop strategies to meet future challenges.</li> <li>• Communicates a vision for the team that generates excitement, enthusiasm and commitment to the team mission.</li> <li>• Embodies the values of the Alberta public service.</li> <li>• Honours commitments and consistently strives to act in the public interest by ensuring the public trust is maintained.</li> <li>• Provides direction to the organisation in instances where direction is not clear.</li> <li>• Leads change on various interests and issues while carrying out the government's direction.</li> <li>• Provides direction to the organisation on emerging public issues and concerns.</li> </ul> <p><b>Results Orientation</b> Knowing which results are important, focusing resources to achieve them in alignment with the goals for the organisation</p> <ul style="list-style-type: none"> <li>• Sets priorities and takes calculated risks in order to optimize resources and improve the delivery of services and operations.</li> <li>• Recommends new policy/program directions focused on the enhancement of program outcomes.</li> <li>• Utilizes knowledge of all factors affecting improvement of results within the organisation to improve performance.</li> <li>• Commits appropriate resources in order to further the strategic corporate agenda and to achieve broad-based government goals.</li> <li>• Initiates and implements processes to improve overall performance across government and the public service.</li> <li>• Commits significant resources in the face of uncertainty to increase benefits.</li> </ul>
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**Annexure D2: National Parliament**

<b>Job / Position Title</b>	<p><b>Speaker</b></p> <p>The Speaker of the National Assembly together with the Chairperson of the NCOP are the Presiding Officers of Parliament.</p>
<b>Context</b>	<p>The National Assembly, together with the National Council of Provinces, constitute Parliament, an independent arm of government in the national sphere. The National Assembly composed of directly elected public representatives has, in terms of Section 42(3) of the Constitution, the authority:</p> <ul style="list-style-type: none"> <li>• To elect the President.</li> <li>• To provide a national forum for public consideration of issues.</li> <li>• To pass legislation.</li> <li>• To scrutinise and oversee executive action and to hold the Executive accountable on behalf of the people of South Africa.</li> </ul> <p>The legal framework within which Parliament operates:</p> <ul style="list-style-type: none"> <li>• The Constitution of the Republic of South Africa.</li> <li>• Powers and Privileges and Immunities of Parliament and Provincial Legislatures Act.</li> <li>• Public Finance Management Act.</li> <li>• Rules of the National Assembly and the Joint Rules of Parliament.</li> </ul> <p>This arm of government has the broad responsibility based on the above legal framework for ensuring the realisation of the ideals as contained in the Constitution of South Africa and transforming our society.</p> <p>The responsibility and authority of the Speaker of the National Assembly must be understood within this context.</p>
<b>Key Role</b>	<p>Executive Head of the National Assembly as impartial mediator and manager in the national political process. The Speaker, together with the Chairperson of the NCOP has the final responsibility for Parliament, its operations and processes.</p>
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Executive.</li> <li>• All members.</li> <li>• NCOP.</li> <li>• National Assembly.</li> <li>• Chief Whips.</li> <li>• The Judiciary.</li> <li>• Speakers of Provincial Legislatures.</li> <li>• Civil Society.</li> <li>• International Legislative Bodies.</li> </ul>
<b>Key Responsibilities</b>	<p><i>Specific responsibilities:</i></p> <p>Takes overall responsibility, jointly with the NCOP Chairperson, for proper running of and, security of the precincts of Parliament.</p> <ul style="list-style-type: none"> <li>• Responsible for the budget of the National Assembly and jointly with Chairperson for the Budget of Parliament.</li> <li>• In terms of Section 31 of the Powers and Privileges of Parliament Act, the control of the expenditure and the appropriation of money's for the services of Parliaments vests in the Speaker and Chairperson.</li> <li>• Jointly with Chairman, is the face and voice of Parliament on policy, political or strategic matters, nationally and internationally.</li> <li>• Responsible to ensure that the role of National Assembly and Parliament is exercised within the constitutional imperatives of good governance, accountability, public participation, corporate governance etc.</li> <li>• Guardian of the integrity and rights and privileges of the institution and upholds its independence from the Executive.</li> <li>• During a vacancy in the office of the President or when the President is unable to fulfil the duties of President, the Speaker may be required to act as President in term of Section 90 of the Constitution.</li> <li>• Responsible for the development and maintenance of international relations and is the leader of South Africa's delegation to the Pan African Parliament and SADC Parliamentary forums.</li> <li>• Responsible for bilateral and multilateral relations with other parliaments and international forums eg SADC-PF, PAP, IPU, CPA, ACP-EU (jointly with Chairperson or, for the NA as</li> </ul>

(the case may be).

- Guides weekly discussion towards agreement on the NA program and oversees its implementation.
- Is in ongoing communication with the Executive on matters of mutual interest especially relating to policy and legislative processes.
- Chairs NA Program and Rules Committees; Co-chairs Joint Programming and Joint Rules Committees; Parliamentary Budget Forum.
- Provides guidance to Management, the Executive, parliamentary committees and public bodies on policy and implementation.
- Must always defend and protect members' rights and integrity of Parliament.
- Chairs Speaker's forum and interacts closely with Speaker's of Provincial Legislatures.
- Sits on international forums of Presiding Officers.

*Presiding responsibilities:*

- Presides at plenary meetings of the NA.
- Applies and interprets rules.
- Controls the internal arrangements, proceedings and procedures of the NA.
- Exercises impartiality.
- When presiding over a meeting he / she has no deliberative vote in decision-making but must cast a deciding vote where there is an equal number of votes on each side of a question.
- May cast a deliberative vote when a question must be decided with a supporting vote of at least two thirds of the Members of the Assembly.

*Legislative Responsibilities:*

- Ensures constitutional requirements in terms of legislative processes are applied, eg. Tagging, time frames, fast tracking and voting on bills.
- Ensures quorum is present for purposes of voting.

*Legislation -- together with rest of National Assembly:*

- Involved in considering, passing, amending or rejecting any legislation before the Assembly.
- Initiates or prepares legislation except for Money Bills.

*Ensures oversight carried out in terms of the Constitution:*

- Ensures that all executive organs of state in the national sphere of government are accountable to it.
- Maintains oversight of the exercise of national executive authority, including the implementation of legislation and any organ of state.

*Ensures public involvement in legislative processes:*

- Public involvement in the legislative and other processes of the NA and its committees is facilitated.
- The business of the NA is conducted in an open manner, and hold its sittings and those of its committees in public while ensuring that public access is regulated, including access of the media.
- Make rules and orders concerning its business with due regard to representative and participatory democracy, accountability, transparency and public involvement.

*Ensures the application of the rules and orders of the National Assembly regarding:*

- The establishment, composition, powers, functions, procedures and duration of its committees.
- The participation in the proceedings of the NA and its committees of minority parties represented in the NA in a manner consistent with democracy.
- Financial and administrative assistance to each party represented in the NA in proportion to its representation, to enable the party and its leader to perform their functions in the NA effectively.
- The recognition of the leader of the largest opposition party in the NA as the Leader of the Opposition.

*Takes responsibility for Evidence or information before the National Assembly:*

- May summon any person to appear before a committee of the NA to give evidence, require persons or institutions to report to it, compel in terms of national legislation or



	the rules and orders, any person or institution to comply with a summons or requirement as above and receive petitions, representations or submissions from any interested persons or institutions.
<b>Recommended Education/Certification</b>	Not applicable
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"><li>• Broad understanding of the strategic and political priorities and direction of the country.</li><li>• Must be a member of the National Assembly.</li><li>• Must have been nominated by the National Assembly and elected by members of the National Assembly.</li></ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"><li>• Maturity</li><li>• Leadership</li><li>• Impartiality</li><li>• Tolerance</li><li>• Fairness</li><li>• Stress Tolerance</li></ul>

Job / Position Title	Deputy Speaker of the National Assembly
<b>Key Role and Responsibility</b>	Sits at the Head of the National Assembly as the independent monitor of the parliamentary process in the Speaker's absence.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• All members.</li> <li>• NCOP.</li> <li>• National Assembly.</li> <li>• Chief Whips.</li> </ul>
<b>Key Responsibilities</b>	<p><i>Specific responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Deputises the Speaker in keeping with agreed procedure and law.</li> <li>• Chairs Disciplinary Committee of the National Assembly.</li> <li>• Chairs PARMED (Medical Aid Scheme of MP's, MPL's and Judiciary) Board of Trustees.</li> <li>• In the absence of Speaker, chairs the NA Program and NA Rules Committees.</li> <li>• In the absence of Speaker, co-chairs Joint Program and Joint Rules Committee and International Relations Committee.</li> <li>• Meets regularly with the Deputy Chairperson of the NCOP to process correspondence and decide which to forward to full President Officers' meeting.</li> <li>• With Deputy Chairperson monitors implementation of language policy of Parliament with a focus on managing the budget;</li> <li>• Oversees and gives guidance on the training of members on an ongoing basis together with Deputy Chairperson.</li> <li>• Deals with matters and correspondence of all sorts referred to Deputy Speaker by Speaker.</li> <li>• Has regular consultations with Speaker and reports when necessary.</li> <li>• Attends international activities and conferences as agreed with Speaker or, as agreed by meeting of Presiding Officers.</li> </ul> <p><i>Voting Powers:</i></p> <ul style="list-style-type: none"> <li>• When presiding over a meeting he / she has no deliberative vote in decision-making but must cast a deciding vote where there is an equal number of votes on each side of a question.</li> <li>• May cast a deliberative vote when a question must be decided with a supporting vote of at least two thirds of the Members of the Assembly.</li> </ul> <p><i>Legislation – together with rest of National Assembly:</i></p> <ul style="list-style-type: none"> <li>• Involved in considering, passing, amending or rejecting any legislation before the NA</li> </ul> <p><i>Oversee process of National Assembly providing for mechanisms:</i></p> <ul style="list-style-type: none"> <li>• Ensures that all executive organs of state in the national sphere of government are accountable to it.</li> <li>• Maintains oversight of the exercise of national executive authority, including the implementation of legislation and any organ of State.</li> <li>• Determines sitting days and hours of sitting in line with the rules of the House.</li> <li>• Leads the sequence of proceedings in line with the rules of the House.</li> <li>• Ensures quorum is present for purposes of voting.</li> </ul> <p><i>With other members of the National Assembly, ensure:</i></p> <ul style="list-style-type: none"> <li>• Public involvement in the legislative and other processes of the Assembly and its committees is facilitated.</li> <li>• The business of the National Assembly is conducted in an open manner, and hold its sittings and those of its committees in public while ensuring that: <ul style="list-style-type: none"> <li>— Public access is regulated, including access of the media.</li> <li>— All persons are searched before entering any meeting, or access is refused / persons are removed where appropriate.</li> <li>— Public access may be limited when it is reasonable and justifiable in an open and democratic society.</li> </ul> </li> </ul>

	<p><i>With other members of the National Assembly:</i></p> <ul style="list-style-type: none"> <li>• Determine and control the internal arrangements, proceedings and procedures of the National Assembly.</li> <li>• Make rules and orders concerning its business with due regard to representative and participatory democracy, accountability, transparency and public involvement.</li> </ul> <p><i>Ensure that the rules and orders of the National Assembly provide for:</i></p> <ul style="list-style-type: none"> <li>• The establishment, composition, powers, functions, procedures and duration of its committees.</li> <li>• The participation in the proceedings of the Assembly and its committees of minority parties represented in the Assembly in a manner consistent with democracy.</li> <li>• Financial and administrative assistance to each party represented in the Assembly in proportion to its representation, to enable the party and its leader to perform their functions in the Assembly effectively.</li> <li>•</li> </ul>
	<ul style="list-style-type: none"> <li>• The recognition of the leader of the largest opposition party in the Assembly as the Leader of the Opposition.</li> </ul> <p><i>Take responsibility for Evidence or information before the National Assembly:</i></p> <ul style="list-style-type: none"> <li>• May summon any person to appear before it to give evidence, require persons or institutions to report to it, compel in terms of national legislation or the rules and orders, any person or institution to comply with a summons or requirement as above and receive petitions, representations or submissions from any interested persons or institutions.</li> </ul>
<b>Recommended Education/Certification</b>	Not applicable
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must be a member of the National Assembly.</li> <li>• Must have been nominated by the National Assembly and elected by members of the National Assembly.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Leadership</li> <li>• Impartiality</li> <li>• Transparency</li> <li>• Fairness</li> <li>• Stress tolerance</li> </ul>

<b>Job / Position Title</b>	<b>Parliamentary Councillor: President</b>
<b>Key Role and Responsibility</b>	The Parliamentary Councillor to the Deputy President is charged with facilitating communication between the National Assembly and the offices of the Deputy President. As there is no Parliamentary Councillor in the National Council of Provinces, the same applies to this Chamber.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Deputy President.</li> <li>• The Presidency.</li> <li>• The Speaker and Deputy Speaker.</li> <li>• The Chairperson and the Deputy Chairperson of the NCOP.</li> <li>• Chief Whip of the Majority Party in the National Assembly.</li> <li>• Chief Whip of the NCOP.</li> <li>• Whip of other parties.</li> <li>• Chairpersons of Committees.</li> <li>• All members of National Assembly and the National Council of Provinces.</li> </ul>
<b>Key Outputs</b>	<ul style="list-style-type: none"> <li>• Ensures that all replies to the President's written and oral Parliamentary questions are researched, prepared and presented to the President.</li> <li>• Sit on various standing and joint committees dealing with Rules and programming of Parliament.</li> <li>• Keep deputy President abreast of all issues and matters arising in Parliament.</li> <li>• Work closely with the Chief Whips of both houses.</li> <li>• Must be apprised of Parliament activities, procedures and processes.</li> <li>• Will on a discretionary basis deal with a broad range of issues on behalf of the President (Legislative, Political and procedural).</li> <li>• Is the intermediary between members, legislature and the Deputy President.</li> <li>• Will ensure the factual accuracy of reports, speeches and communications between the Deputy President and Parliament.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Cognitive energy</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organising</li> <li>• Prioritising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Stress tolerance</li> </ul>
<b>Appointment made by the Speaker</b>	

<b>Job / Position Title</b>	<b>Parliamentary Councillor: Deputy President</b>
<b>Key Role and Responsibility</b>	The Parliamentary Councillor to the Deputy President is charged with facilitating communication between the National Assembly and the offices of the Deputy President. As there is no Parliamentary Councillor in the National Council of Provinces, the same applies to this Chamber.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Deputy President.</li> <li>• The Presidency.</li> <li>• The Speaker and Deputy Speaker.</li> <li>• The Chairperson and the Deputy Chairperson of the NCOP.</li> <li>• Chief Whip of the Majority Party in the National Assembly.</li> <li>• Chief Whip of the NCOP.</li> <li>• Whip of other parties.</li> <li>• Chairpersons of Committees.</li> <li>• All members of National Assembly and the National Council of Provinces.</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Ensures that all replies to the Deputy President's written and oral Parliamentary questions are researched, prepared and presented to Deputy President.</li> <li>• Sit on various standing and joint committees dealing with Rules and programming of Parliament.</li> <li>• Keep deputy President abreast of all issues and matters arising in Parliament.</li> <li>• Work closely with the Chief Whips of both houses.</li> <li>• Must be appraised of Parliament activities, procedures and processes.</li> <li>• Will on a discretionary basis deal with a broad range of issues on behalf of the Deputy President (Legislative, Political and procedural).</li> <li>• Is the intermediary between members, legislature and the Deputy President.</li> <li>• Will ensure the factual accuracy of reports, speeches and communications between the Deputy President and Parliament.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organising</li> <li>• Prioritising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Stress tolerance</li> </ul>
<b>Appointment made by the Speaker</b>	

<b>Job / Position Title</b>	<b>Chief Whip: Majority Party</b>
<b>Key Role</b>	The Chief Whip, assisted by his / her Deputy, manages the majority party's participation in Assembly business and by virtue of his / her party being the majority, also manages certain duties in relation to the proceedings of the House.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Speaker and Deputy Speaker</li> <li>• The Chairperson and the Deputy Chairperson of the NCOP</li> <li>• Chief Whip of the NCOP</li> <li>• Whips of other parties</li> <li>• Chairpersons of Committees</li> <li>• All members of National Assembly and the National Council of Provinces</li> </ul>
<b>Key Responsibilities</b>	<p><i>Administration and Institutional responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Serves as <i>ex officio</i> member of Committees that deal with functioning of Parliament, such as the Chief whips Forum, Joint Programme Committee, Joint Rules Committee, Parliamentary Budget Forum, Parliamentary Oversight Authority, etc.</li> <li>• Moves major formal procedural motions in the Assembly, which are not initiated by opposition parties.</li> <li>• Will contribute to the execution of the political programme of the majority party within parliament.</li> <li>• Will participate in bodies like joint programme committee and programme committee in both houses.</li> <li>• In consultation with other whips, arranges for the approximate time span of each debate and divides the total time available among the respective parties.</li> <li>• Establish and maintain good working relations with the whips of other parties on a basis of mutual trust so that the work of Parliament can be facilitated.</li> <li>• Provides Parliamentary protection to Members in terms of the standing orders and rules of Parliament.</li> <li>• Maintains close contact with government members, committee chairpersons and office bearers and keep the executive arm of government informed of the attitudes, views etc. of members of the Legislature / Parliament. The Chief Whip should convey the 'pulse' of the caucus of the majority party to the executive from time to time.</li> <li>• Evaluates and reports to the executive on how policies and specific legislations are being received by Government MPs.</li> <li>• Being an expert on the standing orders and rules, and when required he / she must rise on points of order to protect the Government and its members against any 'un-parliamentary attack' by members of the opposition or minority parties.</li> <li>• Allocates seating places to members in the Chamber of the Legislature / Parliament.</li> <li>• Arranges business on the Order Paper, subject to the Rules and the directives of the Programme Committee and the concurrence of the Leader of Government Business where Government business is concerned.</li> <li>• Moves most formal procedural motions in the Assembly which are not initiated by opposition parties.</li> <li>• Chairs the Chief Whips' Forum and is responsible for political consultation among parties in the Assembly.</li> <li>• Considers requests by committees to sit beyond the seat of Parliament during sittings of the Assembly.</li> </ul> <p><i>Managing Members of the Party:</i></p> <ul style="list-style-type: none"> <li>• In consultation with fellow Whips, monitors the performance of MPs, and when required, reports on that to the party structure.</li> <li>• Is responsible for party discipline including: <ul style="list-style-type: none"> <li>— Ensuring quorums at and proper and regular attendance of committee meetings and the sittings of the Legislature / Parliament.</li> <li>— Regulating MP's absence from the Legislature / Parliament from time to time.</li> <li>— With the assistance of the Legislature / Parliamentary Secretariat, seeing to it that members are allocated and settled in offices.</li> <li>— Allocating proper backup services for members of his party i.e. secretarial, fax machines, photocopiers, etc.</li> <li>— Dealing with problems of individual members of his party, whatever they may be, and where necessary, liaising with the party executive on such issues.</li> </ul> </li> <li>• In consultation with the Speaker, arranges for the swearing-in, orientation, training and settling in of new members.</li> <li>• If necessary, delegates and divides the work responsibilities among the other whips so that the load is fairly distributed and spread. When necessary a Chief Whip must train</li> </ul>

	<p>new whips in the tasks that are required of them.</p> <ul style="list-style-type: none"> <li>• Maintains close contact with members of the Party in Parliament, the Executive, Committee Chairpersons and Office bearers with regard to implementation of the Party's programme in Parliament.</li> <li>• Allocates members of the party to Committees and other structures in Parliament.</li> <li>• Manages the message communicated by Members of Parliament through Parliamentary and other structures.</li> <li>• Advises the Party Leader on matters relating to policy and the functioning of the Party in Parliament.</li> <li>• Establishes and maintains good working relations with the Chief Whips of other parties on a basis of mutual trust so that the work of Parliament can be facilitated.</li> <li>• Allocates, with the assistance of the Parliamentary Secretariat, furnished offices and other equipment for Members.</li> <li>• Allocates and ensures administrative support services for Members.</li> <li>• Provides mentorship for Members.</li> <li>• Allocates seating in the National Assembly to Members of the Party.</li> <li>• Represents the Party on Parliamentary bodies such as the Chief Whips Forum, Joint and NA Rules Committees, Directing Authority, Speakers' meetings.</li> <li>• Manages Party support staff and deploys them appropriately.</li> </ul> <p><i>Managing Parliamentary business of the Party:</i></p> <ul style="list-style-type: none"> <li>• Allocates Members of Party to speak in debates and ensures that they are adequately prepared.</li> <li>• Acts as the accounting officer for the party in respect of monies received by parliament for administrative and political support.</li> <li>• Ensures that Members of Party have adequate administrative and political support to carry out their tasks.</li> <li>• Ensures that Members of Party receive ongoing political training.</li> <li>• Determines the strategy of the Party in consultation with the Party Leader.</li> <li>• Delegates and divides the various duties amongst the Whips.</li> </ul> <p><i>Managing Party Political Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Serves on leadership and policy making structures of the Party.</li> <li>• Reports on Party structures when required.</li> <li>• Represents the interest of the Party's Members to the Speaker of the NA.</li> <li>• Responsible for political management of the programme of the Party in Parliament.</li> </ul>
<b>Recommended Education/Certification</b>	The Chief Whip of the Majority is appointed by the Speaker on the recommendation of the majority party.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Discretion</li> <li>• Sympathy</li> <li>• Honesty</li> </ul>

<b>Job / Position Title</b>	<b>Deputy Chief Whip: Majority Party</b>
<b>Key Role</b>	<ul style="list-style-type: none"> <li>Assists the Chief Whip of the Majority Party to manage the Party's participation in the NA's business and also certain duties in relation to the proceedings of the House.</li> <li>Considers requests by Committees to sit beyond the seat of Parliament and / or during sittings of the Assembly or during recess periods.</li> </ul>
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>The Speaker and Deputy Speaker</li> <li>The Chairperson and the Deputy Chairperson of the NCOP</li> <li>Chief Whip of the NCOP</li> <li>Whips of other parties</li> <li>Chairpersons of Committees</li> <li>All members of National Assembly and the National Council of Provinces</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>In the absence of the Chief Whip, the deputy Chief Whip attends to all functions and responsibilities of the Chief Whip.</li> <li>Serves as an alternate to the Chief Whip on all Parliamentary bodies and Committees.</li> <li>Assists the Chief Whip at all Parliamentary meetings.</li> <li>Allocates weekly duties to other whips.</li> </ul>
<b>Recommended Education/Certification</b>	The Deputy Chief Whip of the Majority is appointed by the Speaker on the recommendation of the majority party.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>Negotiation and mediation</li> <li>Analytical and conceptual skills</li> <li>Problem-solving</li> <li>Decision-making</li> <li>Stress tolerance</li> <li>Cognitive energy</li> <li>Delegation</li> <li>Written and verbal communication</li> <li>Continuous learning</li> <li>Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>Impartiality / independence</li> <li>Integrity</li> <li>Discretion</li> <li>Sympathy</li> <li>Honesty</li> </ul>



<b>Job / Position Title</b>	<b>Chief Whip: Official Opposition / Largest Minority Party</b>
<b>Key Role</b>	The Chief Whip of the Largest Minority Party serves as the chief spokesperson of the largest minority party on matters relating to the organisation of parliamentary business and the smooth functioning of Parliament.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Executive</li> <li>• NCOP</li> <li>• National Assembly</li> <li>• Opposition Parties</li> </ul>
<b>Key Responsibilities</b>	<p><i>Administration and Institutional responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Serves as <i>ex officio</i> member of Committees that deal with functioning of Parliament, such as the Chief whips Forum, Joint Programme Committee, Joint Rules Committee, Parliamentary Budget Forum, Parliamentary Oversight Authority, etc.</li> </ul> <p><i>Managing Members of the Party:</i></p> <ul style="list-style-type: none"> <li>• In consultation with fellow Whips, monitors the performance of MPs, and when required, reports on that to the party structure.</li> <li>• Is responsible for party discipline including: <ul style="list-style-type: none"> <li>— Ensuring quorums at and proper and regular attendance of committee meetings and the sittings of the Legislature / Parliament.</li> <li>— Regulating MP's absence from the Legislature / Parliament from time to time.</li> <li>— With the assistance of the Legislature / Parliamentary Secretariat, seeing to it that members are allocated and settled in offices.</li> <li>— Allocating proper backup services for members of his party i.e. secretarial, fax machines, photocopiers, etc.</li> <li>— Dealing with problems of individual members of his party, whatever they may be, and where necessary, liaising with the party executive on such issues.</li> </ul> </li> <li>• In consultation with the Speaker, arranges for the swearing-in, orientation, training and settling in of new Members.</li> <li>• If necessary, delegates and divides the work responsibilities among the other whips so that the load is fairly distributed and spread. When necessary a Chief Whip must train new whips in the tasks that are required of them.</li> <li>• Maintains close contact with members of the Party in Parliament, the Executive, Committee Chairpersons and Office bearers with regard to implementation of the Party's programme in Parliament.</li> <li>• Allocates members of the party to Committees and other structures in Parliament.</li> <li>• Manages the message communicated by Members of Parliament through Parliamentary and other structures.</li> <li>• Advises the Party Leader on matters relating to policy and the functioning of the Party in Parliament.</li> <li>• Establishes and maintains good working relations with the Chief Whips of other parties on a basis of mutual trust so that the work of Parliament can be facilitated.</li> <li>• Allocates with the assistance of the Parliamentary Secretariat, furnished offices and other equipment for Members.</li> <li>• Allocates and ensures administrative support services for Members.</li> <li>• Provides mentorship for Members.</li> <li>• Allocates seating in the National Assembly to Members of the Party.</li> <li>• Represents the Party on Parliamentary bodies such as the Chief Whips Forum, Joint and NA Rules Committees, Directing Authority, Speakers' meetings.</li> <li>• Manages Party support staff and deploys them appropriately.</li> </ul> <p><i>Managing Parliamentary business of the Party:</i></p> <ul style="list-style-type: none"> <li>• Allocates Members of Party to speak in debates and ensures that they are adequately prepared.</li> <li>• Acts as the accounting officer for the party in respect of monies received by parliament for administrative and political support.</li> <li>• Ensures that Members of Party have adequate administrative and political support to carry out their tasks.</li> <li>• Ensures that Members of Party receive ongoing political training.</li> </ul>

<b>Recommended Education/Certification</b>	<ul style="list-style-type: none"> <li>• Determines the strategy of the Party in consultation with the Party Leader.</li> <li>• Delegates and divides the various duties amongst the Whips.</li> </ul> <p>The Chief Whip of the Opposition is appointed by the Leader of the Opposition</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Discretion</li> <li>• Sympathy</li> <li>• Honesty</li> </ul>

<b>Job / Position Title</b>	<b>Whip in a House of Parliament</b>
<b>Key Role</b>	A Whip is a party-political functionary and their functions may vary from party to party. Some Whips focus on specific duties and each party determines what these are. The number of Whips that a party may appoint is proportional to the number of its members based on a formula. Parties with too few members in terms of the formula may group together for purposes of requesting the Speaker to appoint a Whip from amongst them in order to facilitate their participation.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Speaker and Deputy Speaker – NA</li> <li>• The Chairperson and the Deputy Chairperson of the NCOP</li> <li>• Chief Whip of the NCOP</li> <li>• Whips of other parties</li> <li>• Chairpersons of Committees</li> <li>• All members of National Assembly and the National Council of Provinces</li> </ul>
<b>Key Responsibilities</b>	<p><i>Administrative and Institutional Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Assisting in the administration and coordination of the Party's parliamentary process.</li> <li>• Assisting in the drawing of programmes of the Houses.</li> <li>• Co-operating with whips of other parties in arranging the parliamentary functioning.</li> <li>• Liaising with provinces around provincial mandates on legislation and provincial participation in Parliament.</li> </ul> <p><i>Managing Party Business:</i></p> <ul style="list-style-type: none"> <li>• Organising party business.</li> <li>• Keeping members informed of business.</li> <li>• Supplying lists of members to serve on standing and select committees.</li> <li>• Securing members' attendance for meetings and divisions.</li> <li>• Acting as intermediaries between leaders and rank and file within the party.</li> <li>• Arranging lists and preparing the readiness of members to speak in debates.</li> <li>• Day-to-day management of party participation in processes in the Assembly.</li> <li>• When the electronic voting system is not used, acting as tellers during divisions.</li> <li>• Assisting members with queries regarding their rules and practices for questions, prioritisation of oral questions and ensuring that written questions meet deadlines.</li> <li>• Liaising with members regarding their proposals for statements and motions.</li> <li>• Taking points of order.</li> <li>• Monitoring attendance in committees.</li> <li>• Assisting in the allocation of members to committees.</li> <li>• Maintaining discipline.</li> <li>• Liaising with Committee Section regarding changes in membership, complaints from members about committee meetings and addressing other problems.</li> <li>• Assisting with members' benefits and support such as salaries, pensions, travel, accommodation, parking, staff and equipment, training and leave.</li> <li>• Whips will have party specific duties.</li> </ul>
<b>Recommended Education/Certification</b>	A Whip is appointed by the Speaker on the recommendation of the party.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation.</li> <li>• Analytical and conceptual skills.</li> <li>• Problem-solving.</li> <li>• Decision-making.</li> <li>• Delegation.</li> <li>• Written and verbal communication.</li> <li>• Continuous learning.</li> <li>• Time-management / planning and organizing.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence.</li> <li>• Integrity.</li> <li>• Even temperament.</li> <li>• Stress tolerance.</li> </ul>

<b>Job / Position Title</b>	<b>House Chairperson</b>
<b>Key Role</b>	To provide assistance and capacity to the Speaker and Deputy Speaker in terms of Section 52 (5) of the Constitution.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Speaker and Deputy Speaker – NA</li> <li>• Chairperson and Deputy Chairperson – NCOP</li> <li>• Whips</li> <li>• All members</li> <li>• Senior Management of Parliament</li> <li>• Staff</li> </ul>
<b>Key Responsibilities</b>	<p><i>All House Chairs:</i></p> <ul style="list-style-type: none"> <li>• Preside in the National Assembly and extended public committees and wherever else as the need may arise.</li> <li>• Have a thorough understanding of the Constitution, all house rules, conventions, procedures and practices and ensure compliance with these in house proceedings and functioning.</li> <li>• Create new bodies of knowledge as the roles of these offices evolve.</li> <li>• Referral and assignment of additional duties from the Speaker whilst in session.</li> <li>• Acts as Speaker and or Deputy Speaker in the absence of both.</li> <li>• Will receive and meet with various international delegations and dignitaries on behalf of the Speaker.</li> <li>• To enable the Office of the Speaker to build up an early warning system in case of any problem areas developing in respect of functioning of the National Assembly.</li> <li>• To provide well-placed interface between political perspectives and administrative support measures.</li> <li>• To belong to a quarterly forum where they will sit with Caucus Chairpersons.</li> <li>• To attend monthly meetings of NA forum.</li> <li>• To develop the necessary methods of interactions with staff working in the various areas allocated to them.</li> <li>• To be ex officio members of the following committees: <ul style="list-style-type: none"> <li>— NA Rules Committee.</li> <li>— Joint Rules Committee.</li> <li>— NA Programme Committee.</li> <li>— Joint Programme Committee.</li> <li>— Parliamentary Budget Forum.</li> <li>— Forum of House Chairs and Caucus Chairs.</li> </ul> </li> </ul> <p><i>House Chairperson: Oversight and Accountability:</i></p> <ul style="list-style-type: none"> <li>• Development policy (Process around how oversight is managed over executive committee).</li> <li>• Implementation and delivery of transformation and other policies.</li> <li>• Researches and makes recommendation on delivery processes.</li> <li>• Monitors the implementation of parliamentary policies in respect of public participation processes.</li> <li>• Gives guidance to Media Liaison Office and ensures an improvement in its performance on behalf of Parliament.</li> <li>• Deputises for the speakers on the board of parliamentary villages committee.</li> <li>• Advises and consults on labour matters within parliament with overall accountability to the speaker.</li> <li>• Attends to parliamentary intervention obligations on behalf of the speaker and provides feedback on progress made in the various forums with regards to parliamentary processes and procedures.</li> <li>• Takes charge of IT and Communications mainly to ensure that Parliament's needs are fully realised in order for members of Parliament to be maximally supported.</li> <li>• Oversee Public Education Office functioning and give it direction.</li> </ul> <p><i>House Chairperson: Committees:</i></p> <ul style="list-style-type: none"> <li>• Convenes and chairs the committee of Chairpersons (36 portfolio, joint and standing committees).</li> <li>• Monitors and tracks the progress of legislation, oversight and other committee business requiring action from the various portfolio committees.</li> <li>• Overall co-ordination as well as recommendation of role expectations of this office and</li> </ul>

	<p>of committee chairpersons.</p> <ul style="list-style-type: none"> <li>• Discuss and report matters relating to the daily functioning of Committees with the Speaker and submit structured regular reports.</li> <li>• Takes charge of the office that co-ordinates, schedules and manages the functioning of committees as directed by the National Assembly and as defined by the National Assembly Rules.</li> <li>• Manage and approve on behalf of the Speaker, the scheduling and management of the approved committee programs. Has political responsibility.</li> <li>• Monitor the patterns of Committee work and ensure where necessary, that policy responses are developed and submitted to the relevant forums for consideration and adoption, in respect of the co-ordinating, scheduling management and functioning of Committees.</li> <li>• Manage, track and report to the Programme Committee on progress with the processing or the lack thereof, of legislation.</li> <li>• Regulate and approve the tabling in the Programme Committee of committee programmes.</li> <li>• Assess Committee Reports with a view to their consideration by the House.</li> <li>• Ensure the various committees comply with the rules of parliament.</li> <li>• Manage and co-ordinate the committee business planning and budget process.</li> <li>• Manage, approve and monitor on behalf of the Speaker committee programmes, national and international travel and work plans.</li> <li>• Ensure committee and member's compliance to policy and procedures of Parliament when carrying out their functions in respect of their work.</li> <li>• Ensure that there is the appropriate level of support and responses to the various committees as and when required.</li> <li>• Approve and monitor committee training.</li> <li>• Informally meeting with ambassadors.</li> <li>• Manage and ensure compliance of committees with oversight and accountability requirements of the Constitution and other related legislation eg. PFMA.</li> </ul> <p><i>House Chairperson: Internal Arrangements:</i></p> <ul style="list-style-type: none"> <li>• Continually monitors and reports on the implementation of Members' Facilities and policies.</li> <li>• Co-ordinates the development of policies affecting members on Leave for Members, Artworks Management, Exhibitions, Library.</li> <li>• Monitor and report on the needs of members with disabilities.</li> <li>• Monitor and report on the implementation on policy in relations to ex MP's facilities and interactions with those who make contact.</li> <li>• Oversees and monitors internal Household Services matters affecting members.</li> <li>• To convene and chair the forum of caucus chair persons (various party chairs).</li> <li>• Co-ordinates overall training for members.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Management Skills</li> <li>• Financial Skills</li> <li>• Legal Knowledge</li> <li>• Organisational Skills</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Stress tolerance</li> </ul>

<b>Job / Position Title</b>	<b>Leader of the Opposition</b>
<b>Key Role</b>	The Leader of the Opposition is responsible for maintaining a visible, effective and loyal opposition. The position demands constant vigilance both with regard to the performance of the Opposition more broadly but also with regard to his or her particular role as a constitutionally recognised figure within South Africa's parliamentary democracy.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• National Executive</li> <li>• National Assembly</li> <li>• NCOP</li> <li>• Chief Whips</li> <li>• All members</li> </ul>
<b>Key Responsibilities</b>	<p><i>Oversight of the Presidency and Government Business:</i></p> <ul style="list-style-type: none"> <li>• Monitoring, reviewing and assessing all activities, documentation and communication published by the Presidency.</li> <li>• Evaluating and critiquing the government's performance with reference to the President's stated promises and programme of action.</li> <li>• Holding the President to account for his and his government's performance by submitting parliamentary questions and engaging the President in debate, either in the National Assembly or through the media.</li> <li>• Liaising with the Opposition's portfolio spokespersons about the President's programme of action and how it affects each Cabinet portfolio.</li> </ul> <p><i>Leadership of National, Provincial and Municipal Caucuses:</i></p> <ul style="list-style-type: none"> <li>• Appoint the Chief Whip of the Opposition.</li> <li>• In consultation with the Chief Whip, appoint the Deputy Chief Whip of the Opposition.</li> <li>• Advise the Chief Whip and Deputy Chief Whip on the carrying out of their political responsibilities.</li> <li>• In consultation with the Chief Whip and Deputy Chief Whip:-</li> </ul> <ul style="list-style-type: none"> <li>— Nominate the portfolio spokespersons of the Opposition in the National Assembly.</li> <li>— Carry out performance assessments on Members of Parliament. <ul style="list-style-type: none"> <li>• Engage with portfolio spokespersons on an ongoing basis, both to ensure that they are providing effective oversight and to maintain an overview of government performance.</li> <li>• Liaise with members of the National Council of Provinces and Provincial Caucus Leaders on an ongoing basis to ensure that the Opposition is performing its role in the provinces consistent with the standards set at national level, and to maintain an overview of provincial government performance.</li> <li>• Liaise with Municipal Caucus Leaders and Councillors on an ongoing basis to ensure that the Opposition is performing its role in local government consistent with the standards set at national level, and to maintain an overview of local government performance.</li> </ul> </li> </ul> <p><i>International Liaison:</i></p> <ul style="list-style-type: none"> <li>• Besides maintaining an international programme to speak about South Africa to politicians, academics, members of the public and opinion formers overseas, the Leader of the Opposition is regularly required to provide an opposition perspective to members of the international diplomatic corps in South Africa, as well as visiting dignitaries (when requested).</li> <li>• The Leader of the Opposition should, in fact, be a standard appointment on the programme of any State visit, where possible, particularly when a foreign dignitary visits Parliament.</li> </ul> <p><i>Domestic Liaison:</i></p> <ul style="list-style-type: none"> <li>• Political: <ul style="list-style-type: none"> <li>— The Leader of the Opposition is required to interact and maintain relationships both with the head of government business (currently delegated to the Deputy President) and the leaders of other political parties in the National Assembly.</li> </ul> </li> <li>• Civil Society: <ul style="list-style-type: none"> <li>— The Leader of the Opposition is required to interact with role-players in civil society, including business, cultural, religious and non-governmental organisations, to inform and</li> </ul> </li> </ul>

	<p>provide the opposition's analysis of government policy and performance, and get feedback on that analysis.</p> <ul style="list-style-type: none"> <li>— While other opposition leaders might undertake a similar programme, the Leader of the Opposition – by virtue of his/her constitutionally recognised position – typically receives the greatest and broadest demand in this regard.             <ul style="list-style-type: none"> <li>• Members of the Public:</li> </ul> </li> <li>— The Leader of the Opposition is required to visit communities across the length and breadth of the country and interact with members of the public to assess government's delivery of services at grass roots level and, more particularly, people's perceptions thereof.</li> <li>— Also by virtue of his/her constitutionally recognised position, and as leader of the largest opposition party representing the greatest number of voters, the Leader of the Opposition receives the greatest amount of correspondence from members of the public. This includes letters, faxes, emails, telephonic communication, as well as personal approaches with requests for assistance.             <ul style="list-style-type: none"> <li>• The Leader of the Opposition may delegate the response to correspondence or the provision of assistance to a portfolio spokesperson of the Opposition where appropriate. However, he/she maintains ultimate responsibility for ensuring that every member of the public contacting his/her office is responded to timeously and satisfactorily.</li> </ul> </li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Discretion</li> <li>• Sympathy</li> <li>• Honesty</li> <li>• Even temperament</li> <li>• Stress tolerance</li> </ul>

<b>Job / Position Title</b>	<b>Chairperson of Portfolio Committee</b>
<b>Key Role</b>	Co-ordinates the work of the Portfolio committees. Presides over the Portfolio committee.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• House chair in National Assembly</li> <li>• Minister</li> <li>• Interest Groups, lobby groups within portfolio</li> <li>• Departmental Officials</li> <li>• Colleagues on own Committee</li> <li>• Multi party Committees</li> <li>• Statutory Bodies</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Chair the Portfolio Committees.</li> <li>• Co-ordinate the functioning of select committees and sub committees.</li> <li>• Approve the scheduling of work of the committees together with the House Chair.</li> <li>• Prepare and present the schedule of work to the House Chair position.</li> <li>• Ensure that the duties of the committees are executed as per the requirement of the rules of the NA.</li> <li>• Report to the House Chair on the progress of works.</li> <li>• Bills that come out will have to be considered in light of own committee portfolio.</li> <li>• Understand the issues under debate.</li> <li>• Identify issues that would require further training and research for committee members.</li> <li>• Identify those who are critical stakeholders who have been left out but can still make valuable contribution.</li> <li>• Identify people to act as advisors to Committee and where to access expertise (subject matter experts and understanding of legislative process)</li> <li>• Expedite the work of the Committees.</li> <li>• Act as mediator, conciliator as issues arise.</li> </ul>
<b>Recommended Education/Certification</b>	Must be a member of the NA (Member of Parliament)
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must have an in depth understanding of the legislative process of parliament.</li> <li>• Rules and regulations of the NA.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality.</li> <li>• Fairness.</li> <li>• Transparency.</li> <li>• Diplomacy.</li> </ul>



<b>Job / Position Title</b>	<b>Chairperson of Joint Monitoring Committee</b>
<b>Key Role</b>	Presides over the Joint Monitoring committee.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• House Chair in National Assembly</li> <li>• Multi party committees</li> <li>• Statutory bodies</li> <li>• Members of the NA and NCOP</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Chair the Joint Monitoring Committee.</li> <li>• Has an oversight and monitoring role on draft bills.</li> <li>• Approve the scheduling of work of the committee together with the House Chair of the NA and NCOP.</li> <li>• Prepare and present the schedule of work to the House Chair position in the NA and NCOP.</li> <li>• Ensure that the duties of the committees are executed as per the requirement of the rules of the NA and NCOP.</li> <li>• Report to the House Chair of the NA and NCOP on the progress of works.</li> <li>• Understand the issues under debate.</li> <li>• Identify people to act as advisors to Committee and where to access expertise (subject matter experts and understanding of legislative process).</li> <li>• Expedite the work of the Committee.</li> <li>• Act as mediator, conciliator as issues arise.</li> </ul>
<b>Recommended Education/Certification</b>	Must be a member of the NA (Member of Parliament)
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must have an in depth understanding of the legislative process of parliament.</li> <li>• Rules and regulations of the NA.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Diplomacy</li> </ul>

Job / Position Title	Leaders of Minority Parties
<b>Key Role</b>	Leaders of Minority Parties are responsible for maintaining visible, effective and loyal minority oppositions. The position demands constant vigilance both with regard to the performance of their minority party but also with regard to his or her particular role as a constitutionally recognised figure within South Africa's parliamentary democracy.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Speaker and Deputy Speaker of NA</li> <li>• The Chairperson and the Deputy Chairperson of the NCOP</li> <li>• Chief Whip of the NCOP</li> <li>• Whips of other parties</li> <li>• Chairpersons of Committees</li> <li>• All members of National Assembly and the National Council of Provinces</li> </ul>
<b>Key Responsibilities</b>	<p><i>Administrative and Institutional Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Assisting in the administration and coordination of the Party's parliamentary process.</li> <li>• Assisting in the drawing of programmes of the Houses.</li> <li>• Co-operating with other parties in arranging the parliamentary functioning.</li> </ul> <p><i>Managing Party Business:</i></p> <ul style="list-style-type: none"> <li>• Organising party business.</li> <li>• Keeping members informed of business.</li> <li>• Supplying lists of members to serve on standing and select committees.</li> <li>• Securing members' attendance for meetings and divisions.</li> <li>• Arranging lists and preparing the readiness of members to speak in debates.</li> <li>• Day-to-day management of party participation in processes in the Assembly.</li> <li>• Assisting members with queries regarding their rules and practices for questions, prioritisation of oral questions and ensuring that written questions meet deadlines.</li> <li>• Liaising with members regarding their proposals for statements and motions.</li> <li>• Taking points of order.</li> <li>• Monitoring attendance in committees.</li> <li>• Allocation of members to committees.</li> <li>• Maintaining discipline.</li> <li>• Liaising with Committee Section regarding changes in membership, complaints from members about committee meetings and addressing other problems.</li> <li>• Assisting with members' benefits and support such as salaries, pensions, travel, accommodation, parking, staff and equipment, training and leave.</li> <li>• Whips will have party specific duties.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Diplomacy</li> </ul>

<b>Job / Position Title</b>	<b>Member of Parliament (National Assembly)</b>
<b>Key Role</b>	<ul style="list-style-type: none"> <li>• Constituency work – attending meetings.</li> <li>• Legislative – making laws.</li> <li>• Oversight – reading what receive and interrogating information.</li> <li>• Party work – instructions from party / regions etc – deployed to do certain organisational things.</li> </ul>
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Speaker and Deputy Speaker of NA.</li> <li>• Members serving on same committees.</li> <li>• Whips.</li> <li>• Portfolio Committee Minister.</li> <li>• Departments that they represent.</li> <li>• Constituent and Party Stakeholders.</li> <li>• All members of National Assembly and the National Council of Provinces.</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Constituency work as mandated by Parliament – give regular report back to region, sub-cluster of regions and people representing in terms of what has happened in Parliament, what decisions taken and made.</li> <li>• Ex-officio member deployed by the region.</li> <li>• Oversight committee work.</li> <li>• Represent viewpoints of community.</li> <li>• Serve on different ad hoc committees eg. HR Committees and various constituent sub-committees.</li> <li>• Do ground work for Izimbizo.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Diplomacy</li> </ul>

<b>Job / Position Title</b>	<b>Chairperson: National Council of Provinces</b>
<b>Key Role</b>	Sits at the Head of the National Council of Provinces and is in charge of the overall function of the institution.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Chief Whips</li> <li>• Members of Provincial Legislature</li> <li>• National Assembly</li> <li>• NCOP</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Presides over the election of Deputy Chairpersons;</li> <li>• With other members of the NCOP, determine the time and duration of its sittings and its recess periods, in terms of the programme committee;</li> <li>• Chair over the presiding officers meetings;</li> <li>• Chair over the secretariat meeting where issues of administration are discussed;</li> <li>• Takes discipline over members, maintains discipline in the NCOP in terms of the rules.</li> <li>• Ensure that the NCOP exercises its legislative powers through: <ul style="list-style-type: none"> <li>— Considering, passing, amending, proposing amendments to or rejecting any legislation before the Council.</li> <li>— Initiating or preparing legislation falling within a functional area listed in legislation but may not initiate or prepare money Bills. <ul style="list-style-type: none"> <li>• Take responsibility for Evidence or information before the NCOP.</li> <li>• May summon any person to appear before the NCOP to give evidence, require persons or institutions to report to it, compel in terms of national legislation or the rules and orders, any person or institution to comply with a summons or requirement as above and receive petitions, representations or submissions from any interested persons or institutions.</li> <li>• With other members of the NCOP:</li> </ul> </li> <li>— Determine and control the internal arrangements, proceedings and procedures of the NCOP.</li> <li>— Make rules and orders concerning its business with due regard to representative and participatory democracy, accountability, transparency and public involvement.</li> <li>— Ensure that public involvement in the legislative and other processes of the Council and its committees is facilitated. <ul style="list-style-type: none"> <li>• Ensure that the rules and orders of the NCOP provides for:</li> </ul> </li> <li>— The establishment, composition, powers, functions, procedures and duration of its committees;</li> <li>— The participation of all the provinces in its proceedings in a manner consistent with democracy; and</li> <li>— The participation in the proceedings of the Council and its committees of minority parties represented in the Council, in a manner consistent with democracy, whenever a matter is to be decided in accordance with section 75 of the Constitution of South Africa. <ul style="list-style-type: none"> <li>• With other members of the NCOP, the business of the NCOP is conducted in an open manner, and holds its sittings and those of its committees in public while ensuring that</li> </ul> </li> <li>— Public access is regulated, including access of the media.</li> <li>— All persons are searched before entering any meeting, or access is refused / persons are removed where appropriate.</li> </ul> </li> </ul> <p><i>Specific responsibilities jointly with Speaker:</i></p> <ul style="list-style-type: none"> <li>• Takes overall responsibility, jointly with the Speaker, for proper running of and, security of the precincts of Parliament.</li> <li>• Jointly with Speaker, responsible for the Budget of Parliament.</li> <li>• Jointly with Speaker, is the face and voice of Parliament on policy, political or strategic matters, nationally and internationally.</li> <li>• Responsible to ensure that the role of Parliament is exercised within the constitutional imperatives of good governance, accountability, public participation, etc.</li> <li>• Responsible for bilateral and multilateral relations with other parliaments and international forums eg. SADC-PF, PAP, IPU, CPA, ACP-EU (jointly with the Speaker or, for the NCOP as the case may be).</li> <li>• Is in ongoing communication with the Executive on matters of mutual interest especially relating to policy and legislative processes.</li> <li>• Chairs NCOP Program and Rules Committees; Joint Program and Rules Committees;</li> </ul>

	<p>Parliamentary Budget Forum and International Relations Committee.</p> <ul style="list-style-type: none"> <li>• Receives regular correspondence and reports from Management, Cabinet, committees, public bodies etc on which guidance must be given one way or another.</li> <li>• Must always defend and protect members' rights and integrity of Parliament.</li> <li>• Performs numerous tasks in keeping with the above responsibilities – and others that arise – depending on what the issues are and how many other stakeholders might have to be consulted.</li> <li>• Holds regular consultations and meetings with other Presiding Officers, management and Speakers of Provincial Legislatures.</li> <li>• Sits on international forums of Presiding Officers.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must be eligible to be a member of the provincial legislature, but (if a permanent delegate) on appointment to the NCOP, ceases to be a member of the provincial legislature.</li> <li>• Must be elected by the NCOP from the delegates in the NCOP.</li> <li>• Swear an oath or affirm faithfulness to the Republic and obedience to the Constitution.</li> <li>• The Chief Justice oversees the election process.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Stress Tolerance</li> </ul>

Job / Position Title	Deputy Chairperson of NCOP
<b>Key Role</b>	In the absence of the Chairperson of the NCOP, sits at the Head of the NCOP and takes responsibilities of the processes.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Chief Whips</li> <li>• Members of Provincial Legislature</li> <li>• National Assembly</li> <li>• NCOP</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• With other members of the NCOP, determines the time and duration of its sittings and its recess periods, in terms of the programme committee.</li> <li>• In the absence of the Chairperson, chairs over the presiding officers meetings.</li> <li>• In the absence of the Chairperson, chairs over the secretariat meeting where issues of administration are discussed.</li> <li>• Takes discipline over members, maintains discipline in the NCOP in terms of the rules.</li> <li>• Ensure that the NCOP exercises its legislative powers through: <ul style="list-style-type: none"> <li>— Considering, passing, amending, proposing amendments to or reject any legislation before the Council.</li> <li>— Initiating or preparing legislation falling within a functional area listed in legislation but may not initiate or prepare money Bills. <ul style="list-style-type: none"> <li>• Take responsibility for Evidence or information before the NCOP.</li> <li>• May summon any person to appear before the NCOP to give evidence, require persons or institutions to report to it, compel in terms of national legislation or the rules and orders, any person or institution to comply with a summons or requirement as above and receive petitions, representations or submissions from any interested persons or institutions.</li> </ul> </li> <li>• With other members of the NCOP: <ul style="list-style-type: none"> <li>— Determine and control the internal arrangements, proceedings and procedures of the NCOP.</li> <li>— Make rules and orders concerning its business with due regard to representative and participatory democracy, accountability, transparency and public involvement.</li> <li>— Ensure that public involvement in the legislative and other processes of the Council and its committees is facilitated. <ul style="list-style-type: none"> <li>• Ensure that the rules and orders of the NCOP provides for: <ul style="list-style-type: none"> <li>— The establishment, composition, powers, functions, procedures and duration of its committees;</li> <li>— The participation of all the provinces in its proceedings in a manner consistent with democracy; and</li> <li>— The participation in the proceedings of the Council and its committees of minority parties represented in the Council, in a manner consistent with democracy, whenever a matter is to be decided in accordance with section 75 of the Constitution of South Africa. <ul style="list-style-type: none"> <li>• With other members of the NCOP, the business of the NCOP is conducted in an open manner, and holds its sittings and those of its committees in public while ensuring that: <ul style="list-style-type: none"> <li>— Public access is regulated, including access of the media.</li> <li>— All persons are searched before entering any meeting, or access is refused / persons are removed where appropriate.</li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ul> <p><i>Specific responsibilities jointly with Deputy Speaker:</i></p> <ul style="list-style-type: none"> <li>• Meets regularly with Deputy Speaker to process correspondence and decide which to forward to full Presiding Officers' meeting.</li> <li>• Together with the Deputy Speaker, monitors implementation of language policy of Parliament with a focus on managing the budget; oversees and give guidance on the training of permanent delegates on an ongoing basis.</li> <li>• Deals with matters and correspondence of all sorts referred to Deputy Chairperson by Chairperson.</li> </ul> </li></ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must be eligible to be a member of the provincial legislature, but (if a permanent delegate) on appointment to the NCOP, ceases to be a member of the provincial legislature.</li> <li>• Must be elected by the NCOP from the delegates in the NCOP.</li> </ul>

<b>Key Attributes</b>	<ul style="list-style-type: none"><li>• Swear an oath or affirm faithfulness to the Republic and obedience to the Constitution.</li><li>• The Chief Justice oversees the election process.</li><li>• Impartiality</li><li>• Fairness</li><li>• Transparency</li><li>• Stress Tolerance</li></ul>
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<b>Job / Position Title</b>	<b>Chairperson of Select Committee</b>
<b>Key Role</b>	Co-ordinate the works of the select committees.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• All senior personnel of NCOP</li> <li>• House chair in National Assembly</li> <li>• Joint sitting of Houses</li> <li>• Chair of chairs in the Provinces</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Presides over the meetings of select committee.</li> <li>• Co-ordinates the functioning of select committees and sub-committees in terms of budgets, legislation and oversight responsibilities.</li> <li>• Approve the scheduling of work of the committees.</li> <li>• Present schedule to the programme committee.</li> <li>• Ensure that the duties of the committees are executed as per the requirement of the rules of the NCOP.</li> <li>• Report to programme committee on the progress of works.</li> <li>• Expediting the work of the Committee.</li> <li>• Act as mediator, conciliator as issues arise.</li> <li>• Deputise for the Chair/Deputy chairperson as and when required.</li> </ul>
<b>Recommended Education/Certification</b>	Must be a permanent delegate of the NCOP (Member of Parliament).
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must have an in depth understanding of the legislative process of parliament.</li> <li>• Rules and regulations of the NCOP.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Diplomacy.</li> </ul>



<b>Job / Position Title</b>	<b>Deputy Chairperson of Select Committee</b>
<b>Key Role</b>	In the absence of the Chairperson of the Select Committee, co-ordinates the works of the select committees.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• All senior personnel of NCOP.</li> <li>• House chair in National Assembly.</li> <li>• Joint sitting of Houses.</li> <li>• Chair of chairs in the Provinces.</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Presides over the select committees in the absence of the Chairperson.</li> <li>• Together with the Chairperson, co-ordinates the functioning of select committees and sub-committees in terms of budgets, legislation and oversight responsibilities.</li> <li>• Recommends and approves (in the absence of the Chairperson) the scheduling of work of the committees.</li> <li>• Present schedule to the programme committee.</li> <li>• Ensure that the duties of the committees are executed as per the requirement of the rules of the NCOP.</li> <li>• Report to programme committee on the progress of works.</li> <li>• Expediting the work of the Committee.</li> <li>• Act as mediator, conciliator as issues arise.</li> <li>• Deputise for the Chair/Deputy chairperson as and when required.</li> </ul>
<b>Recommended Education/Certification</b>	Must be a permanent delegate of the NCOP (Member of Parliament)
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must have an in depth understanding of the legislative process of parliament.</li> <li>• Rules and regulations of the NCOP.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Diplomacy</li> </ul>

<b>Job / Position Title</b>	<b>Chief Whip in NCOP</b>
<b>Key Role</b>	Serves as the political manager of the House. Responsible for all members of the institution in terms of co-ordinating the activities of the institution.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Chairperson of the NCOP</li> <li>• Secretary of the NCOP</li> <li>• All senior personnel of NCOP</li> <li>• Chief Whip in National Assembly</li> <li>• Joint sitting of Houses</li> <li>• 9 Provincial Whips – Leaders of Provincial Delegation</li> <li>• Provincial Whips as delegates of the NCOP</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Oversees and co-ordinates the 9 Provincial whips as well as representative whips of all parties.</li> <li>• Call multi party whip forums to inform on the activities with regards to issues in parliament. Co-ordinate matters that may arise from these forums.</li> <li>• To interact with the presiding officers, the chair and deputy chair of committees, programming and provincial whips as well as party whips.</li> <li>• Interact with the 9 provincial legislatures on matters relating to the NCOP.</li> <li>• Ensure the proper conduct of members and special delegates.</li> <li>• Liaise with the leader of government business on matter relating to the NCOP.</li> <li>• Responsible to co-ordinate the activities required for provincial weeks and co-ordinate feedback.</li> <li>• Allocate sittings in House sittings.</li> <li>• Manages programming in consultation with the Chairperson of the Council.</li> <li>• Organising the business of the House at a political level.</li> <li>• Ensuring the House performs its oversight role.</li> <li>• Ensuring the equitable distribution of parliamentary time amongst provinces and parties.</li> <li>• In consultation with the Chairperson, oversees the allocation of members to select committees, ad hoc committees, and mediation committees.</li> <li>• In consultation with the Chair of Committees, ensures that committees are operating effectively.</li> <li>• In consultation with the Chair of Committees, ensures that committees table their reports and that Bills are passed timeously.</li> <li>• Drafts and distributes speakers' lists to the Chairperson of the Council, Secretary of Council and Provinces.</li> <li>• Liaises with the Leader of Government Business in respect of the attendance of the Executive in the House.</li> <li>• Considers, in consultation with the Chair of Council, the Order Paper in relation to matters for discussion in the House.</li> <li>• Manages the Whippers to ensure that Members attend the House plenaries.</li> </ul> <p><i>Party activities:</i></p> <ul style="list-style-type: none"> <li>• Co-ordinate and facilitate party strategies and works.</li> <li>• Ensure the delivery of constituency work.</li> </ul>
<b>Recommended Education/Certification</b>	<p>Must be a permanent delegate of the NCOP (Member of Parliament).</p> <p>Elected by Council in its ordinary sitting.</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must have an in depth understanding of the legislative process of parliament.</li> <li>• Rules and regulations of the NCOP.</li> <li>• Processes and procedures of Chief Whips.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Diplomacy</li> </ul>

<b>Job / Position Title</b>	<b>Programming Whip</b>
<b>Key Role</b>	Compile a NCOP programme.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Chair of NCOP</li> <li>• Chair of Committees</li> <li>• Programming whips in the National Assembly</li> <li>• Chief Whip of the NCOP</li> <li>• Provincial Whips</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Attend to the technical programming meeting in the National Assembly as well as the National Assembly programming meetings to ensure harmony in the execution of the various programmes.</li> <li>• Scheduling of bills to be debated.</li> <li>• Assist the Chief Whip's office in compiling speakers list for debates as well as schedule time slots for debates.</li> <li>• Liaise with the office of the leader of government business to ensure that the members of the executive are available as and when needed.</li> <li>• Present the end product of all matters pertaining to the provincial whips meeting as well as the multi party whips forum and officially table matters in programming meetings.</li> </ul>
<b>Recommended Education/Certification</b>	<p>Must be a permanent delegate of the NCOP (Member of Parliament).</p> <p>Appointed by Chairman of the NCOP after recommendation of Chief Whip.</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must have an in depth understanding of the legislative process of parliament.</li> <li>• Rules and regulations of the NCOP.</li> <li>• Processes and procedures of Whips.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Diplomacy</li> </ul>

<b>Job / Position Title</b>	<b>NCOP Provincial Whip</b>
<b>Key Role</b>	To liaise with all permanent delegates in NCOP representing provinces. To co-ordinate the activities of the NCOP in the provincial legislature and the level of local government.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Provincial Premier</li> <li>• Chief Whip NCOP</li> <li>• Chair of Chairs</li> <li>• Provincial Speaker</li> <li>• MEC</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Ensure the orderly exchange of ideas and information to the provinces of which these must be clearly communicated.</li> <li>• In absence of Premier the NCOP, Provincial whip will be the leader of the provincial delegation.</li> <li>• Will conduct regular meetings on activities and programmes of the NCOP with their respective delegations.</li> <li>• To ensure that all arrangement with regards to meeting with special delegates are conducted smoothly.</li> <li>• Co-ordinate the provincial activities during provincial week.</li> <li>• Conducts various projects/tasks and responsibilities as allocated by the Chief Whip.</li> </ul>
<b>Recommended Education/Certification</b>	<p>Appointed by the Provincial Legislature.</p> <p>Must be a permanent delegate of the NCOP (Member of Parliament)</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must have an in depth understanding of the legislative process of parliament.</li> <li>• Rules and regulations of the NCOP.</li> <li>• Processes and procedures of Whips.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Diplomacy</li> </ul>

<b>Job / Position Title</b>	<b>House Chair: NCOP</b>
<b>Key Role</b>	To lend capacity in the office of the Chairperson of the NCOP.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Chairperson and Deputy Chairperson NCOP</li> <li>• House Chair – NA</li> <li>• Members of Select Committees</li> <li>• Whips NCOP</li> <li>• Permanent delegates to the NCOP</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Performing of duties of the officer presiding at Plenaries in the NCOP, as required by the Chairperson of the NCOP.</li> </ul> <p><i>House Chairperson: Committees:</i></p> <ul style="list-style-type: none"> <li>• Ensuring the compilation of Programmes by the Select Committees that are in compliance with their Strategic Plans.</li> <li>• Facilitating the drafting of budgets by Select Committees.</li> <li>• Providing reports to the Programme Committee meeting regarding committee activities in respect of the processing of legislation.</li> <li>• Monitoring of support provided by the Committee section.</li> <li>• Ensuring / Tracking the processing of legislation by Committees.</li> <li>• Co-ordinating of Select Committees' Strategic and Business Plans and Programming of Select Committees' activities.</li> <li>• Convening and chairing the Forum of Chairpersons of Committees and Caucus Chairpersons quarterly.</li> <li>• Convening and chairing regular meetings of the Chairperson of Committees.</li> </ul> <p><i>House Chairperson: Committee Oversight and Institutional Support:</i></p> <ul style="list-style-type: none"> <li>• Co-ordinating of oversight activities of Select Committees.</li> <li>• Ensuring the compilation of the committee reports on oversight activities.</li> <li>• Ensuring that all committees are briefed on the Budget Votes by government departments and providing progress reports on such briefings to the Programme Committee.</li> <li>• Monitoring of compliance by the Executive with respect to recommendations set out in reports of Select Committees through the Office of the Chairperson of the NCOP.</li> <li>• Facilitation of implementation of recommendations of the oversight subcommittee by championing implementation by the TASK Team on Oversight by overseeing work by officials.</li> <li>• To facilitate oversight of, monitor and report on the workings of the Public Education Unit. This is informed by the political imperative that Parliament should be accessible to the people as well as the constitutional imperative of facilitation of public participation.</li> <li>• To address members' queries regarding Members Interests by liaising and ensuring that policies in this regard are implemented.</li> <li>• To acquaint itself with policies regarding labour relations and be the receptacle of such matters in order to advise the Office of the Chairperson and enable it to intervene appropriately where necessary.</li> <li>• To ensure installation of systems to ensure that the institution is fully IT compliant and technologically ready to deal with its functions.</li> <li>• To attend and provide inputs to the Forum of Chairperson of Committees and Caucus Chairpersons which meets quarterly to exchange information, perspectives and discuss, where necessary, issues relating to support to members or members' interests.</li> <li>• Ensure finalisation of existing draft policies on Leave for Members, Artwork Management, Exhibitions, Library. Once policy is adopted, monitor and report on implementation progress or otherwise.</li> <li>• Monitor and report on Household Services work especially in relation to Parliament as well as maintenance and security of its assets.</li> </ul>
<b>Recommended Education/Certification</b>	Must be a permanent delegate of the NCOP (Member of Parliament)
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must have an in depth understanding of the legislative process of parliament.</li> <li>• Rules and regulations of the NCOP.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Fairness</li><li>• Transparency</li><li>• Diplomacy</li><li>• Independence</li><li>• Integrity</li><li>• Even temperament</li><li>• Stress tolerance</li></ul> |
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<b>Job / Position Title</b>	<b>Permanent Delegate to the NCOP</b>
<b>Key Role</b>	To represent the interest of the provincial legislature at a National level.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Provincial Premier</li> <li>• Chief Whip NCOP</li> <li>• Provincial Speaker</li> <li>• Members of the NCOP</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• To co-ordinate the delegation from the Province.</li> <li>• Liaise with the Speaker from the Province about conduct and brief about activities.</li> <li>• Leader of the delegation, vote on behalf of the Province in terms of the mandate.</li> <li>• Chair meetings of provincial delegation.</li> <li>• Control attendance and leave of delegations.</li> <li>• Look after special delegates in terms of protocols.</li> <li>• Lead the delegates when on oversight.</li> <li>• Engage with the media.</li> <li>• Scrutinise legislation and take into account input from stakeholders and ensure better solution delivered.</li> <li>• Assist sister/brother committees in the provinces.</li> </ul>
<b>Recommended Education/Certification</b>	Must be a permanent delegate of the NCOP (Member of Parliament) Appointed by the Provincial Legislature.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Must have an in depth understanding of the legislative process of parliament.</li> <li>• Rules and regulations of the NCOP.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Fairness</li> <li>• Transparency</li> <li>• Diplomacy</li> </ul>

**Annexure D3: Provincial Legislatures**

<b>Job / Position Title</b>	<b>Speaker in the Provincial Legislature</b>
<b>Key Role</b>	<p>Sits at the Head of the Provincial Legislature as independent monitor of the parliamentary process &amp; procedures, and the chief presiding officer and the political head of the administration of provincial parliament.</p> <p>Accountable for the performance of the institution.</p>
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Members of provincial parliament.</li> <li>• Executive members.</li> <li>• Executive Council Member for Finance.</li> <li>• Department of Finance.</li> <li>• NCOP.</li> <li>• Members of the Speakers Forum.</li> <li>• Represents the province on matters of inter-provincial, national and international concerns and public dealings.</li> <li>• Non-governmental Organisations and Civil Society.</li> </ul>
<b>Key Responsibilities</b>	<p><i>Legislation – together with rest of Provincial Legislature:</i></p> <ul style="list-style-type: none"> <li>• Speaker accepts and refers bills and policy proposals to various standing and portfolio committees for consideration to be rejected or accepted by the House.</li> <li>• Will prioritise programmes in conjunction with Chief Whip for debate in the house.</li> <li>• Will accept and process reports, petitions, motions or any matter of public importance from various institutions.</li> <li>• Arranges business on the Order Paper, subject to the Rules and the directives of the Programme Committee and the concurrence of the Leader of Government Business where Government business is concerned.</li> <li>• Ensures that discipline is administered according to the standing rules and code of ethics of the legislature.</li> </ul> <p><i>Oversee process of Provincial Legislature providing for mechanisms to:</i></p> <ul style="list-style-type: none"> <li>• Ensure that all executive organs of state in the national sphere of government are accountable to it.</li> <li>• Maintain oversight of the exercise of provincial executive authority, including the implementation of legislation and any organ of state.</li> <li>• Determine sitting days and hours of sitting in line with the rules of the House in conjunction with Chief Whip.</li> <li>• Lead the sequence of proceedings in line with the rules of the House.</li> </ul> <p><i>With other Members of the Provincial Legislature, ensure:</i></p> <ul style="list-style-type: none"> <li>• Public involvement in the legislative and other processes of the legislature and its committees is facilitated.</li> <li>• The business of the Provincial Legislature is conducted in an open manner, and hold its sittings and those of its committees in public while ensuring that: <ul style="list-style-type: none"> <li>— Public access is regulated, including access of the media.</li> <li>— All persons are searched before entering any meeting, or access is refused / persons are removed where appropriate.</li> <li>— Public access may be limited when it is reasonable and justifiable in an open and democratic society.</li> </ul> </li> <li>• Assists with determining and controlling the internal arrangements, proceedings and procedures of the Provincial Legislature.</li> <li>• Make rules and orders concerning its business with due regard to representative and participatory democracy, accountability, transparency and public involvement and ensure compliance.</li> <li>• Ensuring the appropriate support services for the effective running of the institution.</li> </ul> <p><i>Take responsibility for Evidence or information before the Provincial Legislature:</i></p> <p>May summon any person to appear before it to give evidence, require person or institutions to report to it. Compel in terms of national/provincial legislation or the rules and orders, any person or institution, to comply with a summons or</p>



	<p>requirement as above and receive petitions, representations or submissions from any interested persons or institutions.</p> <p><i>Specific responsibilities:</i></p> <p>Ensure that the rules and orders of the Provincial Legislature provides for:</p> <ul style="list-style-type: none"> <li>• The establishment, composition, powers, functions, procedures and duration of its committees.</li> <li>• The participation in the proceedings of the Assembly and its committees of minority parties represented in the provincial legislature in a manner consistent with democracy.</li> <li>• Financial and administrative assistance to each party represented in the Assembly in proportion to its representation, to enable the party and its leader to perform their functions in the legislature effectively.</li> <li>• The recognition of the leader of the largest opposition party in the Legislature as the Leader of the Opposition.</li> <li>• Ensures effective presiding of House sittings and fairness of debates in the House.</li> <li>• Presiding over House sittings.</li> <li>• Ensuring appropriate support services for House sittings.</li> <li>• Protecting the rights and privileges of the House.</li> <li>• Preserving the dignity of the House.</li> <li>• Representing the Legislature at public events, to the media, hosting visiting dignitaries, special visitors and delegations.</li> <li>• Interpreting and enforcing standing orders (ensuring rules of parliamentary procedure are applied).</li> <li>• Exercising disciplinary power so as to maintain order during a debate.</li> <li>• Supervising parliamentary proceedings.</li> <li>• Making statements of announcements to the House.</li> <li>• Carrying out functions impartially.</li> <li>• Responsible for the administration of the Legislature.</li> <li>• Controlling and managing the parliamentary precinct.</li> <li>• Liaising with the Leader of the House / Government Business, Chief Whip and Chair of Chairs on the legislative programme.</li> <li>• The Speaker has general responsibility for ensuring public participation.</li> <li>• In conjunctions with the Leader of the House/Government Business, Chief Whip and Chair of Chairs co-ordinate and determine the legislative programme.</li> <li>• Performs supervisory functions of National and Provincial Treasury in relation to Legislature Finances.</li> <li>• Manages and oversee the administration of the budgets of the provincial legislature in accordance with applicable financial principles and legislation.</li> <li>• Determines the appropriate organisational structure for the institution.</li> <li>• Chairs Rules Committee and NCOP Business Committee.</li> <li>• Received reports from Sub-committees of Rules, eg. Institutionalised Days, Review of Rules, Internal Arrangements, Budget &amp; Oversight, Human Resource Development.</li> <li>• Received regular correspondence and reports from Management, Cabinet Committees and Public Bodies on which guidance must be given one way or another.</li> <li>• Must always defend and protect Members' rights and integrity of the Legislature.</li> <li>• Holds regular consultations and meetings with other Presiding Officers.</li> </ul>
<p><b>Recommended Education/Certification</b></p>	<p>Must have been elected to the Provincial Legislature.</p>
<p><b>Prerequisite Knowledge</b>      <b>Skills</b>      <b>and</b></p>	<ul style="list-style-type: none"> <li>• Leadership and political skills</li> <li>• Strategic capability</li> <li>• People management and empowerment</li> <li>• Problem solving and analysis</li> <li>• Decision making</li> <li>• Innovation and Conceptualisation</li> <li>• Negotiation and Mediation</li> <li>• Public governance</li> <li>• Economic literacy</li> </ul>
<p><b>Key Attributes</b></p>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Transparency</li> <li>• Fairness</li> <li>• Stress Tolerance</li> </ul>

Job / Position Title	Deputy Speaker in the Provincial Legislature
<b>Key Role</b>	Sits at the Head of the Provincial Legislature as independent monitor of the parliamentary process & procedures, and the chief presiding officer and the political head of the administration of provincial legislature in the absence of the Speaker.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Members of provincial parliament</li> <li>• Executive members</li> <li>• Provincial Minister of Finance</li> <li>• Department of Finance</li> <li>• NCOP</li> <li>• Members of the Speakers Forum</li> <li>• Represents the province on matters of inter-provincial, national and international concerns and public dealings</li> <li>• Non-governmental organisations and Civil Society</li> </ul>
<b>Key Responsibilities</b>	<p><i>Legislation – together with rest of Provincial Legislature:</i></p> <ul style="list-style-type: none"> <li>• Speaker accepts and refers bills and policy proposals to various standing and portfolio committees for consideration to be rejected or accepted by the House.</li> <li>• Will prioritise programmes in conjunction with Chief Whip for debate in the house.</li> <li>• Will accept and process reports, petitions, motions or any matter of public importance from various institutions.</li> <li>• Arranges business on the Order Paper, subject to the Rules and the directives of the Programme Committee and the concurrence of the Leader of Government Business where Government business is concerned.</li> <li>• Ensures that discipline is administered according to the standing rules and code of ethics of the legislature.</li> </ul> <p><i>Oversee process of Provincial Legislature providing for mechanisms to:</i></p> <ul style="list-style-type: none"> <li>• Ensure that all executive organs of state in the national sphere of government are accountable to it.</li> <li>• Maintain oversight of the exercise of provincial executive authority, including the implementation of legislation and any organ of state.</li> <li>• Determine sitting days and hours of sitting in line with the rules of the House in conjunction with Chief Whip.</li> <li>• Lead the sequence of proceedings in line with the rules of the House.</li> </ul> <p><i>With other Members of the Provincial Legislature, ensure:</i></p> <ul style="list-style-type: none"> <li>• Public involvement in the legislative and other processes of the legislature and its committees is facilitated.</li> <li>• The business of the Provincial Legislature is conducted in an open manner, and hold its sittings and those of its committees in public while ensuring that: <ul style="list-style-type: none"> <li>— Public access is regulated, including access of the media.</li> <li>— All persons are searched before entering any meeting, or access is refused / persons are removed where appropriate.</li> <li>— Public access may be limited when it is reasonable and justifiable in an open and democratic society.</li> </ul> </li> <li>• Assists with determining and controlling the internal arrangements, proceedings and procedures of the Provincial Legislature.</li> <li>• Make rules and orders concerning its business with due regard to representative and participatory democracy, accountability, transparency and public involvement and ensure compliance.</li> <li>• Ensuring the appropriate support services for the effective running of the institution.</li> </ul> <p><i>Take responsibility for Evidence or information before the Provincial Legislature:</i></p> <p>May summon any person to appear before it to give evidence, require person or institutions to report to it. Compel in terms of national/provincial legislation or the rules and orders, any person or institution to comply with a summons or requirement as above and receive petitions, representations or submissions from any interested persons or institutions.</p>

	<p><i>Special responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Perform all functions of the Speaker subject to constant consultation; joint briefings and joint exercising of executive authority.</li> <li>• In the absence of the Speaker, chairs the Rules Committee.</li> <li>• Deals with matters and correspondence of all sorts referred to Deputy Speaker by the Speaker.</li> <li>• Attends international activities and conferences as agreed with Speaker or, as agreed by meeting of Presiding Officers.</li> <li>• Chair some political management meetings inter alia: <ul style="list-style-type: none"> <li>— Internal arrangements as well as coordinating reports of various subcommittees of Internal Arrangements, eg Catering, Library, Members Enabling Facilities, Safety and Security, Pension and Medical Aid, Policy Development.</li> <li>— Change Management.</li> <li>— Any other committee assigned by the Executive Management Committee.</li> <li>— Public involvement in the legislative and other processes of the legislature and its committees is facilitated.</li> </ul> </li> </ul>
<p><b>Recommended Education/Certification</b></p>	<p><b>Must have been elected to the Provincial Legislature</b></p>
<p><b>Prerequisite Skills and Knowledge</b></p>	<ul style="list-style-type: none"> <li>• Leadership and political skills</li> <li>• Strategic capability</li> <li>• People management and empowerment</li> <li>• Problem solving and analysis</li> <li>• Decision making</li> <li>• Innovation and Conceptualisation</li> <li>• Negotiation and Mediation</li> <li>• Public governance</li> <li>• Economic literacy</li> </ul>
<p><b>Key Attributes</b></p>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Transparency</li> <li>• Fairness</li> <li>• Stress Tolerance</li> </ul>

<b>Job / Position Title</b>	<b>Chief Whip: Majority Party</b>
<b>Key Role</b>	The Chief Whip of the majority party is the Chief Whip of the legislature. This makes it possible for the majority party to assume its political responsibility which is to lead the implementation of government's programmes and policies.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Whips</li> <li>• Executive</li> <li>• Speaker</li> <li>• Members</li> <li>• Chief Whips forum</li> <li>• Chair of chairs</li> <li>• Legislature as an institution</li> <li>• Political Parties</li> <li>• Support staff of the Political Party</li> <li>• Liaison with Provincial Whips in NCOP</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Institutional role: <ul style="list-style-type: none"> <li>— Ensuring the effective development and implementation of the legislative programme.</li> <li>— Overall coordination and management of all whippery activities.</li> <li>— Chair of Programming.</li> <li>— Liaison with the executive through the Leader of the House.</li> <li>— Facilitates the appointment of special delegates to the NCOP.</li> <li>— Act as an administrative officer to the parliamentary parties.</li> <li>— Arrange the number and order of Members who wish to speak in debate.</li> <li>— Manages and oversees air tickets.</li> <li>— Approves leave of absence.</li> <li>— Accounting officer – Caucus fund and Constituency Fund. <ul style="list-style-type: none"> <li>• Party role: <ul style="list-style-type: none"> <li>— The political management of members and their participation in the Institution.</li> <li>— Accounting officer for Caucus and Constituency Funds.</li> <li>— Management of party staff.</li> <li>— Provide support for party caucus meetings and consultations, party study groups, arranging party membership of parliamentary committees and organising any party balloting that may be required. <ul style="list-style-type: none"> <li>• In consultation with other whips, arranges for the approximate time span of each debate and divides the total time available among the respective parties.</li> <li>• Establish and maintain good working relations with the whips of other parties on a basis of mutual trust.</li> <li>• In consultation with the Leader of the House and the whips of other parties, co-ordinates the work of Standing Committees, sittings of the House(s) and the sequence of their debates.</li> <li>• Maintains close contact with government members, committee chairpersons and office bearers and keeps the executive arm of government informed of the attitudes, views etc. of members of the Legislature / Parliament. The Chief Whip should convey the 'pulse' of the caucus of the majority party to the executive from time to time.</li> <li>• Is responsible for party discipline including: <ul style="list-style-type: none"> <li>— Ensuring quorums at and proper and regular attendance of committee meetings and the sittings of the Legislature / Parliament.</li> <li>— Regulating MP's absence from the Legislature / Parliament from time to time.</li> <li>— With the assistance of the Legislature / Parliamentary Secretariat, seeing to it that members are allocated and settled in offices.</li> <li>— Allocating proper backup services for members i.e. secretarial, fax machines, photocopiers etc.</li> <li>— Dealing with problems of individual members of his party, whatever they may be, and</li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ul> </li></ul>

		<p>where necessary, liaising with the party executive on such issues.</p> <ul style="list-style-type: none"> <li>— In consultation with the Speaker, providing for orientation and settling in of new members.</li> <li>— Being an expert on the standing orders and rules, and when required he / she must rise on points of order to protect the Government and its members against any 'unparliamentary attack' by members of the opposition or minority parties.</li> <li>— In consultation with the Leader of the House, the Chief Whip allocates seating places to members in the Chamber of the Legislature / Parliament.</li> <li>— If necessary, delegates and divides the work responsibilities among the other whips so that the load is fairly distributed and spread. When necessary a Chief Whip must train new whips in the tasks that are required of them.</li> <li>— Considers requests by committees to sit beyond the seat of Parliament during sittings of the Provincial legislature.</li> </ul>
<b>Prerequisite Knowledge</b>	<b>Skills and</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>		<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Discretion</li> <li>• Sympathy</li> <li>• Honesty</li> </ul>

<b>Job / Position Title</b>	<b>Deputy Chief Whip: Majority Party</b>
<b>Key Role</b>	Assists the Chief Whip in the performance of his / her duties.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Whippersy</li> <li>• Executive</li> <li>• Speaker</li> <li>• Members</li> <li>• Chief Whips forum</li> <li>• Chair of chairs</li> <li>• Legislature as an institution</li> <li>• Political Parties</li> <li>• Support staff of the Political Party</li> <li>• Liaison with Provincial Whips in NCOP</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• In the absence of the Chief Whip, the Deputy Chief Whip attends to all functions and responsibilities of the Chief Whip.</li> <li>• Serves as an alternate to the Chief Whip on all Parliamentary bodies and committees.</li> <li>• Assists the Chief Whip at all parliamentary meetings.</li> <li>• Allocates duties to other Whips.</li> </ul> <p><i>Specific Duties:</i></p> <ul style="list-style-type: none"> <li>• Chairs political party caucus.</li> <li>• Manages Caucus inputs and debates.</li> <li>• Manages and co-ordinates study tours.</li> <li>• Liaises with and monitors performance of Chair of Chairs and Deputy Chair and Chairs.</li> <li>• Co-ordinates and receives reports from all whips regarding their particular areas of deployment.</li> <li>• Co-ordinates overall training for Members.</li> <li>• Monitors and reports on performance of departmental parliamentary liaison officers within their legislature roles and responsibilities.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Discretion</li> <li>• Sympathy</li> <li>• Honesty</li> </ul>

<b>Job / Position Title</b>	<b>Chief Whip: Official Opposition / Largest Minority Party</b>
<b>Key Role</b>	The Chief Whip of the Largest Minority Party serves as the chief spokesperson of the largest minority party on matters relating to the organisation of legislative business and the smooth functioning of the Legislature.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Whippersy</li> <li>• Executive</li> <li>• Speaker</li> <li>• Members</li> <li>• Chief Whip's forum</li> <li>• Chair of chairs</li> <li>• Legislature as an institution</li> <li>• Political Parties</li> <li>• Support staff of the Political Party</li> <li>• Liaison with Provincial Whips in NCOP</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• In consultation with other whips, arranges for the approximate time span of each debate and divides the total time available among the respective parties.</li> <li>• Establishes and maintains good working relations with the whips of other parties on a basis of mutual trust so that the work of legislature can be facilitated.</li> <li>• Is responsible for party discipline including: <ul style="list-style-type: none"> <li>— Ensuring quorums at and proper and regular attendance of committee meetings and the sittings of the Legislature.</li> <li>— Regulating MP's absence from the Legislature / Parliament from time to time.</li> <li>— With the assistance of the Legislature, see to it that members are allocated and settled in offices.</li> <li>— Allocating proper backup services for members of his party ie. secretarial, fax machines, photocopiers etc.</li> <li>— Dealing with problems of individual members of his party, whatever they may be, and where necessary, liaising with the party executive on such issues.</li> <li>— In consultation with the Speaker, providing for orientation and settling in of new members.</li> </ul> </li> <li>• Being an expert on the standing orders and rules for the party.</li> <li>• Allocates seating places to members of the party in the house.</li> <li>• If necessary, delegates and divides the work responsibilities among the other whips of the party so that the load is fairly distributed and spread. When necessary, a Chief Whip must train new whips in the tasks that are required of them.</li> <li>• Administers all administrative and political functions on behalf of the party.</li> </ul>
<b>Recommended Education/Certification</b>	The Chief Whip of the Opposition is appointed by the Speaker on the recommendation of the largest minority party.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Delegation</li> <li>• Management skills</li> <li>• Written and verbal communication</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Discretion</li> <li>• Honesty</li> </ul>

<b>Job / Position Title</b>	<b>Whip in a Legislature</b>
<b>Key Role</b>	A Whip is a member designated by his / her party to assist in the smooth running of the party and the functioning of the House. Whips are responsible for organising their own political parties in Parliament. They need to ensure that the party administration operates effectively. In addition, Whips are expected to organise speakers and voting in the House.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Chairpersons of Portfolio Committees</li> <li>• Members</li> <li>• Chief Whips of the party</li> <li>• Whips of other political Parties</li> </ul>
<b>Key Responsibilities</b>	<p><i>A Whip achieves his / her objectives by:</i></p> <ul style="list-style-type: none"> <li>• Organising party business.</li> <li>• Keeping members informed of business.</li> <li>• Supplying lists of members to serve on standing and select committees.</li> <li>• Securing members' attendance for meetings and divisions.</li> <li>• Co-operating with whips of other parties in arranging the legislative functioning.</li> <li>• Acting as intermediaries between leaders and rank and file within the party.</li> <li>• Arranging for members to speak in debates.</li> <li>• Day-to-day management of party participation in processes in the legislature.</li> <li>• When the electronic voting system is not used, acting as counters during divisions.</li> <li>• Managing the passing of all policies, legislation, NCOP and Provincial Bills.</li> <li>• Co-ordinate, manage and report on all study group activities.</li> <li>• Development, monitoring and management of the Constituency work system.</li> <li>• Managing of the Constituency Fund.</li> <li>• Chairing of and the development of reports for sub-committees of the Rules committee.</li> <li>• Work in conjunction with Chairperson and Committees to ensure effective management of Committee Business.</li> <li>• Manage study groups.</li> <li>• There are additional functional responsibilities that are allocated amongst the following whips:</li> </ul> <ul style="list-style-type: none"> <li>— Committee Whip.</li> <li>— Administration Whip.</li> <li>— Administration Staff Whip.</li> <li>— Members Interest Whip.</li> <li>— Constituency Fund Whip.</li> <li>— Constituency Whip.</li> <li>— Strategy and Co-ordination Whip.</li> </ul>
<b>Recommended Education/Certification</b>	A Whip is appointed by the Speaker on the recommendation of the party. The number of Whips that a party may appoint is proportional to the number of the members.
<b>Prerequisite Knowledge Skills and</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Management skills</li> <li>• Written and verbal communication</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity / Discretion</li> <li>• Even temperament</li> <li>• Stress tolerance</li> <li>• Honesty</li> </ul>



Job / Position Title	House Chair
<b>Key Role</b>	Presiding officer of the House with role in political management processes of the legislature. Is responsible for the co-ordination of portfolio/select committees
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Speaker and Deputy Speaker</li> <li>• Premiers</li> <li>• Chairperson of Portfolio Committees</li> <li>• Chief Whips</li> <li>• NCOP and NA</li> <li>• All members of the Legislature</li> </ul>
<b>Key Responsibilities</b>	<p><i>All House Chairs:</i></p> <ul style="list-style-type: none"> <li>• Supporting role to the Speakers office: <ul style="list-style-type: none"> <li>— Preside over sittings of the House in the absence of the Speaker/Deputy Speaker.</li> <li>— Preside over meetings of the House when in Committee.</li> <li>— Represent legislature as office bearer in the absence of the Speaker/Deputy Speaker.</li> <li>— Member of Executive Management Committee responsible for the administration of the Legislature.</li> </ul> </li> <li>• Supporting role to chairpersons of portfolio committees in respect of guidance, substitution facilitation.</li> <li>• Administration in respect of: <ul style="list-style-type: none"> <li>— Support staff to committees of the Legislature.</li> <li>— Attendance at workshops, conferences, courses, site visits and other events.</li> </ul> </li> <li>• Supporting role for the Chairpersons and Portfolio Committees: <ul style="list-style-type: none"> <li>— Provide guidance on rules, procedures and functions.</li> <li>— Ensure proper functioning of committees in the absence of portfolio chairs.</li> <li>— Ensure that committee reports conform to rules and standards.</li> <li>— Ensure that committees are provided with effective infrastructural, administrative support systems, including, inter alia, well qualified and capacitated committee clerks.</li> <li>— Facilitate capacity building of chairpersons and committee members.</li> </ul> </li> </ul> <p><i>House Chair 1:</i></p> <ul style="list-style-type: none"> <li>• Chairs the Committee of Chairpersons of Portfolio Committees Forum.</li> <li>• Plays a supporting role to Chairpersons of Portfolio Committees.</li> <li>• Organises workshops, conferences, study tours, site visits and other events on behalf of Portfolio Committees.</li> <li>• Organises capacity building, programmes for Chairpersons and Committee members.</li> <li>• Ensures that the programme of activities for all Portfolio Committees is adopted and implemented.</li> <li>• Co-ordinates the compilation of Committee budgets and represents Committees when considering the budgets.</li> <li>• Monitors the progress of issues requiring attention from the various Portfolio Committees.</li> <li>• Oversee and report to the Programming Committee on the progress with the processing of bills and the tabling of Committee programmes.</li> <li>• Consider applications from members pertaining to attendance of workshops, conferences, courses, site visits etc.</li> <li>• Approve claims of members for travel etc. following from such attendance. (These are done on behalf of the Speaker as delegated powers which need to be authorised).</li> <li>• Serves as a member on various Portfolio Committees of the Legislature.</li> </ul> <p><i>House Chair 2:</i></p> <ul style="list-style-type: none"> <li>• Chairs Budget Committee of the Legislature.</li> <li>• Look at budget reform programme.</li> <li>• Scrutinise budget presentations to Treasury.</li> </ul>

	<ul style="list-style-type: none"> <li>• Monitor budget control and allocate to Legislature, ie. Administration Portfolio Committees and Political Parties.</li> <li>• Receives a monthly expenditure report from Legislature Directorates.</li> <li>• Working in co-operation with the Speaker and Deputy Director NCOP around co-ordination of NCOP activities.</li> <li>• Facilitate meetings with NCOP permanent delegates regarding working relations with Legislature.</li> <li>• Facilitate meetings with NCOP Permanent Delegates regarding briefings to the various Portfolio Committees.</li> <li>• Ensure that the NCOP mandates are in correct format and meet timeframes.</li> <li>• Serves as a member on various Portfolio Committees of the Legislature.</li> </ul>
<b>Prerequisite Knowledge Skills and</b>	<ul style="list-style-type: none"> <li>• Executive management functions</li> <li>• Managerial skills</li> <li>• Reading and understanding budgets</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Written and verbal communication</li> <li>• Time-management / planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Stress tolerance</li> </ul>

<b>Job / Position Title</b>	<b>Leader of the Opposition: Provincial Legislature</b>
<b>Key Role</b>	The Leader of the Opposition is responsible for maintaining a visible, effective and loyal opposition. The position demands constant vigilance both with regard to the performance of the Opposition but also with regard to his or her particular role as a constitutionally recognised figure within South Africa's parliamentary democracy.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Premier of the Provincial Legislature</li> <li>• Speaker and Deputy Speaker of Provincial Legislature</li> <li>• The Chairperson and the Deputy Chairperson of Committees</li> <li>• Chief Whip</li> <li>• Members of Provincial Legislature</li> <li>• Chairperson of Portfolio Committees</li> <li>• Whips of other parties</li> <li>• Constituency Offices</li> </ul>
<b>Key Responsibilities</b>	<p><i>Oversight and Government Business:</i></p> <ul style="list-style-type: none"> <li>• Monitoring, reviewing and assessing all activities, documentation and communication published.</li> <li>• Evaluating and critiquing the government's performance with reference to stated promises and programme of action.</li> </ul> <p><i>Leadership Provincial Caucuses:</i></p> <ul style="list-style-type: none"> <li>• Appoint the Chief Whip of the Opposition.</li> <li>• Advise the Chief Whip on the carrying out of their political responsibilities.</li> <li>• In consultation with the Chief Whip:</li> </ul> <ul style="list-style-type: none"> <li>— Nominate the portfolio spokespersons of the Opposition in the Provincial Legislature.</li> <li>— Carry out performance assessments on Members of Provincial Legislature. <ul style="list-style-type: none"> <li>• Engage with portfolio spokespersons on an ongoing basis, both to ensure that they are providing effective oversight and to maintain an overview of government performance.</li> <li>• Liaise with Municipal Caucus Leaders and Councillors on an ongoing basis to ensure that the Opposition is performing its role in local government consistent with the standards set at national level, and to maintain an overview of local government performance.</li> </ul> </li> </ul> <p><i>Domestic Liaison:</i></p> <ul style="list-style-type: none"> <li>• Political:</li> </ul> <ul style="list-style-type: none"> <li>— The Leader of the Opposition is required to interact and maintain relationships with the leaders of other political parties in the Provincial Legislature.</li> </ul> <ul style="list-style-type: none"> <li>• Civil Society:</li> </ul> <ul style="list-style-type: none"> <li>— The Leader of the Opposition is required to interact with role-players in civil society, including business, cultural, religious and non-governmental organisations, to inform and provide the opposition's analysis of government policy and performance, and get feedback on that analysis.</li> <li>— While other opposition leaders might undertake a similar programme, the Leader of the Opposition, by virtue of his/her constitutionally recognised position, typically receives the greatest and broadest demand in this regard.</li> </ul> <ul style="list-style-type: none"> <li>• Members of the Public:</li> </ul> <ul style="list-style-type: none"> <li>— The Leader of the Opposition is required to visit communities across the length and breadth of the country and interact with members of the public to assess government's delivery of services at grass roots level and, more particularly, people's perceptions thereof.</li> <li>— Also by virtue of his/her constitutionally recognised position, and as leader of the largest opposition party representing the greatest number of voters, the Leader of the Opposition receives the greatest amount of correspondence from members of the public. This includes letters, faxes, emails, telephonic communication, as well as</li> </ul>

	<p>personal approaches with requests for assistance.</p> <p>— The Leader of the Opposition may delegate the response to correspondence or the provision of assistance to a portfolio spokesperson of the Opposition where appropriate. However, he/she maintains ultimate responsibility for ensuring that every member of the public contacting his/her office is responded to timeously and satisfactorily.</p> <p><i>Managing Party Business:</i></p> <ul style="list-style-type: none"> <li>• Organising party business.</li> <li>• Keeping members informed of business.</li> <li>• Supplying lists of members to serve on Standing and Select Committees.</li> <li>• Securing members' attendance for meetings and divisions.</li> <li>• Arranging lists and preparing the readiness of members to speak in debates.</li> <li>• Day-to-day management of party participation in processes in the Assembly.</li> <li>• Assisting members with queries regarding their rules and practices for questions, prioritisation of oral questions and ensuring that written questions meet deadlines.</li> <li>• Liaising with members regarding their proposals for statements and motions.</li> <li>• Taking points of order.</li> <li>• Monitoring attendance in Committees.</li> <li>• Allocation of members to Committees.</li> <li>• Maintaining discipline.</li> <li>• Liaising with Committee Section regarding changes in membership, complaints from members about committee meetings and addressing other problems.</li> <li>• Assisting with members' benefits and support such as salaries, pensions, travel, accommodation, parking, staff and equipment, training and leave.</li> <li>• Whips will have party specific duties.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Discretion</li> <li>• Sympathy</li> <li>• Honesty</li> <li>• Even temperament</li> <li>• Stress tolerance</li> </ul>

<b>Job / Position Title</b>	<b>Chairperson of Portfolio Committees</b>
<b>Key Role</b>	The Chairperson of a Portfolio Committee is in charge of the business of the Committee and is responsible for the finalisation of the business of the Committee in the shortest possible time.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Speaker and Deputy Speaker</li> <li>• Premiers</li> <li>• Chairperson and Deputy Chairperson of Committees</li> <li>• Chief Whips</li> <li>• NCOP and NA</li> <li>• All members of the Legislature</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Take charge of all matters referred to the Standing Committee.</li> <li>• Drive the consideration of each matter to its finalisation.</li> <li>• Ensure proper planning by the Standing Committee.</li> <li>• Submit the Standing Committee's planning to the Chairperson of Committees.</li> <li>• Submit reports on the activities of the Standing Committee to the Chairperson of Committees.</li> <li>• Ensure that the Standing Committee complies with the Constitution and Rules of the Legislature.</li> <li>• Approve the programme of meetings as prepared by the Committee Section.</li> <li>• Approval of dates of Committee meetings as recommended by the Committee Section.</li> <li>• Ensure that adequate time is allowed for notice of the meeting.</li> <li>• Indicating to the Committee Clerk the business to be considered at the Committee meeting.</li> <li>• Ensure that reports submitted to the legislature for consideration are quality reports and well presented.</li> <li>• Is responsible for the planning of each meeting to ensure that the meeting is utilised to consider as much of the Committee business as possible.</li> <li>• Must certify the attendance Register and indicate the acceptance of apologies.</li> <li>• Must attend meetings of the Public Accounts Committee when the Auditor's report for the Portfolio Department is being considered.</li> <li>• The Chairperson is responsible for: <ul style="list-style-type: none"> <li>— The Effectiveness of Public Hearings.</li> <li>— Ensuring that decisions on venues, dates and times for Public hearings are taken by the respective Committee.</li> <li>— Ensure that a particular political party is not promoted at a public hearing.</li> </ul> </li> </ul>
<b>Prerequisite Knowledge Skills and</b>	<ul style="list-style-type: none"> <li>• Executive management functions</li> <li>• Managerial skills</li> <li>• Reading and understanding budgets</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Written and verbal communication</li> <li>• Time-management / planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Stress tolerance</li> </ul>

Job / Position Title	Leaders of Minority Parties
<b>Key Role</b>	<p>Leaders of Minority Parties are responsible for maintaining visible, effective and loyal minority oppositions. The position demands constant vigilance both with regard to the performance of their minority party but also with regard to his or her particular role as a constitutionally recognised figure within South Africa's parliamentary democracy.</p>
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• The Premier of the Province</li> <li>• Speaker and Deputy Speaker of Provincial Legislature</li> <li>• The Chairperson and the Deputy Chairperson of Committees</li> <li>• Chief Whip.</li> <li>• Whips of other parties</li> <li>• Chairpersons of Portfolio Committees</li> <li>• All members of Provincial Legislature</li> <li>• Constituency Offices</li> </ul>
<b>Key Responsibilities</b>	<p><i>Administrative and Institutional Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Assisting in the administration and coordination of the Party's parliamentary process.</li> <li>• Assisting in the drawing of programmes of the Houses.</li> <li>• Co-operating with other parties in arranging the parliamentary functioning.</li> </ul> <p><i>Managing Party Business:</i></p> <ul style="list-style-type: none"> <li>• Organising party business.</li> <li>• Keeping members informed of business.</li> <li>• Supplying lists of members to serve on standing and select committees.</li> <li>• Securing members' attendance for meetings and divisions.</li> <li>• Arranging lists and preparing the readiness of members to speak in debates.</li> <li>• Day-to-day management of party participation in processes in the Assembly.</li> <li>• Assisting members with queries regarding their rules and practices for questions, prioritisation of oral questions and ensuring that written questions meet deadlines.</li> <li>• Liaising with members regarding their proposals for statements and motions.</li> <li>• Taking points of order.</li> <li>• Monitoring attendance in committees.</li> <li>• Allocation of members to committees.</li> <li>• Maintaining discipline.</li> <li>• Liaising with Committee Section regarding changes in membership, complaints from members about committee meetings and addressing other problems.</li> <li>• Assisting with members' benefits and support such as salaries, pensions, travel, accommodation, parking, staff and equipment, training and leave.</li> <li>• Whips will have party specific duties.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Delegation</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Stress tolerance</li> </ul>

<b>Job / Position Title</b>	<b>Member of Provincial Legislature</b>
<b>Key Role</b>	Public representative for his/her party, link between community and government.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Members of the Provincial Legislature</li> <li>• Chairpersons of Portfolio Committees</li> <li>• Whips</li> <li>• Constituency Offices</li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Participates in debates in Committees and the House and vote when necessary.</li> <li>• Attend party caucus and study group meetings.</li> <li>• Participate in NCOP Committees and plenary sittings as Special Delegate when required to do so.</li> <li>• Participate in public hearings and other structures of the Legislature.</li> <li>• Meets with constituents in constituency where deployed, link up with government departments and report back to constituents.</li> <li>• Responsible for effective functioning of constituency office assigned to him / her.</li> </ul>
<b>Prerequisite Knowledge Skills and</b>	<ul style="list-style-type: none"> <li>• Must be on political party list for provincial legislature</li> <li>• Knowledgeable of political party's ethos and policy positions</li> <li>• Debating skills</li> <li>• Analytical skills</li> <li>• Understanding of policy implementation</li> <li>• Workable understanding of law-making, financial management</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Honesty</li> <li>• Leadership in political party structures and / or community</li> </ul>

<b>Job / Position Title</b>	<b>Premier</b>
<b>Key Role</b>	Exercises executive authority of the Province, together with other Members of the Executive Council.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Members of the Executive Council</li> <li>• Speakership of the Legislature</li> <li>• Mayors, including Executive Mayors</li> <li>• Presidency and Ministers of National Departments</li> <li>• NCOP and Parliament</li> <li>• Premiers of other provinces</li> <li>• Provincial Director General</li> <li>• Provincial Heads of Department</li> <li>• National departments' provincial heads</li> <li>• Public Service Commission and other Chapter 9 Institutions</li> <li>• Traditional Institution</li> <li>• NEDLAC Constituents</li> <li>• Key International Relations</li> <li>• Non-governmental Organisations and Civil Society</li> </ul>
<b>Key Responsibilities</b>	<p><i>As Premier:</i></p> <ul style="list-style-type: none"> <li>• Ensure translation of ruling party manifesto into provincial legislation.</li> <li>• Ensure translation of ruling party manifesto into provincial policy.</li> <li>• Preparing and initiating provincial policy and legislation.</li> <li>• Make executive decisions in terms of the Constitution, assigned national legislation and provincial legislation.</li> <li>• Implementing the Constitution.</li> <li>• Implementing Provincial legislation.</li> <li>• Implementing all national legislation falling within legislative competence of province.</li> <li>• Administering national legislation falling outside legislative competence assigned to province.</li> <li>• Coordinating functions of the provincial administration and its departments.</li> <li>• Monitoring and evaluating the implementation and impact of the Constitution, assigned national legislation, provincial legislation and policy on the lives of people.</li> <li>• Ensuring the inclusion of vulnerable communities in policy, legislation and programmes.</li> <li>• Growing the capacity of the state at provincial level.</li> <li>• Appointing and managing the career incidents of the Director General and Heads of Departments.</li> <li>• Creating and sustaining an enabling environment for public sector leadership development and practice.</li> <li>• Building and managing sound intergovernmental relations.</li> <li>• Enhancing government-community connectivity.</li> <li>• Practicing probity regarding the provincial fiscus.</li> <li>• Ensuring efficient, economic and effective use of resources provincially.</li> <li>• Promoting and maintaining a high standard of ethics.</li> <li>• Accounting to the Provincial Legislature.</li> <li>• Assenting to and signing Bills.</li> <li>• Referring Bills back to the legislature for reconsideration of Bill's constitutionality.</li> <li>• Referring Bill to Constitutional Court for a decision on the Bill's constitutionality.</li> <li>• Summoning the legislature to an extraordinary sitting to conduct special business.</li> <li>• Appointing commissions of inquiry.</li> <li>• Calling a referendum in the province in accordance with national legislation.</li> <li>• Performing any other function assigned to the provincial executive.</li> <li>• Appointing members of Executive Council, assigning their powers and functions and dismissing them.</li> <li>• Transferring functions of Members of the Executive Council.</li> <li>• Temporary assignment of a function of a Member of the Executive Council to another.</li> <li>• Ensuring that the public Administration must be governed by the democratic values and principles enshrined in the Constitution.</li> <li>• Establish or abolish a department of the provincial administration.</li> <li>• Make determinations relating to the assignment, abolishment and transfer of functions of provincial departments.</li> </ul>

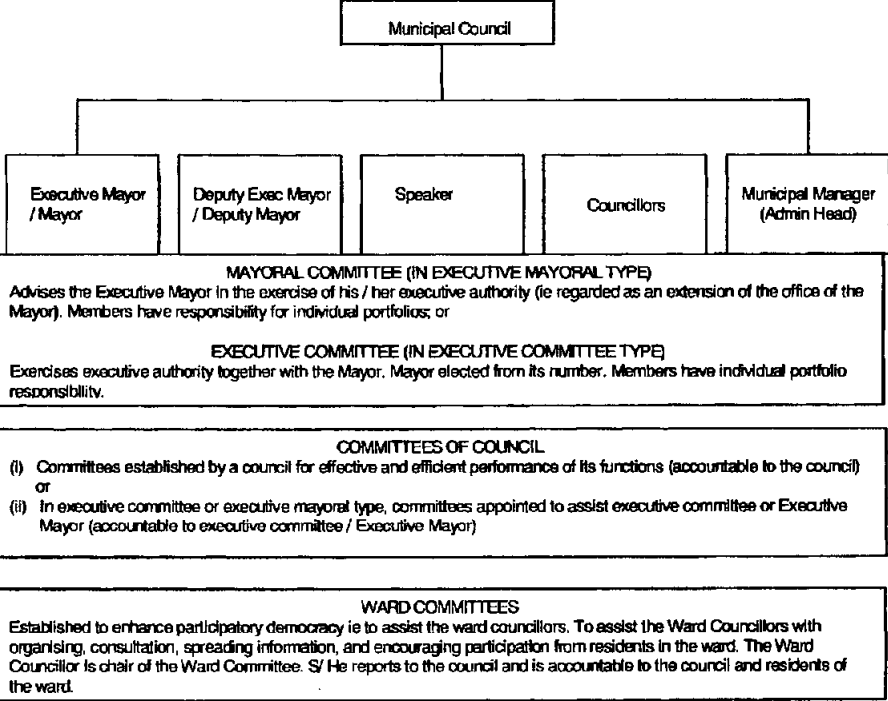


		<ul style="list-style-type: none"> <li>• Constituency work performed as a member of the provincial legislature.</li> </ul> <p><i>As Executive Authority:</i></p> <ul style="list-style-type: none"> <li>• Recruitment, appointment, promotion, transfer and dismissal of members of public service within a framework of uniform norms and standards applying to the public service.</li> <li>• Exercise those competencies and duties regarding: <ul style="list-style-type: none"> <li>— The internal organisation of departments;</li> <li>— Establishment of departments; and</li> <li>— Recruitment, appointment, performance management, promotion, transfer and dismissal of officials and employees, which are assigned to him under the Act.</li> </ul> </li> <li>• Ensuring efficient, economic and effective use of resources and that execution of statutory functions take place within available funds.</li> <li>• Exercising control of public entities to ensure that it complies with the Act.</li> <li>• Tabling in the provincial legislature: <ul style="list-style-type: none"> <li>— The annual financial statements and audit reports.</li> <li>— The findings of a disciplinary board in respect of financial misconduct.</li> </ul> </li> <li>• Creating opportunities for public participation.</li> <li>• Must have been elected to the Provincial Legislature</li> </ul>
<b>Recommended Education/Certification</b>		
<b>Prerequisite Knowledge</b>	<b>Skills and</b>	<ul style="list-style-type: none"> <li>• Leadership and political skills</li> <li>• Strategic capability</li> <li>• People management and empowerment</li> <li>• Problem solving and analysis</li> <li>• Decision making</li> <li>• Innovation and Conceptualisation</li> <li>• Negotiation and Mediation</li> <li>• Public governance</li> <li>• Economic literacy</li> </ul>
<b>Key Attributes</b>		<ul style="list-style-type: none"> <li>• High moral integrity</li> <li>• Humility</li> <li>• Courageous</li> <li>• Probity</li> <li>• Political Acumen</li> <li>• Commands respect of peers and the public</li> </ul>

Job / Position Title	Member of the Executive Council (MEC) / Executing Authority
<b>Key Role</b>	Exercises executive authority of the assigned portfolio.
<b>Key Relationships</b>	<ul style="list-style-type: none"> <li>• Premier</li> <li>• Other members of the Executive Council</li> <li>• Legislature</li> <li>• Portfolio Committee Chairperson in the Legislature</li> <li>• Provincial Director General</li> <li>• Provincial Heads of Department</li> <li>• National department Minister and Director General</li> <li>• NCOP</li> <li>• Public Service Commission and other Chapter 9 Institutions</li> <li>• Municipal Councils</li> <li>• Relevant Non-governmental Organisations and Civil Society</li> </ul>
<b>Key Responsibilities</b>	<p><i>In relation to the portfolio:</i></p> <ul style="list-style-type: none"> <li>• Ensure translation of ruling party manifesto into provincial policy and legislation.</li> <li>• Preparing and initiating provincial policy and legislation.</li> <li>• Implementing the Constitution.</li> <li>• Implementing Provincial legislation.</li> <li>• Implementation of Provincial policy.</li> <li>• Make executive decisions in terms of the Constitution, assigned national legislation and provincial legislation.</li> <li>• Administering national legislation falling outside legislative competence assigned to province.</li> <li>• Monitoring and evaluating the implementation and impact of the Constitution, assigned national legislation, provincial legislation and policy on the lives of people.</li> <li>• Ensuring the inclusion of vulnerable communities in policy, legislation and programmes.</li> <li>• Ensuring integrated service delivery.</li> <li>• Practicing sound inter-governmental relations.</li> <li>• Working co-operatively with other MEC's and ensure alignment with provincial priorities.</li> <li>• Promoting and maintaining a high standard of ethics.</li> <li>• Participating in the Executive Council.</li> <li>• Chairing or participating in Committees of the Executive Council.</li> <li>• Coordinate Executive Council Cluster Priorities.</li> <li>• Growing the capacity of the department.</li> <li>• Attending to constituency matters as members of the provincial legislature.</li> </ul> <p><i>In relation to the Department:</i></p> <ul style="list-style-type: none"> <li>• Recruitment, appointment, promotion, transfer and dismissal of members of public service within a framework of uniform norms and standards applying to the public service.</li> <li>• Exercise those competencies and duties regarding: <ul style="list-style-type: none"> <li>— The internal organisation of departments.</li> <li>— Establishment of departments; and</li> <li>— Recruitment, appointment, performance management, promotion, transfer and dismissal of officials and employees, which are assigned to him under the Act.</li> </ul> </li> <li>• Ensuring efficient, economic and effective use of resources and that execution of statutory functions take place within available funds.</li> <li>• Exercising control of public entities to ensure that it complies with the Act.</li> <li>• Tabling in the provincial legislature: <ul style="list-style-type: none"> <li>— The annual financial statements and audit reports.</li> <li>— The findings of a disciplinary board in respect of financial misconduct.</li> <li>• Creating opportunities for public participation.</li> </ul> </li> </ul> <p><i>If Leader of Government Business:</i></p>

	<ul style="list-style-type: none"> <li>• Manage working relationships between Legislature and Executive Council.</li> <li>• Manage and disseminate information between Executive Council and Legislature.</li> <li>• Form part of the legislature's programming committee.</li> <li>• Ensures that Members of the Executive Council and the Premier comply with the rules of the House.</li> <li>• Ensures that Members of the Executive Council participate in activities of the NCOP.</li> <li>• Perform any other responsibility assigned by the Premier and EXCO.</li> <li>• Regular reports to the caucus of the majority party on key programmes of government.</li> <li>• Evaluate the impact of government programmes in line with the manifesto of the ruling party.</li> <li>• Chief EXCO lobbyist with all caucuses in the Legislature.</li> </ul>
<b>Recommended Education/Certification</b>	<b>Must have been elected to the Provincial Legislature</b>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Leadership and political skills</li> <li>• Strategic capability</li> <li>• People management and empowerment</li> <li>• Problem solving and analysis</li> <li>• Decision making</li> <li>• Innovation and Conceptualisation</li> <li>• Negotiation and Mediation</li> <li>• Public governance</li> <li>• Economic literacy</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• High moral integrity</li> <li>• Humility</li> <li>• Courageous</li> <li>• Probity</li> <li>• Political Acumen</li> <li>• Commands respect of peers and the public</li> </ul>

**Annexure D4: Local Government**

<p><b>Job / Position Title</b></p> <p><b>Key Role</b></p>	<p><b>Speaker</b></p> <p>The key role of the Speaker is not only to fulfil the administrative responsibility of Chairperson of the Council. Having regard to the focus on separation of functions between the executive (Mayor) and legislative and oversight (Council), the role of the Speaker is to act as the leader of the Council in exercising its oversight role. It is the responsibility of Councils, not merely to require Mayors and Municipal Managers to account to them, but to respond to such reports by applying their minds and requiring those accounting to act in a particular way. The Speaker leads the Council in fulfilling this responsibility.</p> <p>In a plenary executive type of municipality, the Speaker is called the Mayor and together with the council exercises the executive role.</p> <p>In geographical terms, the Speaker has to exercise and perform his/her powers and functions within the boundaries of the municipality. Because of the municipality's constitutional commitment to co-operative governance, it is to be expected that the Speaker's influence will also extend to other forums outside these physical boundaries, e.g. Speakers' forum, etc.</p> <p>As regards the functional area, the Speaker's responsibility relates to all the powers, functions and duties conferred by statute, in terms of common law or by delegation.</p>
<p><b>Key Relationships</b></p>	 <p><b>MAYORAL COMMITTEE (IN EXECUTIVE MAYORAL TYPE)</b> Advises the Executive Mayor in the exercise of his / her executive authority (ie regarded as an extension of the office of the Mayor). Members have responsibility for individual portfolios; or</p> <p><b>EXECUTIVE COMMITTEE (IN EXECUTIVE COMMITTEE TYPE)</b> Exercises executive authority together with the Mayor. Mayor elected from its number. Members have individual portfolio responsibility.</p> <p><b>COMMITTEES OF COUNCIL</b> (i) Committees established by a council for effective and efficient performance of its functions (accountable to the council) or (ii) In executive committee or executive mayoral type, committees appointed to assist executive committee or Executive Mayor (accountable to executive committee / Executive Mayor)</p> <p><b>WARD COMMITTEES</b> Established to enhance participatory democracy ie to assist the ward councillors. To assist the Ward Councillors with organising, consultation, spreading information, and encouraging participation from residents in the ward. The Ward Councillor is chair of the Ward Committee. S/ He reports to the council and is accountable to the council and residents of the ward.</p> <p>The above table refers only to key internal relationships. In addition to the internal relationships, Speakers need to maintain extensive networks of external relationships, in particular, in undertaking the responsibilities of Intergovernmental Relations (eg. with structures of organized local government, learning networks, national and provincial government, community structures, organized business and civil society and the public through structures for political participation).</p>
<p><b>Key Responsibilities</b></p>	<p><b>Chairman of the Municipal Council:</b></p> <ul style="list-style-type: none"> <li>To convene meetings of the Municipal Council (the Speaker decided when and where the Council meets).</li> <li>To preside at meetings of the Municipal Council (maintains order during meetings, ensures adherence to rules and orders of the council, ensures compliance with code of conduct, protects a Councillor's right of freedom of speech, exercises a casting vote when there is an equality of votes, signs the minutes, facilitates the admission of the public to meetings).</li> </ul>

	<p><b>Enforcer of the Code of Conduct:</b></p> <ul style="list-style-type: none"> <li>• To note infringements of the Code of Conduct.</li> <li>• To initiate the preparation and adoption of a procedure against Councillors for non-attendance.</li> <li>• To authorise an investigation into the facts and circumstances of an alleged breach of the Code of Conduct, give the Councillor reasonable opportunity to reply in writing and report the matter to a meeting of the municipal council.</li> <li>• To ensure that each Councillor is given a copy of the Code of Conduct when he / she is taking office.</li> </ul> <p><b>Appeal Authority:</b></p> <ul style="list-style-type: none"> <li>• To perform the powers and execute the duties as prescribed in terms of the Promotion of Access to Information Act.</li> </ul> <p><b>Recipient of Delegated Powers</b></p> <ul style="list-style-type: none"> <li>• To perform the duties and exercise the powers delegated to him / her in terms of Section 59 of the Systems Act.</li> </ul> <p><b>Leadership role in oversight function.</b></p> <ul style="list-style-type: none"> <li>• To provide leadership to the council in exercising its oversight role over the activities of the executive and as prescribed by statute (i.e. Municipal Finance Management Act).</li> </ul> <p><b>To fulfil the role of Mayor (plenary executive type)</b></p> <ul style="list-style-type: none"> <li>• To lead the council in fulfilling its executive role, fulfil mayoral ceremonial functions and statutory functions (particularly as prescribed in the MFMA).</li> </ul> <p>The above responsibilities have been extracted from legislation. The responsibilities of Councillors extend beyond those provided for by the statute and include those which have developed as practices and which may or may not be given effect to by delegation. In the case of the Speaker, it is common practice in municipalities that Speakers are members of, or attend Mayoral Committees (or Executive Committees) and may be given specific responsibilities. In addition, Speakers are generally responsible for implementation of moral regeneration and anti corruption programmes within the council (not only for enforcement of the code of conduct). It is also general practice that Speakers are politically responsible for capacity building of Councillors and also for management and oversight of the Community Development Worker Programme in the municipality. Speakers are also invariably politically responsible for oversight of the corporate administration of municipalities.</p> <p>Finally, it should be noted that speakers are considered Councillors and would be expected to take on the roles associated with a Councillor.</p>
<p><b>Prerequisite Skills and Knowledge</b></p>	<ul style="list-style-type: none"> <li>• Meeting leadership</li> <li>• Written and oral communication skills</li> <li>• Presentation skills</li> <li>• Discipline</li> <li>• Negotiation</li> <li>• Conflict Management</li> <li>• Mediation skills</li> <li>• Ability to understand and apply legislation</li> </ul>
<p><b>Key Attributes</b></p>	<ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Integrity</li> </ul>

<b>Job / Position Title</b>	<b>Executive Mayor</b>
<b>Key Role</b>	<p>In an executive mayoral type of municipality, the Executive Mayor is elected by the Council as its political leader. Constitutional legislation (esp. Systems Act and MFMA) promotes a clear separation of roles and responsibilities in municipalities, with municipal councils responsible for policy approval, oversight and the legislative function, with the Executive Mayor fulfilling executive responsibility and strategic political leadership (see functions in MFMA and executive powers as defined in S85 of the Constitution) and with Municipal Managers fulfilling an implementing role.</p> <p>Executive Mayors have limited statutory powers given that the vesting of executive and legislative authority in municipal councils is constitutionally entrenched (S156). However, invariably councils delegate all of their executive powers to Executive Mayors (save those statutorily reserved).</p> <p>In geographical terms, the executive mayor has to exercise and perform his/her powers and functions within the boundaries of the municipality. Because of the municipality's constitutional commitment to co-operative government, the Executive Mayor's responsibility will also extend to relationships outside these physical boundaries (eg. intergovernmental forums at national and provincial level as provided in the Intergovernmental Relations Act, representing the municipality in organised local government structures, cooperative and knowledge sharing structures such as SA Cities Network etc).</p> <p>As regards the functional area, the Executive Mayor's responsibility relates to all the powers, functions and duties conferred by statute, in terms of civic culture or by delegation.</p>
<b>Key Relationships</b>	<pre> graph TD     MC[Municipal Council] --&gt; EM[Executive Mayor]     MC --&gt; DEM[Deputy Exec Mayor]     MC --&gt; S[Speaker]     MC --&gt; C[Councillors]     MC --&gt; MM[Municipal Manager Admin Head]     MC --&gt; MC2[MAYORAL COMMITTEE]     MC2 --&gt; EM     MC --&gt; CC[COMMITTEES OF COUNCIL]     CC --&gt; MC     MC --&gt; WC[WARD COMMITTEES]     WC --&gt; C   </pre> <p><b>MAYORAL COMMITTEE</b>    Advises the Executive Mayor in the exercise of his / her executive authority (ie regarded as an extension of the office of the Mayor). Members have responsibility for individual portfolios.</p> <p><b>COMMITTEES OF COUNCIL</b>    (i) Committees established by a council for effective and efficient performance of its functions (accountable to the council)    or    (ii) Committees appointed to assist Executive Mayor (accountable to Executive Mayor)</p> <p><b>WARD COMMITTEES</b>    To assist Ward Councillors with organising, consultation, spreading information, and encouraging participation from residents in the ward. The Ward Councillor is chair of the Ward Committee. S/ He reports to the council and is accountable to the council and residents of the ward.</p> <p>The above table refers only to key internal relationships. In addition to the internal relationships, Mayors need to maintain extensive networks of external relationships in particular in undertaking the responsibilities of Intergovernmental Relations (eg with structures of organized local government, learning networks, national and provincial government, community structures, organized business and civil society and the public through structures for political participation).</p>
<b>Key Responsibilities</b>	<p>With reference to the content below, please note: the responsibilities set out are not powers unless delegated to Mayors (even though statutorily defined).</p> <p>Executive Mayors (or mayors acting together with executive committees) exercise executive leadership pursuant to powers delegated by municipal councils. The executive powers of the Municipal Councils, invariably so delegated, are adequately defined in the Constitution and</p>

in the quintet of constitutional legislation.

As political leaders, Mayors provide political leadership and guidance in the council, in particular with regard to strategic planning and direction, financial planning and budgeting and policy development. Mayors are the political representatives of municipalities in structures of organized local government and interaction with political leadership of other spheres of government.

*Executive Leader:*

- The executive leadership of the municipality is vested in the Executive Mayor. Executive power relates to the power to give effect to rules of law and that the executive is responsible to perform the function.

*Political Leader:*

- To promote and defend the constitutional status, institutions, powers and functions of the municipality.
- To uphold the principles of co-operative government and intergovernmental relations.
- To head delegations to other spheres of government and organized local government.

*Social and Ceremonial Head:*

- To represent the municipality at all levels of society.
- To initiate, sponsor, or act as patron for philanthropic or welfare causes.
- To host and welcome dignitaries.
- To open projects, events and new buildings.
- To represent the council at civic events.

*Chief Advisor of the Municipal Council:*

- To receive reports from committees of the Municipal Council and forward these reports together with a recommendation to the council when the Executive Mayor, in terms of the Executive Mayor's delegated powers, cannot dispose of the matter.

*Identify the Needs of the Municipality:*

- To identify the needs of the municipality.
- To review and evaluate those needs in order of priority.
- To recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.
- To recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.
- To identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general.

*Evaluate Progress:*

- To evaluate progress against key performance indicators.
- To review performance of the municipality in order to improve: efficiency, effectiveness and economy of the municipality; efficiency of credit control and revenue and debt collection services; and implementation of the municipality's by-laws.

*Monitor the Administration:*

- To monitor the management of the municipality's administration with the directions of the Municipal Council.

*Oversee Provision of Services:*

- To oversee the provision of services to communities in the municipality in a sustainable manner.

*Recipient of Delegated Powers:*

- Powers and duties may be delegated to the Executive Mayor in terms of section 59 of the Act.

*Guardian of Public's Right to be Heard:*

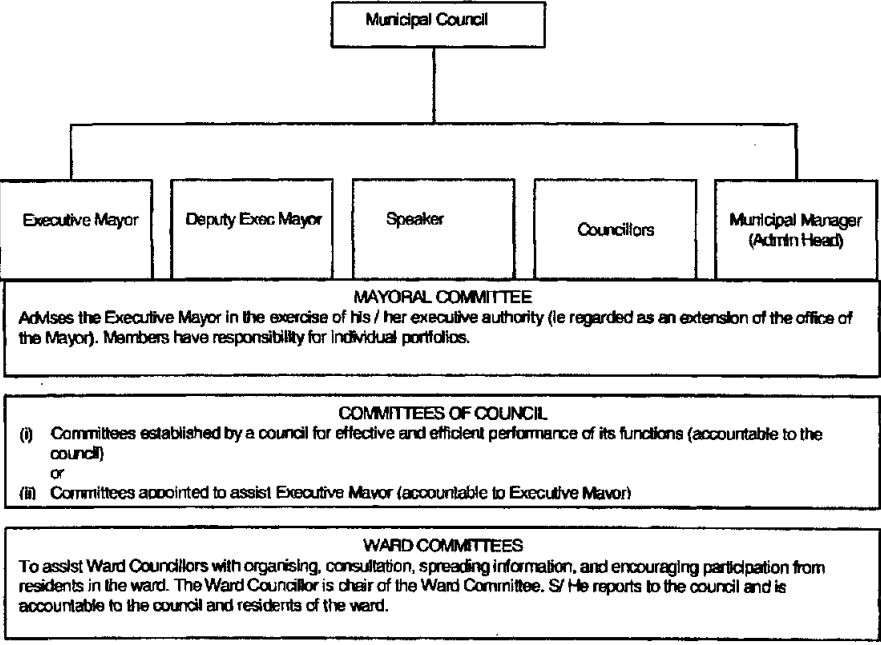
- To annually report on the involvement of communities and community organizations in the affairs of the municipality.
- To ensure that regard is given to public views and report on the effect of consultation on the decisions of the Council.
- To represent the council in community forums, izimbizo, etc in exercising obligation to report to communities and encourage participation in democratic decision making.

*Report to Council:*

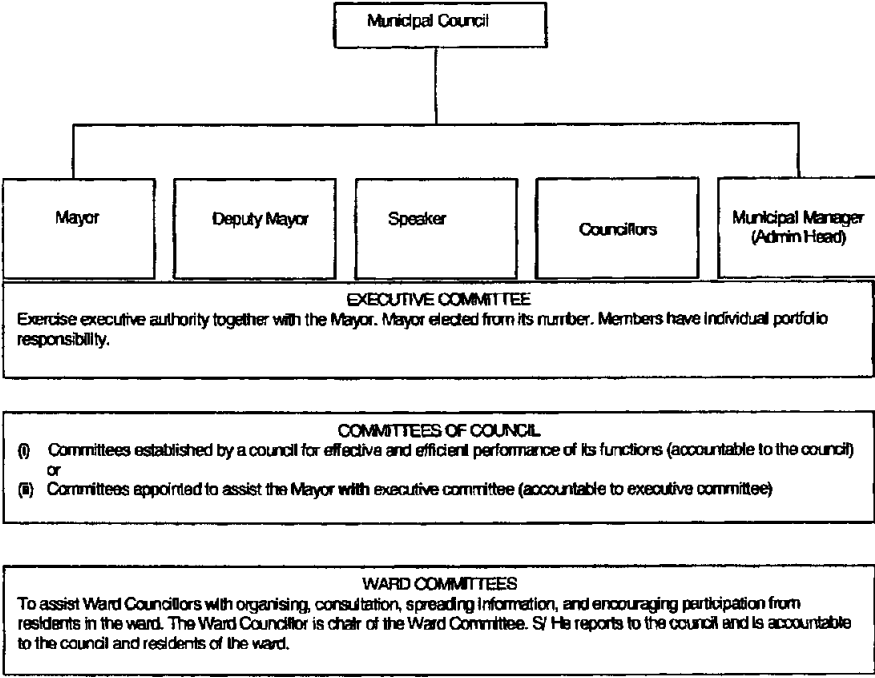
- To report to Council on all decisions taken by the Executive Mayor.

	<p><i>Appoint a Mayoral Committee:</i></p> <ul style="list-style-type: none"> <li>• To appoint a Mayoral Committee to assist the Executive Mayor.</li> <li>• To delegate specific responsibilities to each member of the committee.</li> <li>• To delegate any of the Executive Mayor's powers to the respective members.</li> <li>• To dismiss a member of the Mayoral Committee when necessary and required.</li> </ul> <p><i>Appeal Authority:</i></p> <ul style="list-style-type: none"> <li>• To appeal against a decision that was delegated to a Municipal Manager.</li> </ul> <p><i>General responsibilities regarding Financial Matters:</i></p> <ul style="list-style-type: none"> <li>• To provide general political guidance over the financial affairs of the municipality.</li> <li>• In providing such general political guidance, to monitor and, to the extent provided in this Act, oversee the exercise of responsibilities assigned in terms of this Act to the accounting officer and the Chief Financial Officer, but may not interfere in the exercise of those responsibilities.</li> <li>• To take all reasonable steps to ensure that the municipality perform its statutory functions within the limits of the approved budget.</li> <li>• To (within 30 days of the end of each quarter) submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.</li> <li>• To exercise the other powers and perform the other duties assigned in terms of this Act or by the Council to the Mayor.</li> </ul> <p><i>Budget Processes and related Matters:</i></p> <ul style="list-style-type: none"> <li>• To provide general political guidance over the budget process and the priorities that must guide the preparation of a budget.</li> <li>• To co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget.</li> <li>• To take steps to ensure: the municipality approves the annual budget before the start of the financial year; the municipality's budget and service delivery implementation plan is finalized within 28 days after approval of the budget; activities are in accordance with the relevant legislation.</li> <li>• To report any delay in the signing of the annual performance agreements to the municipal council and the MEC for Local Government in the Province.</li> </ul> <p><i>Budgetary control and early identification of financial problems:</i></p> <ul style="list-style-type: none"> <li>• On receipt of a monthly budget report submitted by the accounting officer, the Mayor must: consider the report; check whether the budget is implemented in accordance with the budget and service delivery implementation plan; identify any financial problems facing the municipality, including any emerging or impending financial problems.</li> <li>• To report to the provincial executive if conditions for provincial intervention exist.</li> <li>• To exercise ownership control powers over municipal entities.</li> <li>• To appoint committees of Councillors to assist the Executive Mayor.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Analytical skills</li> <li>• Conceptual ability</li> <li>• Visionary leadership</li> <li>• Interpersonal skills</li> <li>• Strategic decision-making</li> <li>• Meeting Leadership</li> <li>• Building strategic working relationships and partnerships</li> <li>• Business Acumen and Financial Management skills</li> <li>• Written and verbal communication</li> <li>• Problem-solving ability</li> <li>• Delegation skills</li> <li>• Discipline</li> <li>• Conflict management</li> <li>• Negotiation skills</li> <li>• Continuous learning (knowledge of relevant legislation)</li> <li>• Co-ordination</li> <li>• Facilitation</li> <li>• Mediation</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Integrity</li> <li>• Entrepreneurialism</li> <li>• Initiative</li> <li>• Tenacity</li> <li>• The ability to operate under extreme pressure ranging from political pressure, time pressure, community pressure, pressures of demands to perform etc.</li> </ul>



<b>Job / Position Title</b>	<b>Deputy Executive Mayor</b>
<b>Key Role</b>	<p>The Deputy Executive Mayor exercises the powers and performs the duties of the Executive Mayor if the Executive Mayor is absent or not available or if the office of the Executive Mayor is vacant. The Deputy Executive Mayor also has an important role to fulfil as a member of the Mayoral Committee.</p> <p>Taking cognisance of the above, it is important to note that not all municipalities are entitled to appoint Deputy Executive Mayors or Deputy Mayors. In addition, the office of the Deputy Executive Mayor is not a full time one. Holders of this Office will be full time by virtue of their membership of the mayoral committee. Invariably the holder of this office will also carry a portfolio in the mayoral committee.</p>
<b>Key Relationships</b>	 <p>The above table refers only to key internal relationships. In addition to the internal relationships, the Deputy Executive Mayor needs to maintain extensive networks of external relationships in particular, in undertaking the responsibilities of Intergovernmental Relations (eg. with structures of organized local government, learning networks, national and provincial government, community structures, organized business and civil society and the public through structures for political participation.</p>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• The Executive Mayor may delegate 'specific responsibilities' to the Deputy Executive Mayor.</li> <li>• The Executive Mayor may delegate any of the Executive Mayor's powers to the Deputy Executive Mayor.</li> <li>• The Deputy Executive Mayor is also expected to attend mayoral committee meetings. As member of the mayoral committee, together with the other members of the mayoral committee, assists the Executive Mayor in the exercise and performance of designated powers and functions.</li> </ul> <p>Section 59: Delegations (1) – a Municipal council must develop a system of delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and in accordance with that system, may:</p> <ul style="list-style-type: none"> <li>• Delegate appropriate powers, excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement, in terms of section 76 (b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors or staff members.</li> <li>• Instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties, and</li> </ul>

	<ul style="list-style-type: none"> <li>• withdraw any delegation or instruction</li> </ul> <p>The roles of the Deputy Executive Mayor are otherwise identical to that of the Executive Mayor, when he/she acts during the absence of the Executive Mayor; and are not repeated here.</p> <p>The Deputy Executive Mayor is also expected to attend mayoral committees (or executive committees) and fulfil all the responsibilities given to him / her in this regard, and will usually assume a specific portfolio responsibility.</p> <p>The specific responsibilities, powers and duties that may be delegated by the Executive Mayor will however differ from municipality to municipality and should be recorded.</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Analytical skills</li> <li>• Conceptual ability</li> <li>• Visionary leadership</li> <li>• Interpersonal skills</li> <li>• Strategic decision-making</li> <li>• Meeting Leadership</li> <li>• Building strategic working relationships and partnerships</li> <li>• Business Acumen and Financial Management skills</li> <li>• Written and verbal communication</li> <li>• Problem-solving ability</li> <li>• Delegation skills</li> <li>• Discipline</li> <li>• Conflict management</li> <li>• Negotiation skills</li> <li>• Continuous learning (knowledge of relevant legislation)</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Integrity</li> <li>• Entrepreneurialism</li> <li>• Initiative</li> <li>• Tenacity</li> </ul>

Job / Position Title	Mayor
<b>Key Role</b>	<p>In an executive committee type of municipality, the Mayor is elected by the Council from the executive committee as the council's political leader.</p> <p>Constitutional legislation (esp. Systems Act and MFMA) promotes a clear separation of roles and responsibilities in municipalities, with municipal councils responsible for policy approval, oversight and the legislative function, with the Mayor (acting together with the executive committee) fulfilling executive responsibility and strategic political leadership (see functions in MFMA and executive powers as defined in S85 of the Constitution) and with Municipal Managers fulfilling an implementing role.</p> <p>Mayors have limited statutory powers given that the vesting of executive and legislative authority in municipal councils is constitutionally entrenched (S156). However, invariably councils delegate all of their executive powers to Mayors (save those statutorily reserved).</p> <p>In geographical terms the Mayor has to exercise and perform his/her powers and functions within the boundaries of the municipality. Because of the municipality's constitutional commitment to co-operative government, the Mayor's responsibility will also extend to relationships outside these physical boundaries (eg. intergovernmental forums at national and provincial level as provided in the Intergovernmental Relations Act, representing the municipality in organised local government structures, cooperative and knowledge sharing structures such as SA Cities Network etc).</p> <p>As regards the functional area, the Mayor's responsibility relates to all the powers, functions and duties conferred by statute, in terms of civic culture or by delegation.</p>
<b>Key Relationships</b>	 <p><b>EXECUTIVE COMMITTEE</b> Exercise executive authority together with the Mayor. Mayor elected from its number. Members have individual portfolio responsibility.</p> <p><b>COMMITTEES OF COUNCIL</b> (i) Committees established by a council for effective and efficient performance of its functions (accountable to the council) or (ii) Committees appointed to assist the Mayor with executive committee (accountable to executive committee)</p> <p><b>WARD COMMITTEES</b> To assist Ward Councilors with organising, consultation, spreading information, and encouraging participation from residents in the ward. The Ward Councilor is chair of the Ward Committee. S/ He reports to the council and is accountable to the council and residents of the ward.</p> <p>The above table refers only to key internal relationships. In addition to the internal relationships, the Deputy Executive Mayor needs to maintain extensive networks of external relationships, in particular, in undertaking the responsibilities of Intergovernmental Relations (eg. with structures of organized local government, learning networks, national and provincial government, community structures, organized business and civil society and the public through structures for political participation).</p>
<b>Key Responsibilities</b>	<p>With reference to the content below, please note: the responsibilities set out are not powers unless delegated to mayors (acting with executive committees) even though statutorily</p>

defined.

Mayors acting together with executive committees exercise executive leadership pursuant to powers delegated by municipal councils. The executive powers of the municipal councils, invariably so delegated, are adequately defined in the Constitution and in the quintet of constitutional legislation.

As political leaders, and as the head of the executive committee, Mayors provide political leadership and guidance in the council, in particular with regard to strategic planning and direction, financial planning and budgeting and policy development. Mayors are the political representatives of municipalities in structures of organized local government and interaction with political leadership of other spheres of government.

Save for ceremonial functions, the Mayor exercises the functions set out hereunder with the executive committee.

*Executive Leader:*

- The executive leadership of the municipality is vested in the Mayor acting with the executive committee and relates to the power to give effect to rules of law.

*Political Leader:*

- To promote and defend the constitutional status, institutions, powers and functions of the municipality.
- To uphold the principles of co-operative government and intergovernmental relations.
- To head delegations to other spheres of government and organized local government.

*Social and Ceremonial Head:*

- To represent the municipality at all levels of society.
- To initiate, sponsor, or act as patron for philanthropic or welfare causes.
- To host and welcome dignitaries.
- To open projects, events and new buildings.
- To represent the council at civic events.

*Chief Advisor of the Municipal Council:*

- The Mayor and executive committee receive reports from committees of the municipal council and forward these reports together with a recommendation to the council when the Mayor, acting with executive committee, in terms of its delegated powers, cannot dispose of the matter.

*Identify the Needs of the Municipality:*

- To identify the needs of the municipality.
- To review and evaluate those needs in order of priority.
- To recommend to the municipal council, strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans.
- To recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.
- To identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general.

*Evaluate Progress:*

- To evaluate progress against key performance indicators.
- To review performance of the municipality in order to improve: efficiency, effectiveness and economy of the municipality; efficiency of credit control and revenue and debt collection services; and implementation of the municipality's by-laws.

*Monitor the Administration:*

- To monitor the management of the municipality's administration with the directions of the municipal council.

*Oversee Provision of Services:*

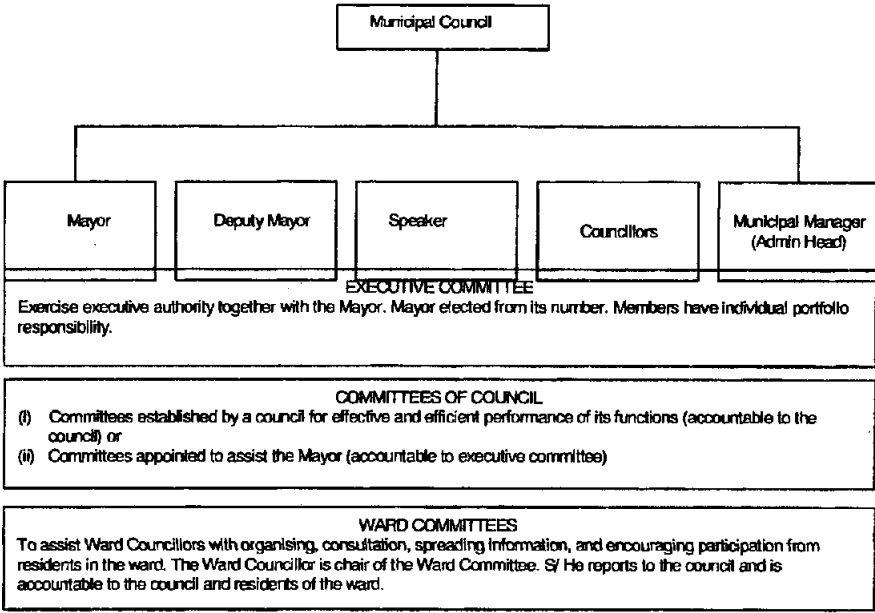
- To oversee the provision of services to communities in the municipality in a sustainable manner.

*Recipient of Delegated Powers:*

- Powers and duties may be delegated to the Mayor or to the Mayor acting with the executive committee, in terms of section 59 of the Systems Act.

*Guardian of Public's Right to be Heard:*

	<ul style="list-style-type: none"> <li>To report annually on the involvement of communities and community organizations in the affairs of the municipality.</li> <li>To ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.</li> <li>To represent the council in community forums, izimbizo, etc in exercising obligation to report to communities and encourage participation in democratic decision making.</li> </ul> <p><i>Report to Council:</i></p> <ul style="list-style-type: none"> <li>To report to council on all decisions taken by the Mayor with executive committee.</li> </ul> <p><i>Appeal Authority:</i></p> <ul style="list-style-type: none"> <li>To consider an appeal against a decision that was delegated to a Municipal Manager.</li> </ul> <p><i>General responsibilities regarding Financial Matters:</i></p> <ul style="list-style-type: none"> <li>To provide general political guidance over the financial affairs of the municipality.</li> <li>In providing such general political guidance, to monitor and, to the extent provided in the MFMA, oversee the exercise of responsibilities assigned in terms of the MFMA to the accounting officer and the chief financial officer, but may not interfere in the exercise of those responsibilities.</li> <li>To take all reasonable steps to ensure that the municipality performs its statutory functions within the limits of the approved budget.</li> <li>To (within 30 days of the end of each quarter) submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.</li> <li>To exercise the other powers and perform the other duties assigned in terms of the MFMA or by the council to the Mayor.</li> </ul> <p><i>Budget Processes and related Matters:</i></p> <ul style="list-style-type: none"> <li>To provide general political guidance over the budget process and the priorities that must guide the preparation of a budget.</li> <li>To co-ordinate the annual revision of the integrated development plan and the preparation of the annual budget and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget.</li> <li>To take steps to ensure: the municipality approves the annual budget before the start of the financial year; the municipality's budget and service delivery implementation plan is finalized within 28 days after approval of the budget; activities are in accordance with the relevant legislation.</li> <li>To report any delay in the signing of the annual performance agreements to the municipal council and the MEC for Local Government in the Province.</li> </ul> <p><i>Budgetary control and early identification of financial problems:</i></p> <ul style="list-style-type: none"> <li>The Mayor, on receipt of a monthly budget report submitted by the accounting officer, must: consider the report; check whether the budget is implemented in accordance with the budget and service delivery implementation plan; identify any financial problems facing the municipality, including any emerging or impending financial problems.</li> <li>To report to the provincial executive if conditions for provincial intervention exist.</li> <li>To exercise ownership control powers over municipal entities.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>Analytical skills</li> <li>Conceptual ability</li> <li>Visionary leadership</li> <li>Interpersonal skills</li> <li>Strategic decision-making</li> <li>Meeting Leadership</li> <li>Building strategic working relationships and partnerships</li> <li>Business Acumen and Financial Management skills</li> <li>Written and verbal communication</li> <li>Problem-solving ability</li> <li>Delegation skills</li> <li>Discipline</li> <li>Conflict management</li> <li>Negotiation skills</li> <li>Continuous learning (knowledge of relevant legislation)</li> <li>Co-ordination</li> <li>Facilitation</li> <li>Mediation</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>Integrity</li> <li>Entrepreneurialism</li> <li>Initiative</li> <li>Tenacity</li> <li>The ability to operate under extreme pressure ranging from political pressure, time pressure, community pressure, pressures of demands to perform etc.</li> </ul>

<b>Job / Position Title</b>	<b>Deputy Mayor</b>
<b>Key Role</b>	<p>The Deputy Mayor exercises the powers and performs the duties of the Mayor if the Mayor is absent or not available or if the office of the Mayor is vacant. The Deputy Mayor also has an important role to fulfil as a member of the Executive Committee.</p> <p>Not all municipalities are entitled to appoint Deputy Mayors. In addition, the office of the Deputy Mayor is not per se a full time one. Holders of this Office will be full time by virtue of their membership of the executive committee. Invariably the holder of this office will also carry a portfolio in the executive committee.</p>
<b>Key Relationships</b>	 <p><b>EXECUTIVE COMMITTEE</b> Exercise executive authority together with the Mayor. Mayor elected from its number. Members have individual portfolio responsibility.</p> <p><b>COMMITTEES OF COUNCIL</b> (i) Committees established by a council for effective and efficient performance of its functions (accountable to the council) or (ii) Committees appointed to assist the Mayor (accountable to executive committee)</p> <p><b>WARD COMMITTEES</b> To assist Ward Councillors with organising, consultation, spreading information, and encouraging participation from residents in the ward. The Ward Councillor is chair of the Ward Committee. S/ He reports to the council and is accountable to the council and residents of the ward.</p> <p>The above table refers only to key internal relationships. In addition to the internal relationships, the Deputy Executive Mayor needs to maintain extensive networks of external relationships, in particular, in undertaking the responsibilities of Intergovernmental Relations (eg. with structures of organized local government, learning networks, national and provincial government, community structures, organized business and civil society and the public through structures for political participation).</p>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• The Deputy Mayor exercises the powers and performs the duties of the Mayor if the Mayor is absent or not available or if the office of the Mayor is vacant.</li> <li>• The Mayor may delegate duties to the Deputy Mayor.</li> <li>• The Deputy Mayor, as a member of the executive committee, together with the other members of the executive committee, acts together with the Mayor in the exercise and performance of designated powers and functions.</li> </ul> <p>Section 59: Municipal Systems Act:</p> <p>Delegations (1) – a municipal council must develop a system of delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and in accordance with that system, may:</p> <ul style="list-style-type: none"> <li>• Delegate appropriate powers, excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement, in terms of section 76 (b) and to approve or amend the municipality's integrated development plan, to any of the municipality's other political structures, political office bearers, councillors or staff members.</li> <li>• Instruct any such political structure, political office bearer, councillor, or staff member to perform any of the municipality's duties, and</li> </ul>

	<ul style="list-style-type: none"> <li>• withdraw any delegation or instruction.</li> </ul> <p>The roles of the Deputy Mayor are otherwise identical to that of the Mayor, when he/she acts during the absence of the Mayor, and are not repeated here.</p> <p>The Deputy Mayor is also expected to attend committee meetings and fulfil all the responsibilities given to him / her in this regard, and will usually assume a specific portfolio responsibility.</p> <p>The specific responsibilities, powers and duties that may be delegated by the Mayor will however differ from municipality to municipality and should be recorded.</p>
<p><b>Prerequisite Skills and Knowledge</b></p>	<ul style="list-style-type: none"> <li>• Analytical skills</li> <li>• Conceptual ability</li> <li>• Visionary leadership</li> <li>• Interpersonal skills</li> <li>• Strategic decision-making</li> <li>• Meeting Leadership</li> <li>• Building strategic working relationships and partnerships</li> <li>• Business Acumen and Financial Management skills</li> <li>• Written and verbal communication</li> <li>• Problem-solving ability</li> <li>• Delegation skills</li> <li>• Discipline</li> <li>• Conflict management</li> <li>• Negotiation skills</li> <li>• Continuous learning (knowledge of relevant legislation)</li> </ul>
<p><b>Key Attributes</b></p>	<ul style="list-style-type: none"> <li>• Integrity</li> <li>• Entrepreneurialism</li> <li>• Initiative</li> <li>• Tenacity</li> </ul>

Job / Position Title	Municipal Councillor
Key Role	<p data-bbox="566 242 1412 340">All Councillors are elected as such (and not as a specific office bearer). In standing for election and in being elected, municipal councillors assume certain responsibilities in that capacity which they are obliged to exercise notwithstanding the subsequent assumption of other political offices.</p> <p data-bbox="566 380 1412 657">Councillors (both ward councillors and PR councillors) have extensive responsibilities both individually and collectively. With regard to the collective powers and responsibilities of councillors, these are exercised in the municipal council itself or in committees to which the powers of the council have been delegated. The Constitution records that all executive and legislative authority of municipalities vests in the councils of municipalities. Certain of the powers of councils may not be delegated, and even in the case of those that are, the delegator may always overrule decisions of delegates in this regard. The council has a specific responsibility to hold the primary delegatee, the Executive Mayor, (or Mayor and EXCO), to account for his / her exercise of delegated powers. The Municipal Systems Act requires the Executive Mayor (or Mayor and EXCO) to report on all decisions taken by him/ her/ them in terms of delegated authority to the council.</p> <p data-bbox="566 696 1412 816">The Municipal Council has the responsibility to exercise oversight over the activities of the Executive Mayor/ Mayor and EXCO and the Municipal Manager both generally and through the receipt and consideration of a range of reports required by the Municipal Systems Act and the MFMA. That responsibility goes beyond merely receiving such reports but requires interrogation thereof and the provision of guidance and direction, where necessary.</p> <p data-bbox="566 856 1412 904">A primary responsibility of a council is to legislate by passing By-Laws, again on a wide range of subjects both statutorily required and otherwise.</p> <p data-bbox="566 943 1412 1144">The individual role of councillors is primarily a representative one. Ward councillors are responsible for representing the interests of the residents of their wards, inter alia, through acting as chairpersons of the ward committees and by individual contact and interaction. Ward councillors in addition are required to establish relationships with Community Development Workers and manage this relationship to ensure a team approach to community support. The representative responsibilities of PR councillors are broader, applying to the entire area of the council. In practice, many councils allocate PR councillors to particular wards but in general, the responsibility is more broad based.</p> <p data-bbox="566 1183 1412 1325">In practice the exercise of this responsibility entails a 24/7/365 commitment. Councillors are the front line of the three spheres of government being the only elected representatives who effectively come into contact with the public. As such, they bear the burden of responsibilities and issues which go way beyond the strictly municipal and are obliged to respond not only to issues which are the responsibility of other spheres but to social and family issues.</p> <p data-bbox="566 1365 1412 1434">In addition, the responsibilities of municipal councils should be understood in the context of the separation of roles and responsibilities encouraged by the Municipal Systems Act and the MFMA.</p> <p data-bbox="566 1474 1412 1572">The Systems Act endorses these views in its introductory sections when it reflects on the rights and duties of municipal councils, members of the local community and municipal administrations. Nowhere does the individual councillor feature, except the ward councillor and then only in regard to ward committees.</p> <p data-bbox="566 1611 1412 1659">It is clear that the functions of councillors are regulated by practice and community expectation rather than statutorily.</p>



<p><b>Key Relationships</b></p>	<div style="text-align: center;"> <pre> graph TD     MC[Municipal Council] --&gt; EM[Executive Mayor / Mayor]     MC --&gt; DEM[Deputy Exec Mayor / Deputy Mayor]     MC --&gt; S[Speaker (Chairperson)]     MC --&gt; C[Councillors]     MC --&gt; MM[Municipal Manager (Admin Head)] </pre> <p><b>MAYORAL COMMITTEE (IN EXECUTIVE MAYORAL TYPE)</b>          Advises the Executive Mayor in the exercise of his / her executive authority (ie regarded as an extension of the office of the Mayor). Members have responsibility for individual portfolios; or</p> <p><b>EXECUTIVE COMMITTEE (IN EXECUTIVE COMMITTEE TYPE)</b>          Exercises executive authority together with the Mayor. Mayor elected from its number. Members have individual portfolio responsibility.</p> <p><b>COMMITTEES OF COUNCIL</b>          (i) Committees established by a council for effective and efficient performance of its functions (accountable to the council)          or          (ii) Committees appointed to assist the Mayor (accountable to executive committee)</p> <p><b>WARD COMMITTEES</b>          To assist the Ward Councillors with organising, consultation, spreading information, and encouraging participation from residents in the ward. The Ward Councillor is chair of the Ward Committee. S/ He reports to the council and is accountable to the council and residents of the ward.</p> <p>The above table refers only to key internal relationships. In addition to the internal relationships, Municipal Councillors need to maintain networks of external relationships with Ward Committees, community structures (such as rate payers organisations, community health forums, and community safety forums) and individual constituents.</p> </div>
<p><b>Key Responsibilities</b></p>	<p><i>Participating in Decision-making:</i></p> <ul style="list-style-type: none"> <li>To maintain a high level of knowledge of the business of the municipality, the contents of reports and agendas, to enable him/ her to take part in an informed manner in the business being transacted at meetings of council and the committees and structures on which he/ she serves.</li> <li>To exercise the executive and legislative authority of the collective (as part of the municipal council).</li> </ul> <p><i>Attend Meetings:</i></p> <ul style="list-style-type: none"> <li>To attend meetings of the Municipal Council, Council Committees and the structures on which he / she serves.</li> </ul> <p><i>Act in Accordance with the Code of Conduct:</i></p> <ul style="list-style-type: none"> <li>To maintain a certain level of conduct to ensure the integrity and standing of council.</li> </ul> <p><i>Access to Information:</i></p> <ul style="list-style-type: none"> <li>To inspect documents in possession of the municipality.</li> <li>To access information only to the extent that such access is reasonably necessary to perform his / her duties as a councillor.</li> </ul> <p><i>Interference in Administration:</i></p> <p>The councillor may not, except as provided by law:</p> <ul style="list-style-type: none"> <li>Interfere in the management or administration of any department of the municipal council unless mandated by council.</li> <li>Give or purport to give any instruction to any employee of the council except when authorised to do so.</li> <li>Obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council.</li> <li>Encourage or participate in any conduct which would cause or contribute to maladministration in the council.</li> </ul> <p><i>Promoting Local Democracy:</i></p> <ul style="list-style-type: none"> <li>Manage and operate ward committees, act as chairperson and submit reports to the council and its committees.</li> <li>To represent the community interests within the council.</li> <li>To promote involvement of citizens and community groups in the design and delivery of municipal programmes.</li> </ul>

	<ul style="list-style-type: none"> <li>• To raise awareness of human rights issues by promoting constitutional values and principles.</li> </ul> <p><i>Miscellaneous:</i></p> <p>As part of the municipal council to:</p> <ul style="list-style-type: none"> <li>• Approve the Integrated Development Plan and Budget of the Council.</li> <li>• Pass By-laws.</li> <li>• Exercise oversight over the activities of the Mayor and Municipal Manager by receiving, considering and responding to reports etc.</li> <li>• Assess the performance of the Executive Mayor and of the municipality as a whole in terms of the council's performance management policy.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Ability to lobby</li> <li>• Strategic direction</li> <li>• Decision-making</li> <li>• Research skills</li> <li>• Presentation skills</li> <li>• Visionary leadership</li> <li>• The ability to read and absorb complex reports and documents</li> <li>• Maintain a constant understanding and overview of all council business</li> <li>• Highly developed interpersonal skills</li> <li>• Innovative problem-solving</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Empathy</li> <li>• Integrity</li> <li>• Innovative</li> <li>• Initiative</li> </ul>

<b>Job / Position Title</b>	<b>Whip</b>
<b>Key Role</b>	A Whip is a member designated by his / her party to assist in the smooth running of the party and the functioning of the House. Whips are responsible for organizing their own political parties in Parliament. They need to ensure that the party administration operates effectively. In addition, Whips are expected to manage who will speak on behalf of the party as well as voting on specific topics.
<b>Key Relationships</b>	<div style="text-align: center;"> <pre> graph TD     MC[Municipal Council] --&gt; EM[Executive Mayor / Mayor]     MC --&gt; DEM[Deputy Exec Mayor / Deputy Mayor]     MC --&gt; S[Speaker (Chairperson)]     MC --&gt; C[Councillor]     MC --&gt; MM[Municipal Manager] </pre> </div> <p><b>MAYORAL COMMITTEE (IN EXECUTIVE MAYORAL TYPE)</b>          Advises the Executive Mayor in the exercise of his / her executive authority (ie regarded as an extension of the office of the Mayor). Members have responsibility for individual portfolios; or</p> <p><b>EXECUTIVE COMMITTEE (IN EXECUTIVE COMMITTEE TYPE)</b>          Exercises executive authority together with the Mayor. Mayor elected from its number. Members have individual portfolio responsibility.</p> <p><b>COMMITTEES OF COUNCIL</b></p> <p>(i) Committees established by a council for effective and efficient performance of its functions (accountable to the council) or</p> <p>(ii) In executive committee or executive mayoral type, committees appointed to assist executive committee or Executive Mayor (accountable to executive committee / Executive Mayor)</p> <p><b>WARD COMMITTEES</b></p> <p>Established to enhance participatory democracy ie to assist the ward councillors. To assist the Ward Councillors with organising, consultation, spreading information, and encouraging participation from residents in the ward. The Ward Councillor is chair of the Ward Committee. S/ He reports to the council and is accountable to the council and residents of the ward.</p> <p><b>WHIPS OF OTHER PARTIES</b></p> <p>Manage the business of council by cooperating with Whips of other parties and "deal making"</p> <p>The above table refers only to key internal relationships. In the capacity of a Whip, these individuals do not have significant external relationships.</p>
<b>Key Responsibilities</b>	<p>A Whip achieves his / her objectives by:</p> <ul style="list-style-type: none"> <li>• Organising party business.</li> <li>• Keeping members informed of business.</li> <li>• Supplying lists of members to serve on standing and select committees.</li> <li>• Securing members' attendance for meetings and divisions.</li> <li>• Co-operating with whips of other parties in arranging the parliamentary functioning.</li> <li>• Acting as intermediaries between leaders and rank and file within the party.</li> <li>• Arranging for members to speak in debates.</li> <li>• Day-to-day management of party participation in processes in the Assembly.</li> <li>• When the electronic voting system is not used, acting as tellers during divisions.</li> </ul>
<b>Recommended Education/Certification</b>	A Whip is appointed by the Speaker on the recommendation of the party. The number of Whips that a party may appoint is proportional to the number of the members. Currently one Whip may be appointed for every 8.69 members.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Negotiation and mediation</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> </ul>

	<ul style="list-style-type: none"><li>• Decision-making</li><li>• Stress tolerance</li><li>• Cognitive energy</li><li>• Delegation</li><li>• Written and verbal communication</li><li>• Continuous learning</li><li>• Time-management / planning and organizing</li></ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"><li>• Impartiality / independence</li><li>• Integrity</li><li>• Even temperament</li><li>• Stress tolerance</li></ul>

Job / Position Title	Member of the Mayoral Committee / Member of the Executive Committee
Key Role	<p>The members of the Mayoral Committee (excluding the Deputy Executive Mayor) are appointed by the Executive Mayor from amongst the members of the Council. The Deputy Executive Mayor is appointed by Council and is <i>ex officio</i> a member of the Mayoral Committee. It is also within the Executive Mayor's power to dismiss a member (excluding the deputy executive mayor) of the committee.</p> <p>The Mayoral Committee does not fall within the meaning of 'political structure' as defined in the Systems Act and therefore not capable of receiving delegated powers from council in terms of Section 59 of the mentioned Act. Nor is the Mayoral Committee a committee of the Municipal Council; this was finally decided by the Constitutional Court in <i>DA v Amos Masondo 2002 JOL 10476 (CC)</i>. The court acknowledged that the primary function of the Mayoral Committee is to render assistance to the Executive Mayor in the exercising of his/her authority; it is regarded as an 'extension of the office of the Mayor'. The Executive Mayor has the sole power to appoint and dismiss members of the committee and to delegate powers to the Committee.</p> <p>An Executive Committee is, in fact, a Committee of Council, the members are appointed by Council and the Committee itself as a collective may be the recipient of delegated powers. Councils invariably delegate executive power to the Mayor and Executive Committee rather than to the Mayor only. With regard to the comments on the Mayoral Committee, its size is limited to the lesser of 20% of Councillors or 10 and must include the Deputy Executive Mayor, if there is one.</p> <p>The practice has emerged accordingly that due to the limited numbers, the Deputy Executive Mayor is given a portfolio responsibility as well as his / her other duties (see more fully hereunder).</p> <p>It should also be noted that the council, in delegating powers to the Executive Mayor may require those powers to be exercised and performed by the Executive Mayor together with the members of the Mayoral Committee. In practice, this is unusual and generally powers are delegated to Executive Mayors without this limitation (see section 60 of the Municipal Structures Act).</p> <p>The Mayoral Committee as a collective does not exercise delegated powers (except in the circumstances described above). Its members however individually and collectively have a very substantial responsibility in exercising the responsibility to assist and advise the Executive Mayor. That the legislature recognized the importance of this role is apparent from the fact that in terms of Section 60 of the Structures Act, the appointment of a Mayoral Committee is peremptory. It is suggested that this responsibility may be likened to the fiduciary responsibility of company directors.</p> <p>In practice, a feature common to both Executive Committees and Mayoral Committees throughout the country, is that members of these committees are invariably allocated "portfolio responsibility" for particular aspects of a municipality's operations and administration. In effect, the Mayor's responsibility to oversee the implementation of a council's IDP, its policies, resolutions and directives by the Municipal Manager and his / her administration, is delegated to individual members of the Executive or Mayoral Committee. In practice, portfolios are defined according to the operational business units of the municipality and the heads of these business units (managers appointed in terms of Section 57 of the Municipal Systems Act) work very closely with their Portfolio Councillor. The responsibility of the Portfolio Councillor is to provide constant political guidance in the implementation of programmes, to keep fully informed as to all the activities of the business unit in question and provide reports and feedback to the Mayor in this regard.</p> <p>In addition, individual Portfolio Councillors will be responsible for overseeing the implementation of community participation with regard to the specific activities of the business unit in question.</p> <p>In like manner, the responsibilities of the mayor as set out in the MFMA with regard to IDP and budget development effectively start with Portfolio Councillors in their respective areas of</p>

responsibility. The IDP and budget are collective products of the individual inputs of Portfolio Councillors in advising the Mayor.

An illustration of the essential role of Portfolio Councillors is the frequently observed practice of Portfolio Councillors (usually described as member of the mayoral committee for budget and finance (or whatever other portfolio)) making statements to the media or to the public, on behalf of the Mayor, in regard to matters relating specifically to that portfolio.

It follows that many of the key responsibilities set out in the role profile of Executive Mayor will apply also to members of the Mayoral Committee. The same applies to the prerequisite skills and knowledge and key attributes.

**Annexure D5: Traditional Leadership**

Job / Position Title	King / Queen
<b>Key Role</b>	The role of the King as a traditional leader is primarily concerned with the development of communities in the traditional areas. The King as a Traditional leader has a large role to play in representing the traditional/rural people to the Government and accelerating the delivery of services to the rural communities.
<b>Key Relationships</b>	<div data-bbox="602 541 1091 635" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">National House of Traditional Leaders</div> <div data-bbox="602 672 1056 766" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">Provincial House of Traditional Leaders (6 Provincial Houses)</div> <div data-bbox="602 803 1020 984" style="border: 1px solid black; padding: 5px;">           Institution of Traditional Leaders           <ul style="list-style-type: none"> <li>■ Kings/Queens</li> <li>■ Senior Traditional Leaders</li> <li>■ Headmen</li> </ul> </div>
<b>Key Responsibilities</b>	<p><i>Government related responsibilities:</i></p> <ul style="list-style-type: none"> <li>• To accelerate service delivery to the rural people.</li> <li>• To represent the communities to the Government in order to ensure that their interests are being served.</li> <li>• To liaise with the Government and to report on the effectiveness of Government initiatives at a community level.</li> <li>• To intervene (in the capacity of an intermediary) when necessary, regarding any matter that the community raises.</li> <li>• To ensure that Government grants are received only by those deserving and eligible individuals.</li> <li>• To ensure that a register of people who receive disability and child support grants is developed and maintained to facilitate effective monitoring and proper care of the recipients.</li> <li>• To make land available for agriculture, other development needs and residential needs.</li> <li>• To make sure that the Government is involved in all developmental initiatives in the area of Jurisdiction of the Traditional Council.</li> <li>• To lead negotiation delegations for any development deals with the Government or any development agency.</li> <li>• To participate in local government IDP and other processes.</li> <li>• To disseminate information relating to government policies and programmes.</li> <li>• To promote and sustain sound health and welfare of the people in the area of jurisdiction.</li> <li>• To facilitate the registration of all births, deaths and customary marriages within the demarcated jurisdiction.</li> <li>• To attend to the economic development and environmental affairs of the jurisdiction.</li> <li>• To develop the customs of the community to be in line with the Constitution of the country and other modern practices.</li> <li>• To assist government with managing illegal immigrants.</li> </ul> <p><i>Community Related Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Constitute the Traditional Council.</li> <li>• Monitor the implementation of the Traditional Council resolution.</li> <li>• Preside over the Traditional Court.</li> <li>• Organise and co-ordinate any development initiatives for youth, women and people with disabilities.</li> <li>• Oversee the smooth running of Administration in the Traditional Council.</li> </ul>

	<ul style="list-style-type: none"> <li>Promote and protect human rights in the area of jurisdiction of the Council.</li> <li>Ensure that the Council is in line with the global trend of development i.e. the e-traditional council.</li> <li>Evaluate the strategic achievement of the council on a quarterly basis.</li> <li>Report to the community at least once a year on the finances and other projects of the council.</li> <li>Approve the quarterly and annual report of the council.</li> <li>Ensure that there is sound disaster management structures, plans etc. in the council.</li> <li>Ensure that there is peace and stability in the area of jurisdiction.</li> <li>Ensure that crime prevention strategies are in place and working effectively.</li> <li>Intervene in the domestic affairs of the community – adopt a mediatory role.</li> <li>To negotiate and enter into partnerships with interested parties in respect of business development opportunities (tourism, commercial etc.) on land usage.</li> </ul> <p><i>Additional Responsibilities:</i></p> <ul style="list-style-type: none"> <li>Constitute the Traditional Council.</li> <li>Provide guidance on Traditional Leadership.</li> <li>The King plays an important role in the appointment and inauguration of the Senior Traditional Leaders, AmaKhosana and Amaduna.</li> <li>To hear Traditional cases.</li> <li>Bring peace in the nation and in the entire province.</li> <li>Oversee the establishment of the various traditional councils of the Senior Traditional Leaders.</li> <li>Calls Imbizo.</li> <li>Nation building.</li> <li>Effect discipline to senior traditional leaders and traditional councils.</li> <li>Promotes IKS and language.</li> <li>Sets rules and pace of conducting any traditional or cultural ceremonies.</li> <li>Determines the traditional ceremonies.</li> <li>Outlines the policy guidelines for the entire tribe.</li> <li>Provide guidance on customs, traditions and development.</li> <li>Provide leadership to all senior traditional leadership under his area of jurisdiction.</li> <li>Preside over appeal cases brought to the King/Queen by the traditional leadership under his jurisdiction.</li> <li>Attend to ceremonial matters or functions.</li> <li>Provide mediation and conflict resolution within his/her area of jurisdiction.</li> <li>Ensure adherence to all pieces of legislation.</li> <li>Ensure development in all areas under his authority.</li> <li>Providing unity amongst the communities.</li> <li>Act as a symbol of unity and ceremonial head for traditional leadership in the Continental House of Traditional Leadership.</li> <li>To represent the national interests in the Continental House of Traditional Leaders.</li> </ul>
<b>Recommended Education/Certification</b>	The King / Queen is either elected into this role by his / her community or the role is assumed through the birth right of the individual.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>Knowledge of the community (its functioning, needs etc)</li> <li>Networking ability</li> <li>Visionary leadership</li> <li>Negotiation skills</li> <li>Written and oral communication skills</li> <li>Decision-making</li> <li>Empowerment</li> <li>Conflict management</li> <li>Planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>Empathy</li> <li>Initiative</li> <li>Proactive</li> <li>Entrepreneurship</li> <li>Adaptability</li> </ul>



<b>Job / Position Title</b>	<b>Senior Traditional Leader</b>
<b>Key Role</b>	The role of the Senior Traditional Leader as a traditional leader is primarily concerned with the development of communities in the traditional areas. The Senior Traditional Leader as a Traditional leader has a large role to play in representing the traditional/rural people to the Government and accelerating the delivery of services to the rural communities.
<b>Key Relationships</b>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px; text-align: center;">National House of Traditional Leaders</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px; text-align: center;">Provincial House of Traditional Leaders (6 Provincial Houses)</div> <div style="border: 1px solid black; padding: 5px; text-align: center;">           Institution of Traditional Leaders           <ul style="list-style-type: none"> <li>■ Kings/Queens</li> <li>■ Senior Traditional Leaders</li> <li>■ Headmen</li> </ul> </div>
<b>Key Responsibilities</b>	<p><i>Government related Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• To accelerate service delivery to the rural people.</li> <li>• To represent the communities to the Government in order to ensure that their interests are being served.</li> <li>• To liaise with the Government and to report on the effectiveness of Government initiatives at a community level.</li> <li>• To intervene (in the capacity of an intermediary), when necessary, regarding any matter that the community raises.</li> <li>• To ensure that Government grants are received only by those deserving and eligible individuals.</li> <li>• To ensure that a register of people who receive disability and child support grants is developed and maintained to facilitate effective monitoring and proper care of the recipients.</li> <li>• To make land available for agriculture, other development needs and residential needs.</li> <li>• To make sure that the Government is involved in all developmental initiatives in the area of Jurisdiction of the Traditional Council.</li> <li>• To lead negotiation delegations for any development deals with the Government or any development agency.</li> <li>• To participate in local government IDP and other processes.</li> <li>• To disseminate information relating to government policies and programmes.</li> <li>• To promote and sustain sound health and welfare of the people in the area of jurisdiction.</li> <li>• To facilitate the registration of all births, deaths and customary marriages within the demarcated jurisdiction.</li> <li>• To attend to the economic development and environmental affairs of the jurisdiction.</li> <li>• To develop the customs of the community to be in line with the Constitution of the country and other modern practices.</li> <li>• To assist government with managing illegal immigrants.</li> </ul> <p><i>Community Related Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Constitute the Traditional Council.</li> <li>• Monitor the implementation of the Traditional Council resolution.</li> <li>• Preside over the Traditional Court.</li> <li>• Organise and co-ordinate any development initiatives for youth, women and people with disabilities.</li> <li>• Oversee the smooth running of Administration in the Traditional Council.</li> <li>• Promote and protect human rights in the area of jurisdiction of the Council.</li> <li>• Ensure that the Council is in line with the global trend of development i.e. the e-traditional council.</li> <li>• Evaluate the strategic achievement of the council on a quarterly basis.</li> </ul>

	<ul style="list-style-type: none"> <li>• Report to the community at least once a year on the finances and other projects of the council.</li> <li>• Approve the quarterly and annual report of the council.</li> <li>• Ensure that there are sound disaster management structures, plans etc in the council.</li> <li>• Ensure that there is peace and stability in the area of jurisdiction.</li> <li>• Ensure that crime prevention strategies are in place and working effectively.</li> <li>• Intervene in the domestic affairs of the community – adopt a mediatory role.</li> <li>• To negotiate and enter into partnerships with interested parties in respect of business development opportunities (tourism, commercial etc.) on land usage.</li> </ul> <p><i>Additional Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• To oversee the work of the headmen.</li> <li>• Land administration.</li> <li>• Assist in the fight against crime.</li> <li>• Approves allocation of residential areas.</li> <li>• Presides over cases brought to the traditional court.</li> <li>• Participates in the development of municipal IDP's.</li> <li>• Assists communities in setting developmental and economic projects.</li> <li>• Provides assistance to the needy and orphans.</li> </ul>
<b>Recommended Education/Certification</b>	The Senior Traditional Leader is either elected into this role by his / her community or the role is assumed through the birth right of the individual.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Knowledge of the community (its functioning, needs etc)</li> <li>• Networking ability</li> <li>• Visionary leadership</li> <li>• Negotiation skills</li> <li>• Written and oral communication skills</li> <li>• Decision-making</li> <li>• Empowerment</li> <li>• Conflict management</li> <li>• Planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Empathy</li> <li>• Initiative</li> <li>• Proactive</li> <li>• Entrepreneurship</li> <li>• Adaptability</li> </ul>

Job / Position Title	Headmen
<b>Key Role</b>	The role of the Headmen as traditional leaders is primarily concerned with the development of communities in the traditional areas. The Headmen as Traditional leaders have a large role to play in representing the traditional/rural people to the Government and accelerating the delivery of services to the rural communities.
<b>Key Relationships</b>	<div data-bbox="595 360 1085 454">National House of Traditional Leaders</div> <div data-bbox="595 489 1050 583">Provincial House of Traditional Leaders (6 Provincial Houses)</div> <div data-bbox="595 618 1016 803">           Institution of Traditional Leaders           <ul style="list-style-type: none"> <li>■ Kings/Queens</li> <li>■ Senior Traditional Leaders</li> <li>■ Headmen</li> </ul> </div>
<b>Key Responsibilities</b>	<p><i>Government related responsibilities:</i></p> <ul style="list-style-type: none"> <li>• To accelerate service delivery to the rural people.</li> <li>• To represent the communities to the Government in order to ensure that their interests are being served.</li> <li>• To liaise with the Government and to report on the effectiveness of Government initiatives at a community level.</li> <li>• To intervene (in the capacity of an intermediary), when necessary, regarding any matter that the community raises.</li> <li>• To ensure that Government grants are received only by those deserving and eligible individuals.</li> <li>• To ensure that a register of people who receive disability and child support grants is developed and maintained to facilitate effective monitoring and proper care of the recipients.</li> <li>• To make land available for agriculture, other development needs and residential needs.</li> <li>• To make sure that the Government is involved in all developmental initiatives in the area of Jurisdiction of the Traditional Council.</li> <li>• To lead negotiation delegations for any development deals with the Government or any development agency.</li> <li>• To participate in local government IDP and other processes.</li> <li>• To disseminate information relating to government policies and programmes.</li> <li>• To promote and sustain sound health and welfare of the people in the area of jurisdiction.</li> <li>• To facilitate the registration of all births, deaths and customary marriages within the demarcated jurisdiction.</li> <li>• To attend to the economic development and environmental affairs of the jurisdiction.</li> <li>• To develop the customs of the community to be in line with the Constitution of the country and other modern practices.</li> <li>• To assist government with managing illegal immigrants.</li> </ul> <p><i>Community Related Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• Constitute the Traditional Council.</li> <li>• Monitor the implementation of the Traditional Council resolution.</li> <li>• Preside over the Traditional Court.</li> <li>• Organise and co-ordinate any development initiatives for youth, women and people with disabilities.</li> <li>• Oversee the smooth running of Administration in the Traditional Council.</li> <li>• Promote and protect human rights in the area of jurisdiction of the Council.</li> <li>• Ensure that the Council is in line with the global trend of development i.e. the e-traditional council.</li> </ul>

	<ul style="list-style-type: none"> <li>• Evaluate the strategic achievement of the council on a quarterly basis.</li> <li>• Report to the community at least once a year on the finances and other projects of the council.</li> <li>• Approve the quarterly and annual report of the council.</li> <li>• Ensure that there are sound disaster management structures, plans etc in the council.</li> <li>• Ensure that there is peace and stability in the area of jurisdiction.</li> <li>• Ensure that crime prevention strategies are in place and working effectively.</li> <li>• Intervene in the domestic affairs of the community – adopt a mediatory role.</li> <li>• To negotiate and enter into partnerships with interested parties in respect of business development opportunities (tourism, commercial etc.) on land usage.</li> </ul> <p><i>Additional Responsibilities:</i></p> <ul style="list-style-type: none"> <li>• To hear traditional cases.</li> <li>• Participate in the ward committees.</li> <li>• They represent Senior Traditional Leaders where necessary.</li> <li>• To identify developmental needs.</li> <li>• To attend to conflict resolution issues.</li> <li>• To disseminate information to communities.</li> <li>• To liaise with the municipality.</li> <li>• To attend to the Lekgotla / Isigungu of the Headmen convened by the Senior Traditional Leader.</li> <li>• The allocation of residential areas.</li> <li>• Manage the day to day running of the village.</li> <li>• Co-ordinate the ploughing of fields for the community.</li> </ul>
<b>Recommended Education/Certification</b>	The Headmen are either elected into this role by his / her community or the role is assumed through the birth right of the individual.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Knowledge of the community (its functioning, needs etc)</li> <li>• Networking ability</li> <li>• Visionary leadership</li> <li>• Negotiation skills</li> <li>• Written and oral communication skills</li> <li>• Decision-making</li> <li>• Empowerment</li> <li>• Conflict management</li> <li>• Planning and organising</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Empathy</li> <li>• Initiative</li> <li>• Proactive</li> <li>• Entrepreneurship</li> <li>• Adaptability</li> </ul>

Job / Position Title	Chairperson of the National House of Traditional Leaders
<b>Key Role</b>	<p>The legislative mandate of the National House of Traditional Leaders is found in the Constitution of the Republic of South Africa and the establishing Act of the National House of Traditional Leaders, Act 10 of 1997. Essentially, the National House of Traditional Leadership has a legislative role to play as a referral body with emphasis on bills and legislation that impact on the traditional / rural communities.</p> <p>This role is politically rather than administratively determined. In terms of its objects and functions, the National House must:</p> <ul style="list-style-type: none"> <li>Promote the role of Traditional Leadership within a democratic dispensation.</li> <li>Enhance unity and understanding among traditional / rural communities.</li> <li>Enhance co-operation between the NHTL and the various Provincial Houses.</li> <li>Enhance co-operation between the NHTL and the various organs of state with a view to addressing matters of common interest.</li> </ul> <p>The objectives of the Office of the Chairperson are to:</p> <ul style="list-style-type: none"> <li>Formulate policy which is related to the institution and traditional / rural communities.</li> <li>Provide leadership and guidance to the NHTL.</li> <li>Build and maintain good relations with Provincial Houses; traditional leadership outside the country, Government, Non-Governmental Organisations and other societal structures or any structure that will impact on traditional/rural communities.</li> </ul>
<b>Key Relationships</b>	<div data-bbox="586 803 1075 891">National House of Traditional Leaders</div> <div data-bbox="586 926 1041 1013">Provincial House of Traditional Leaders (6 Provincial Houses)</div> <div data-bbox="586 1048 1006 1223">           Institution of Traditional Leaders           <ul style="list-style-type: none"> <li>Kings/Queens</li> <li>Senior Traditional Leaders</li> <li>Headmen</li> </ul> </div>
<b>Key Responsibilities</b>	<p><i>The Responsibilities of the National House of Traditional Leadership are:</i></p> <ul style="list-style-type: none"> <li>To promote the role of traditional leadership within a democratic constitutional dispensation.</li> <li>To enhance unity and understanding among traditional communities.</li> <li>To enhance co-operation between the National House of Traditional Leaders and the various Provincial and Local Houses.</li> <li>To enhance co-operation between the NHTL and the various organs of state with a view to addressing matters of common interest.</li> <li>Mediate between differing parties to find non-biased solutions and make recommendations for a way forward. Provide a stable consistent consultative process to various opposing views.</li> <li>Facilitates various projects as required by government and other institutions as required.</li> <li>Engage with various foreign institutions (AU, NEPAD, SADC etc.) in identified projects.</li> <li>Engage with various countries around the institutions of traditional leaders.</li> <li>To ensure that the institution is at the forefront of political, economic and social developments that may impact on the traditional / rural communities, thereby protecting the customs within a changing environment.</li> </ul>
<b>Recommended Education/Certification</b>	<p>Members of the National House of Traditional Leadership are elected to these positions.</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>Knowledge of the community (its functioning, needs etc)</li> <li>Networking ability</li> </ul>

	<ul style="list-style-type: none"><li>• Visionary leadership</li><li>• Negotiation skills</li><li>• Written and oral communication skills</li><li>• Strategic</li><li>• Analytical skills</li><li>• Decision-making</li><li>• Empowerment</li><li>• Conflict management</li><li>• Planning and organising</li></ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"><li>• Empathy</li><li>• Initiative</li><li>• Proactive</li><li>• Entrepreneurship</li><li>• Adaptability</li></ul>

Job / Position Title	<b>Deputy Chairperson of the National House of Traditional Leaders</b>
<b>Key Role</b>	<p>The legislative mandate of the National House of Traditional Leaders is found in the Constitution of the Republic of South Africa and the establishing Act of the National House of Traditional Leaders, Act 10 of 1997. Essentially, the National House of Traditional Leadership has a legislative role to play as a referral body with emphasis on bills and legislation that impact on the traditional / rural communities.</p> <p>This role is politically rather than administratively determined. In terms of its objects and functions, the National House must:</p> <ul style="list-style-type: none"> <li>• Promote the role of Traditional Leadership within a democratic dispensation.</li> <li>• Enhance unity and understanding among traditional / rural communities.</li> <li>• Enhance co-operation between the NHTL and the various Provincial Houses.</li> <li>• Enhance co-operation between the NHTL and the various organs of state with a view to addressing matters of common interest.</li> </ul> <p>The objectives of the Office of the Deputy Chairperson are to:</p> <ul style="list-style-type: none"> <li>• Formulate policy which is related to the institution and traditional / rural communities.</li> <li>• Provide leadership and guidance to the NHTL.</li> <li>• Build and maintain good relations with Provincial Houses; traditional leadership outside the country, Government, Non-Governmental Organisations and other societal structures or any structure that will impact on traditional/rural communities.</li> </ul>
<b>Key Relationships</b>	<div data-bbox="586 799 1068 886">National House of Traditional Leaders</div> <div data-bbox="586 919 1033 1006">Provincial House of Traditional Leaders (6 Provincial Houses)</div> <div data-bbox="586 1043 999 1218">           Institution of Traditional Leaders           <ul style="list-style-type: none"> <li>■ Kings/Queens</li> <li>■ Senior Traditional Leaders</li> <li>■ Headmen</li> </ul> </div>
<b>Key Responsibilities</b>	<p><i>The Responsibilities of the National House of Traditional Leadership are:</i></p> <ul style="list-style-type: none"> <li>• To promote the role of traditional leadership within a democratic constitutional dispensation.</li> <li>• To enhance unity and understanding among traditional communities.</li> <li>• To enhance co-operation between the National House of Traditional Leaders and the various Provincial and Local Houses.</li> <li>• To enhance co-operation between the NHTL and the various organs of state with a view to addressing matters of common interest.</li> <li>• Mediate between differing parties to find non-biased solutions and make recommendations for a way forward. Provide a stable consistent consultative process to various opposing views.</li> <li>• Facilitates various projects as required by government and other institutions as required.</li> <li>• Engage with various foreign institutions (AU, NEPAD, SADC etc.) in identified projects.</li> <li>• Engage with various countries around the institutions of traditional leaders.</li> <li>• To ensure that the institution is at the forefront of political, economic and social developments that may impact on the traditional / rural communities, thereby protecting the customs within a changing environment.</li> </ul>
<b>Recommended Education/Certification</b>	Members of the National House of Traditional Leadership are elected to these positions.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Knowledge of the community (its functioning, needs etc)</li> <li>• Networking ability</li> </ul>

	<ul style="list-style-type: none"><li>• Visionary leadership</li><li>• Negotiation skills</li><li>• Written and oral communication skills</li><li>• Strategic</li><li>• Analytical skills</li><li>• Decision-making</li><li>• Empowerment</li><li>• Conflict management</li><li>• Planning and organising</li></ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"><li>• Empathy</li><li>• Initiative</li><li>• Proactive</li><li>• Entrepreneurship</li><li>• Adaptability</li></ul>



<b>Job / Position Title</b>	<b>Chairperson of the Provincial House of Traditional Leaders</b>
<b>Key Role</b>	<p>The Legislative Mandate of the Provincial House of Traditional Leaders is found in both the Constitution of the Republic of South Africa and the Mpumalanga House of Traditional Leaders Act.</p> <p>The role of this position is more political as opposed to administrative. In terms of its objects and functions, the House must:</p> <ul style="list-style-type: none"> <li>• Advise the Government on any matter that has a bearing on Traditional Leadership and their communities</li> <li>• To make proposal to the Legislature</li> <li>• To promote culture and Indigenous Laws</li> </ul> <p>Objectives of the Office of the Chairperson:</p> <ul style="list-style-type: none"> <li>• To provide strategic leadership to the Provincial House</li> <li>• To provide guidance to all committees of the PHTL</li> <li>• To build and sustain working relationship with Government and organizations outside Government</li> <li>• To develop, monitor and evaluate policies</li> <li>• To preside over meetings and sittings of the PHTL</li> <li>• To evaluate the performance of the PHTL</li> <li>• To recruit and appoint staff after consultation with the responsible Executing Authority</li> <li>• To liaise with both National and Local Houses of Traditional Leaders</li> </ul>
<b>Key Relationships</b>	<div style="border: 1px solid black; padding: 5px; margin: 10px 0; text-align: center;">National House of Traditional Leaders</div> <div style="border: 1px solid black; padding: 5px; margin: 10px 0; text-align: center;">Provincial House of Traditional Leaders (6 Provincial Houses)</div> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p style="text-align: center;">Institution of Traditional Leaders</p> <ul style="list-style-type: none"> <li>■ Kings/Queens</li> <li>■ Senior Traditional Leaders</li> <li>■ Headmen</li> </ul> </div>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• To provide strategic leadership to the Provincial House.</li> <li>• To provide guidance to all committees of the PHTL.</li> <li>• To build and sustain a working relationship with Government and organisations outside Government.</li> <li>• To develop, monitor and evaluate policies.</li> <li>• To preside over meetings and sittings of the PHTL.</li> <li>• To evaluate the performance of the PHTL.</li> <li>• To recruit and appoint staff after consultation with the responsible Executing Authority.</li> <li>• To liaise with both National and Local Houses of Traditional Leaders.</li> <li>• Preside over the meeting of the PHTL.</li> <li>• Oversee the operation of the Administration..</li> <li>• Represent the House of Traditional Leaders in public events, regions inauguration etc.</li> <li>• Chairperson of the Executive Committee.</li> <li>• Ensuring effective presiding over House sittings and fairness of debates in the House.</li> <li>• Ensuring appropriate support services for the House sittings.</li> <li>• Protecting the rights and privileges of the House.</li> <li>• Exercise disciplinary power so as to maintain order during a debate.</li> <li>• Oversee the House proceeding.</li> <li>• Liaison with the Chair of Chairs on House program.</li> <li>• Ensure effective Public Participation.</li> <li>• Ensure effective resolution of conflict resolutions.</li> <li>• The National Chairperson must:</li> </ul>

	<ul style="list-style-type: none"> <li>— Chair the Chairpersons Forum.</li> <li>— Lead the establishment of the Continental House of Traditional Leaders.</li> <li>— Establish relations with Countries outside South Africa.</li> <li>— Unite Traditional Leaders in the entire Country.</li> </ul>
<b>Recommended Education/Certification</b>	The qualifications to the position are to be a Senior Traditional Leader and be elected by other Senior Traditional Leaders who are members of the House into the Office for a period of five years only.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Visionary leadership</li> <li>• Negotiation Skills</li> <li>• Decision making</li> <li>• Networking ability</li> <li>• Conflict Management</li> <li>• Planning and Organizing</li> <li>• Public Speaking</li> <li>• Listening skill</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Initiative</li> <li>• Proactive</li> <li>• Adaptability</li> <li>• Timeous</li> <li>• Empathy</li> </ul>

<b>Job / Position Title</b>  <b>Key Role</b>	<b>Deputy Chairperson of the Provincial House of Traditional Leaders</b>  <p>The Legislative Mandate of the Provincial House of Traditional Leaders is found in both the Constitution of the Republic of South Africa and the Mpumalanga House of Traditional Leaders Act.</p> <p>The role of this position is more political as opposed to administrative. In terms of its objects and functions, the House must:</p> <ul style="list-style-type: none"> <li>• Advise the Government on any matter that has a bearing on Traditional Leadership and their communities</li> <li>• To make proposal to the Legislature</li> <li>• To promote culture and Indigenous Laws</li> </ul> <p>Objectives of the Office of the Deputy Chairperson:</p> <ul style="list-style-type: none"> <li>• To sustain working relationships with Government and organisations outside Government.</li> <li>• To evaluate and advise the Chairperson on the benefits of the relationship with Government or other organisations.</li> <li>• To monitor and evaluate policies of the PHTL.</li> <li>• To preside over meetings and sittings of the PHTL when the Chairperson is not available.</li> </ul>
<b>Key Relationships</b>	<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;">National House of Traditional Leaders</div> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;">Provincial House of Traditional Leaders (6 Provincial Houses)</div> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;">           Institution of Traditional Leaders           <ul style="list-style-type: none"> <li>■ Kings/Queens</li> <li>■ Senior Traditional Leaders</li> <li>■ Headmen</li> </ul> </div>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Ensure the welfare of members.</li> <li>• Chairperson of the Internal Arrangement Committee.</li> <li>• Monitor and evaluate the effectiveness and impact of the training of members.</li> <li>• Ensure effective and efficient administration of the House.</li> <li>• Approve transport (official transport) and accommodation of AmaKhosi in terms of the PHTL members guide.</li> <li>• To provide strategic leadership to the Provincial House.</li> <li>• Acting in the absence of the Chairperson of the House in the following areas of responsibility:               <ul style="list-style-type: none"> <li>— To provide guidance to all committees of the PHTL.</li> <li>— To build and sustain working relationship with Government and organisations outside Government.</li> <li>— To develop, monitor and evaluate policies.</li> <li>— To preside over meetings and sittings of the PHTL.</li> <li>— To evaluate the performance of the PHTL.</li> <li>— To recruit and appoint staff after consultation with the responsible Executing Authority.</li> <li>— To liaise with both National and Local Houses of Traditional Leaders.</li> <li>— Preside over the meeting of the PHTL.</li> <li>— Oversee the operation of the Administration.</li> <li>— Represent the House of Traditional Leaders in public events, regions inauguration etc.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>— Chairperson of the Executive Committee.</li> <li>— Ensuring effective presiding over House sittings and fairness of debates in the House.</li> <li>— Ensuring appropriate support services for the House sittings.</li> <li>— Protecting the rights and privileges of the House.</li> <li>— Exercise disciplinary power so as to maintain order during a debate.</li> <li>— Oversee the House proceeding.</li> <li>— Liaison with the Chair of Chairs on House program.</li> <li>— Ensure effective Public Participation.</li> <li>— Ensure effective resolution of conflict resolutions.</li> </ul>
<b>Recommended Education/Certification</b>	The position is obtained through election by the members of the Provincial House of Traditional Leaders
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Visionary leadership</li> <li>• Negotiation Skills</li> <li>• Decision making</li> <li>• Networking ability</li> <li>• Conflict Management</li> <li>• Planning and Organizing</li> <li>• Public Speaking</li> <li>• Listening skill</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Initiative</li> <li>• Proactive</li> <li>• Adaptability</li> <li>• Timeous</li> <li>• Empathy</li> </ul>

Job / Position Title	Chairperson of Committees of the Provincial House
<b>Key Role</b>	<p>The Legislative Mandate of the Provincial House of Traditional Leaders is found in both the Constitution of the Republic of South Africa and the Mpumalanga House of Traditional Leaders Act.</p> <p>The role of this position is more political as opposed to administrative. In terms of its objects and functions, the House must:</p> <ul style="list-style-type: none"> <li>• Advise the Government on any matter that has a bearing on Traditional Leadership and their communities.</li> <li>• To make proposal to the Legislature.</li> <li>• To promote culture and Indigenous Laws.</li> </ul> <p>Objectives of the Office of the Chairperson of Committees:</p> <ul style="list-style-type: none"> <li>• To sustain working relationship with Government Department relevant to the committee.</li> <li>• To recommend to the Executive Committee and the House on the decision of the Committee.</li> <li>• To implement and evaluate policies of the PHTL.</li> <li>• To preside over meetings of the committee.</li> <li>• To represent the committee in any meeting or Forum.</li> </ul>
<b>Key Relationships</b>	<div data-bbox="605 755 1087 847">National House of Traditional Leaders</div> <div data-bbox="605 880 1051 971">Provincial House of Traditional Leaders (6 Provincial Houses)</div> <div data-bbox="605 1004 1017 1181">           Institution of Traditional Leaders           <ul style="list-style-type: none"> <li>■ Kings/Queens</li> <li>■ Senior Traditional Leaders</li> <li>■ Headmen</li> </ul> </div>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• Chairs the Committee.</li> <li>• Prepare the Agenda of the Committee.</li> <li>• Ensure that resolutions of the Committee are executed accordingly.</li> <li>• Represent the committee in any forum.</li> <li>• Report on the progress of the committee.</li> <li>• Table report of the committee in the sitting and or Executive Committee.</li> <li>• Oversee and evaluate the Public hearings and the quality of information obtained.</li> <li>• Always ensures that the committee meet its strategic objective.</li> <li>• Consolidate and influence legislative inputs.</li> <li>• To sustain working relationship with Government Department relevant to the committee.</li> <li>• To recommend to the Executive Committee and the House on the decision of the Committee.</li> <li>• To preside over meetings of the committee.</li> <li>• To represent the committee in any meeting or Forum.</li> <li>• The Chairperson of a Committee at National must</li> </ul> <ul style="list-style-type: none"> <li>— Liaise with the Provincial Counterparts on committee issues.</li> <li>— Give advise and guidance to provinces on committee work.</li> <li>— Organise a National Conference/seminar of all similar committees of the PHTL's</li> <li>— Monitor and evaluate the implementation of the committee conference resolution.</li> <li>— Monitor and evaluate the achievements of strategic objectives of the committees.</li> </ul>
<b>Recommended</b>	<p>The position is obtained through election to be a member of a House and thereafter the Chairperson,</p>

<b>Education/Certification</b>	in consultation with the Executive, nominates the Chairperson of a Committee based on the experience and character, into the position of the Chair of Chairs.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"><li>• Visionary leadership</li><li>• Negotiation Skills</li><li>• Decision making</li><li>• Networking ability</li><li>• Conflict Management</li><li>• Planning and Organizing</li><li>• Public Speaking</li><li>• Listening skill</li></ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"><li>• Initiative</li><li>• Proactive</li><li>• Adaptability</li><li>• Timeous</li><li>• Empathy</li></ul>

<b>Job / Position Title</b>	<b>Member of the House of Traditional Leaders</b>
<b>Key Role</b>	<p>The Legislative Mandate of the National and Provincial House of Traditional Leaders is found in both the Constitution of the Republic of South Africa and the Mpumalanga House of Traditional Leaders Act.</p> <p>The role of this position is more political as opposed to administrative. In terms of its objects and functions, the House must:</p> <ul style="list-style-type: none"> <li>• Advise the Government on any matter that has a bearing on Traditional Leadership and their communities.</li> <li>• To make proposal to the Legislature.</li> <li>• To promote culture and Indigenous Laws.</li> </ul>
<b>Key Relationships</b>	<div data-bbox="628 535 1111 628" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;">National House of Traditional Leaders</div> <div data-bbox="628 661 1076 755" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;">Provincial House of Traditional Leaders (6 Provincial Houses)</div> <div data-bbox="628 788 1041 960" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;">           Institution of Traditional Leaders           <ul style="list-style-type: none"> <li>■ Kings/Queens</li> <li>■ Senior Traditional Leaders</li> <li>■ Headmen</li> </ul> </div>
<b>Key Responsibilities</b>	<p><i>Member of the House of Traditional Leaders (at Provincial House):</i></p> <ul style="list-style-type: none"> <li>• Carry the mandate of the district he or she represents.</li> <li>• Participate in the deliberations of the house.</li> <li>• Articulate and influence decisions of the house as per the mandate from the district.</li> <li>• Alarms the legislature with issues affecting the communities (Customs, culture and everything that the community wants).</li> <li>• Encourage participation of traditional communities in the law making processes and other Government processes.</li> <li>• Represent the HTL whenever required e.g. Portfolio committee, conferences, HIV and AIDS Council etc.</li> <li>• Give feedback to the districts and get fresh mandate.</li> <li>• Implement the conferences resolutions (Provincial and National).</li> <li>• Represent the HTL in all forums on full time basis like HIV/AIDS Council, Heritage Council etc.</li> <li>• Conduct research and investigation into any matter for conflict resolution (Kingship and Senior Traditional Leadership).</li> <li>• The member serves in a number of committees of the House and execute duties delegated to him or her.</li> </ul> <p><i>The member of the National House of Traditional must, over and above, perform the following:</i></p> <ul style="list-style-type: none"> <li>• Must represent the provincial house at national level.</li> <li>• Encourage provincial participation in the national agenda(to solicit views of the provincial views on draft bills, Continental House of Traditional Leaders, Moral regenerations and others).</li> <li>• Bring feedback from the national house.</li> <li>• Organize, participate and implement conference resolutions.</li> <li>• Attend to provincial events like Cultural functions.</li> </ul> <p>The above are functions that a Traditional Leader performs as a member of the House, he or she is expected to render services to the community as per the profile of the Traditional Leader depending on the level.</p>

<b>Recommended Education/Certification</b>	The qualification to the position is that one has to be a Senior Traditional Leader and be elected by other Senior Traditional Leaders who are members of the House into the Office for period of five years only.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Visionary leadership</li> <li>• Negotiation Skills</li> <li>• Decision making</li> <li>• Networking ability</li> <li>• Conflict Management</li> <li>• Planning and Organizing</li> <li>• Public Speaking</li> <li>• Listening skill</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Initiative</li> <li>• Proactive</li> <li>• Adaptability</li> <li>• Timeous</li> <li>• Empathy</li> </ul>



**Annexure D6: Judges**

Job / Position Title	Chief Justice
<b>Key Role</b>	<p>The Chief Justice is the head of the judiciary and ranks in precedence as the third most senior office in government after the President and the Deputy President. The Chief Justice presides over the election of the President in Parliament, and swears in the President, as well as the Deputy President, cabinet members, Premiers, and all members of Parliament and provincial legislatures. The Chief Justice is also the head of the South African judiciary. He or she presides over the Constitutional Court, the highest court on constitutional matters in the country, and represents it and the South African Judiciary as a whole both nationally and internationally. The Chief Justice allocates the responsibility for the performance of tasks amongst judges of the Constitutional Court. The Constitutional Court is primarily responsible for the protection and enforcement of the Constitution, and for ensuring that the other two arms of government (the Legislature and Executive) exercise their powers and functions in accordance with the Constitution. The Chief Justice also presides at meetings of the heads of court and the Judicial Service Commission.</p>
<b>Key Responsibilities</b>	<p>The key responsibilities of the Chief Justice and that of the Judges of the Constitutional Court must be determined by reference to the power and authority given to them by the Constitution. Their authority or power is called jurisdiction. The Constitutional Court sits both as an appeal court and as a court of first instance. It is necessary to make the distinction between these two powers of the Constitutional Court. It sits as a court of first instance to hear cases, which because of their importance cannot be heard by any other court in the country.</p> <p><i>Appellate Jurisdiction:</i></p> <ul style="list-style-type: none"> <li>The Constitutional Court is the highest court of appeal in all matters that involve the Constitution. This means that it has the ultimate judicial authority on constitutional matters. Orders made by other courts declaring invalid acts of Parliament, Provincial Acts or the conduct of the President have no force unless they are confirmed by the Constitutional Court. Therefore all cases from other courts which involve the Constitution come to the Constitutional Court for final adjudication.</li> </ul> <p><i>Original Jurisdiction:</i></p> <ul style="list-style-type: none"> <li>The Constitutional Court is the only court which can hear certain matters. This is so because of the importance of those matters. Thus only the Constitutional Court may:             <ul style="list-style-type: none"> <li>decide disputes between organs of state in the national or provincial sphere concerning the status, powers or functions of any of those organs of state.</li> <li>decide the constitutionality of any Parliamentary or Provincial Bill.</li> <li>decide applications by members of the National or Provincial Parliaments to consider the constitutional validity of an act of Parliament.</li> <li>decide on the constitutionality of any amendment to the Constitution.</li> <li>decide that Parliament or the President has failed to fulfil a constitutional obligation or</li> <li>certify that a Provincial Constitution complies with the National Constitution.</li> </ul> </li> </ul> <p><i>The Determination of Cases:</i></p> <ul style="list-style-type: none"> <li>To consider applications for leave to appeal to the Constitutional Court.</li> <li>To issue directions to the parties when leave is granted.</li> <li>To review and interpret documentation in preparation for court cases.</li> <li>To undertake the necessary legal research preparatory to hearing a case and writing a judgment.</li> <li>To hear oral argument in court.</li> <li>To analyse and interpret cases and pass the required judgment.</li> <li>To write judgments and read and comment on colleagues' judgments.</li> <li>To attend case conferences with colleagues.</li> <li>To review, interpret and deal with appeals against judgments of other courts.</li> <li>To hand down judgment in open court.</li> </ul> <p><i>Interaction within the Judiciary:</i></p> <ul style="list-style-type: none"> <li>To liaise with Heads of courts in South Africa and Chief Justices in other countries.</li> </ul> <p><i>Research:</i></p> <ul style="list-style-type: none"> <li>To keep abreast of legislation, judgments of other courts and academic writing.</li> <li>To read previous cases both in South Africa and elsewhere related to the case at hand.</li> <li>To read the case records and relevant legal materials in order to become acquainted in the area in which the case is located.</li> <li>To read relevant academic writing.</li> </ul>

	<p><b>Administration:</b></p> <ul style="list-style-type: none"> <li>• To attend to complaints, comments and requests from the public.</li> <li>• To allocate cases to the various Judges.</li> <li>• To attend to all administration and correspondence in relation to the Constitutional Court, and the judiciary.</li> </ul> <p><b>Additional Responsibilities:</b></p> <ul style="list-style-type: none"> <li>• To preside over the swearing in of the President and over public officials.</li> <li>• To chair the Heads of Court meetings.</li> <li>• To chair the Judicial Service Commission.</li> <li>• To advise on the Electoral Commission.</li> <li>• To represent South Africa's judicial body internationally.</li> <li>• To retain a constant focus on all matters directly related to the South African Constitution.</li> </ul>
<b>Recommended Education/Certification</b>	<p>The Chief Justice will ordinarily be drawn from the ranks of senior experienced judges.</p> <p>Most judges will have two degrees and experience of 10 to 15 years.</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Knowledge of the Constitution and the law of South Africa, and knowledge of comparative constitutional law in other parts of the world</li> <li>• Legal skills</li> <li>• Diligence</li> <li>• Precise, clear and articulate legal writing skills</li> <li>• Dispute resolution and consensus achieving skills</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy and powers of prolonged concentration</li> <li>• The ability to delegate appropriately</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Ability to ensure long work hours and large volumes of paper work</li> <li>• Stress tolerance</li> </ul>

Job / Position Title	Deputy Chief Justice
<b>Key Role</b>	<p>The Deputy Chief Justice is the second most senior officer in the judiciary, serving as the deputy to the Chief Justice. In the absence of the Chief Justice, the Deputy Chief Justice performs the role of the Chief Justice. The Deputy Chief Justice is a member of the Constitutional Court, the highest court on constitutional matters in the country. The Constitutional Court is primarily responsible for the protection and enforcement of the Constitution, and for ensuring that the other two arms of government (the Legislature and Executive) exercise their powers and functions in accordance with the Constitution.</p>
<b>Key Responsibilities</b>	<p>The key responsibilities of the Deputy Chief Justice and that of the Judges of the Constitutional Court must be determined by reference to the power and authority given to them by the Constitution. Their authority or power is called jurisdiction. The Constitutional Court sits both as an appeal court and as a court of first instance. It is necessary to make the distinction between these two powers of the Constitutional Court. It sits as a court of first instance to hear cases, which because of their importance cannot be heard by any other court in the country.</p> <p><i>Appellate Jurisdiction:</i></p> <p>The Constitutional Court is the highest court of appeal in all matters that involve the Constitution. This means that it has the ultimate judicial authority on constitutional matters. Orders made by other courts declaring invalid acts of Parliament, Provincial Acts or the conduct of the President have no force unless they are confirmed by the Constitutional Court. Therefore all cases from other courts which involve the Constitution come to the Constitutional Court for final adjudication.</p> <p><i>Original Jurisdiction:</i></p> <p>The Constitutional Court is the only court which can hear certain matters. This is so because of the importance of those matters. Thus only the Constitutional Court may:</p> <ol style="list-style-type: none"> <li>decide disputes between organs of state in the national or provincial sphere concerning the status, powers or functions of any of those organs of state.</li> <li>decide the constitutionality of any Parliamentary or Provincial Bill.</li> <li>decide applications by members of the National or Provincial Parliaments to consider the constitutional validity of an act of Parliament.</li> <li>decide on the constitutionality of any amendment to the Constitution.</li> <li>decide that parliament or the President has failed to fulfil a constitutional obligation or,</li> <li>certify that a Provincial Constitution complies with the National Constitution.</li> </ol> <p><i>The Determination of Cases:</i></p> <ul style="list-style-type: none"> <li>To consider applications for leave to appeal to the Constitutional Court.</li> <li>To issue directions to the parties when leave is granted.</li> <li>To review and interpret documentation in preparation of court cases.</li> <li>To undertake the necessary legal research preparatory to hearing a case and writing a judgment.</li> <li>To hear oral argument in court.</li> <li>To analyse and interpret cases and pass the required judgment.</li> <li>To write judgments and read and comment on colleagues' judgments.</li> <li>To attend case conferences with colleagues.</li> <li>To review, interpret and deal with appeals against judgments of other courts.</li> <li>To hand down judgment in open court.</li> </ul> <p><i>Interaction within the Judiciary:</i></p> <ul style="list-style-type: none"> <li>To liaise with Heads of courts in South Africa and Chief Justices in other countries.</li> </ul> <p><i>Research:</i></p> <ul style="list-style-type: none"> <li>To keep abreast of legislation, judgments of other courts and academic writing.</li> <li>To read previous cases both in South Africa and elsewhere related to the case at hand.</li> <li>To read the case records and relevant legal materials in order to become acquainted in the area in which the case is located.</li> <li>To read relevant academic writing.</li> </ul> <p><i>Administration:</i></p> <ul style="list-style-type: none"> <li>To attend to complaints, comments and requests from the public.</li> <li>To allocate cases to the various Judges.</li> <li>To attend to all administration and correspondence in relation to the Constitutional Court, and the judiciary.</li> </ul> <p><i>Additional responsibilities:</i></p> <ul style="list-style-type: none"> <li>To perform all duties of the Chief Justice in the absence of the Chief Justice.</li> </ul>

<b>Recommended Education/Certification</b>	The Deputy Chief Justice will ordinarily be an experienced senior Judge. Most judges will have two degrees and experience of 10 to 15 years.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Knowledge of the Constitution and the law of South Africa, and knowledge of comparative constitutional law in other parts of the world</li> <li>• Legal skills</li> <li>• Diligence</li> <li>• Precise, clear and articulate legal writing skills</li> <li>• Dispute resolution and consensus achieving skills</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy and powers of prolonged concentration</li> <li>• The ability to delegate appropriately</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Open mindedness</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Ability to ensure long work hours and large volumes of paper work</li> <li>• Stress tolerance</li> </ul>

Job / Position Title	Judge of the Constitutional Court
Key Role	Judges of the Constitutional court are senior judges in the South African judicial system. The Constitutional Court is the highest court on constitutional matters. It is primarily responsible for the protection and enforcement of the Constitution, and for ensuring that the other two arms of government (the Legislature and Executive) exercise their powers and functions in accordance with the Constitution.
Key Responsibilities	<p>The key responsibilities of the Judges of the Constitutional Court must be determined by reference to the power and authority given to them by the Constitution. Their authority or power is called jurisdiction. The Constitutional Court sits both as an appeal court and as a court of first instance. It is necessary to make the distinction between these two powers of the Constitutional Court. It sits as a court of first instance to hear cases, which because of their importance cannot be heard by any other court in the country.</p> <p><i>Appellate Jurisdiction:</i> The Constitutional Court is the highest court of appeal in all matters that involve the Constitution. This means that it has the ultimate judicial authority on constitutional matters. Orders made by other courts declaring invalid acts of Parliament, Provincial Acts or the conduct of the President have no force unless they are confirmed by the Constitutional Court. Therefore all cases from other courts which involve the Constitution come to the Constitutional Court for final adjudication.</p> <p><i>Original Jurisdiction:</i> The Constitutional Court is the only court which can hear certain matters. This is so because of the importance of those matters. Thus only the Constitutional Court may:</p> <ol style="list-style-type: none"> <li>decide disputes between organs of state in the national or provincial sphere concerning the status, powers or functions of any of those organs of state.</li> <li>decide the constitutionality of any Parliamentary or Provincial Bill.</li> <li>decide applications by members of the National or Provincial Parliaments to consider the constitutional validity of an act of Parliament.</li> <li>decide on the constitutionality of any amendment to the Constitution.</li> <li>decide that parliament or the President has failed to fulfil a constitutional obligation or;</li> <li>certify that a Provincial Constitution complies with the National Constitution.</li> </ol> <p><i>The Determination of Cases:</i></p> <ul style="list-style-type: none"> <li>To consider applications for leave to appeal to the Constitutional Court.</li> <li>To issue directions to the parties when leave is granted.</li> <li>To review and interpret documentation in preparation of court cases.</li> <li>To undertake the necessary legal research preparatory to hearing a case and writing a judgment.</li> <li>To hear oral argument in court.</li> <li>To analyse and interpret cases and pass the required judgment.</li> <li>To write judgments and read and comment on colleagues' judgments.</li> <li>To attend case conferences with colleagues.</li> <li>To review, interpret and deal with appeals against judgments of other courts.</li> <li>To hand down judgment in open court.</li> </ul> <p><i>Interaction within the Judiciary:</i></p> <ul style="list-style-type: none"> <li>To liaise with Heads of courts in South Africa and Chief Justices in other countries.</li> </ul> <p><i>Research:</i></p> <ul style="list-style-type: none"> <li>To keep abreast of legislation, judgments of other courts and academic writing.</li> <li>To read previous cases both in South Africa and elsewhere related to the case at hand.</li> <li>To read the case records and relevant legal materials in order to become acquainted in the area in which the case is located.</li> <li>To read relevant academic writing.</li> </ul> <p><i>Administration:</i></p> <ul style="list-style-type: none"> <li>To attend to complaints, comments and requests from the public.</li> <li>To allocate cases to the various Judges.</li> <li>To attend to all administration and correspondence in relation to the Constitutional Court, and the judiciary.</li> </ul>
Recommended Education/Certification	A judge of the constitutional court should be an experienced Judge. In exceptional cases, a person may be appointed as a Judge of the Constitutional Court because of his or her specialised skills and experience in Constitutional Law and the law in general. Most judges have two degrees and experience of 10 to 15 years.

<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"><li>• Knowledge of the Constitution and the law of South Africa, and knowledge of comparative constitutional law in other parts of the world</li><li>• Legal skills</li><li>• Diligence</li><li>• Precise, clear and articulate legal writing skills</li><li>• Dispute resolution and consensus achieving skills</li><li>• Analytical and conceptual skills</li><li>• Problem-solving</li><li>• Decision-making</li><li>• Stress tolerance</li><li>• Cognitive energy and powers of prolonged concentration</li><li>• The ability to delegate appropriately</li><li>• Written and verbal communication</li><li>• Continuous learning</li><li>• Time-management / planning and organizing</li></ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"><li>• Impartiality / independence</li><li>• Open mindedness.</li><li>• Integrity</li><li>• Even temperament</li><li>• Ability to work long work hours and large volumes of paper work</li><li>• Stress tolerance</li></ul>

<b>Job / Position Title</b>	<b>President – Supreme Court of Appeal</b>
<b>Key Role</b>	<p>The Supreme Court of Appeal is the highest court in the country on all non constitutional issues e.g. contract, delict and company law. The appeal cases all emanate from the High Court. Where the Supreme Court of Appeal is the court of last instance (i.e. there is no constitutional issue still to be decided) particular care has to be taken in seeing that conclusions are clearly and unambiguously formulated. Such pronouncements are binding on South African Courts, and may be followed by courts of similar jurisdiction in other countries.</p>
<b>Key Responsibilities</b>	<p>The duties and functions of the President: Supreme Court of Appeal include:</p> <ul style="list-style-type: none"> <li>• Draw the court roll for each term: 4 terms: it takes 2-3 days each time. It involves scanning the written argument in the cases that are ready for hearing in order to assess the nature, length and complexity of each case. Then allocating a court day for each case. Then allocating a panel of 5 or 3 judges (as the case warrants) to each case. In selecting judges for each panel you have to have a mix of seniority, race, gender and particular expertise. You have to ensure as far as possible an even share for each judge of number of cases reading load, interesting cases, ordinary cases.</li> <li>• Allocating, for each case, the judge who will write the judgement in each such case. The allocated judgement must set out the issues, the evidence and the writer's reasons. If there is unanimity that will be the judgement of the panel. If not, dissenters will write their own judgement. However the dissenting judgement does not need to repeat the issues and the evidence.</li> <li>• Call a meeting for all the judges who will be presiding during the coming term. They will also have allocated judgement writers. The meeting tries to ensure an even spread of judgement writing for each judge.</li> <li>• Prepare for coming term: The recesses are used for this purpose. The terms are 15 February - 31 March; 1-31 May; 15 August-30 September; 1-30 November. The period in between are recesses. The work load for a long recess is, on average: <ul style="list-style-type: none"> <li>— 8000 to 9000 pages of case records.</li> <li>— 1000 to 1500 pages of written argument on those cases.</li> <li>— 500 pages of reported cases quoted in argument.</li> </ul> The work load for a short recess is, on average: <ul style="list-style-type: none"> <li>— 6000 to 7000 pages of case records.</li> <li>— 700-800 pages of written argument.</li> <li>— 300 pages of reported cases quoted in argument.</li> </ul> </li> </ul> <p>Note. If the appeal emanates from trial (as opposed to a case presented only on affidavits) it is difficult to read with care more than 200-300 pages of trial evidence per day.</p> <ul style="list-style-type: none"> <li>• Court duties: <ul style="list-style-type: none"> <li>— Presides in every case in which he is a panel member. In a long term (6 weeks) that is approximately 12 cases. In a short term (4 weeks) approximately 8. Presiding necessitates directing the argument so as to keep it to what is relevant. The hearing of a case involves oral argument by counsel for each party and questioning by the court to focus the equity or elicit counsel's assistance. After the hearing judgement is almost invariably reserved. The panel then confers so that each judge can express a verdict. The presiding judge must direct the discussion so as to clarify the various opinions. The panel then disperses and the allocated judgement writer will produce a draft judgement for discussion later in the term.</li> </ul> </li> <li>• Conference and drafts judgements: <ul style="list-style-type: none"> <li>— When the allocated judgement has produced a draft it is circulated to the other judges on the panel. A conference of the panel members must be arranged to discuss the draft. Those who discern will by then have circulated their own drafts. The drafts are discussed both as to substance and form. If necessary there will be further conferences till finality is reached as to what each judgement will say and as to who agrees with what. It is the duty of the President to steer the process and ensure that each appeal judgement is disposed of, as far as it is reasonably possible, by the end of the term.</li> <li>• To attend meetings of Heads of Courts (the Chief Justice, Deputy Chief Justice, myself, Judges President from the High Court) at least 3 times a year to discuss and resolve matters of concern to the Superior Courts.</li> <li>• To attend two commission sittings per year, each of about a week. The commission interviews aspirant nominated judges and makes recommendations afterwards to the</li> </ul> </li> </ul>

	<p>President. In case of Judges of the High Court the President must act on those recommendations. The documentation which has to be studied before each sitting amounts on average to 500 1000 pages.</p> <ul style="list-style-type: none"> <li>• Administrative duties: <ul style="list-style-type: none"> <li>— Whether during term in Bloemfontein or in recess at home, have to attend to roll amendments or case management.</li> <li>— Regular responses with the Ministry of Justice.</li> <li>— Regular liaison with the Chief Justice.</li> <li>— Regular discussion with fellow Judges of Appeal on Law changes, court management, and case flow.</li> <li>— Ensuring that case ready for hearing are enrolled with the minimum waiting time and that cases of urgency receive priority.</li> <li>— Processing colleagues' leave applications and securing substitutes and Acting Judges of Appeal, after discussion with the minister of Justice.</li> <li>— Allocating colleagues to judges committees to deal with court library, use of researchers, pending legislations, etc.</li> </ul> </li> <li>• A particular important and time consuming duty derives from the constitutional provisions relating to transformation of the judiciary. Looking for judges to act in this court who will satisfy those provisions as to race and gender. Almost invariably they will be judges of less High Court experience than used to be the case some 10 or 30 years ago. One has to find the balance between the less experienced and the experienced so that the court can reflect transformation but also deliver jurisprudence of the highest possible order. It is a search and selection process that necessitates sensitivity, diplomacy and careful team building. The Supreme Court of Appeal is essentially a top legal team.</li> <li>• Extra mural: <ul style="list-style-type: none"> <li>— Visiting Judges and diplomats have occasionally to be met and hosted.</li> <li>— It is expected of one to make speeches or present papers at conferences or dinners.</li> </ul> </li> </ul>
<b>Recommended Education/Certification</b>	<p>A judge of the Supreme Court of Appeal should be an experienced Judge.</p> <p>Most judges have two degrees and experience of 10 to 15 years.</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Legal skills</li> <li>• Diligence</li> <li>• Precise, clear and articulate legal writing skills</li> <li>• Dispute resolution and consensus achieving skills</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy and powers of prolonged concentration</li> <li>• The ability to delegate appropriately</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Open mindedness</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Ability to work long work hours and large volumes of paper work</li> <li>• Stress tolerance</li> </ul>



Job / Position Title	Deputy President – Supreme Court of Appeal
<b>Key Role</b>	<p>The Supreme Court of Appeal is the highest court in the country on all non constitutional issues e.g. contract, delict and company law. The appeal cases all emanate from the High Court. Where the Supreme Court of Appeal is the court of last instance (i.e. there is no constitutional issue still to be decided) particular care has to be taken in seeing that conclusions are clearly and unambiguously formulated. Such pronouncements are binding on South African Courts and may be followed by courts of similar jurisdiction in other countries.</p>
<b>Key Responsibilities</b>	<p>In the absence of the President of the Supreme Court of Appeal, the duties and functions of the Deputy President: Supreme Court of Appeal include:</p> <ul style="list-style-type: none"> <li>• Draw the court roll for each term: 4 terms: it takes 2-3 days each time. It involves scanning the written argument in the cases that are ready for hearing to assess the nature, length and complexity of each case. Then allocating a court day for each case. Then allocating a panel of 5 or 3 judges (as the case warrants) to each case. In selecting judges for each panel you have to have a mix of seniority, race, gender and particular expertise. You have to ensure as far as possible an even share for each judge of number of cases reading load, interesting cases, ordinary cases.</li> <li>• Allocating, for each case, the judge who will write the judgement in each such case. The allocated judgement must set out the issues, the evidence and the writer's reasons. If there is unanimity that is the judgement of the panel. If not, dissenters will write their own judgement. However the dissenting judgement does not need to repeat the issues and the evidence.</li> <li>• Call a meeting for all the judges who will be presiding during the coming term. They will also have allocated judgement writers. The meeting tries to ensure an even spread of judgement writing for each judge.</li> </ul> <p><i>Additional duties and functions:</i></p> <ul style="list-style-type: none"> <li>• Prepare for coming term: <ul style="list-style-type: none"> <li>The recesses are used for this purpose. The terms are 15 February - 31 March; 1-31 May; 15 August-30 September; 1-30 November. The period in between are recesses. The work load for a long recess is, on average: <ul style="list-style-type: none"> <li>— 8000 to 9000 pages of case records.</li> <li>— 1000 to 1500 pages of written argument on those cases.</li> <li>— 500 pages of reported cases quoted in argument.</li> </ul> </li> <li>The work load for a short recess is, on average: <ul style="list-style-type: none"> <li>— 6000 to 7000 pages of case records.</li> <li>— 700-800 pages of written argument.</li> <li>— 300 pages of reported cases quoted in argument.</li> </ul> </li> <li>Note. If the appeal emanates from trial (as opposed to a case presented only on affidavits) it is difficult to read with care more than 200-300 pages of trial evidence per day.</li> </ul> </li> <li>• Court duties: <ul style="list-style-type: none"> <li>— Presides in every case in which he is a panel member. In a long term (6 weeks) that is approximately 12 cases. In a short term (4 weeks) approximately 8. Presiding necessitates directing the argument so as to keep it to what is relevant. The hearing of a case involves oral argument by counsel for each party and questioning by the court to focus the equity or elicit counsel's assistance. After the hearing judgement is almost invariably reserved. The panel then confers so that each judge can express a verdict. The presiding judge must direct the discussion so as to clarify the various opinions. The panel then disperses and the allocated judgement writer will produce a draft judgement for discussion later in the term.</li> </ul> </li> <li>• Conference and drafts judgements: <ul style="list-style-type: none"> <li>— When the allocated judgement has produced a draft it is circulated to the other judges on the panel. A conference of the panel members must be arranged to discuss the draft. Those who discern will by then have circulated their own drafts. The drafts are discussed both as to substance and form. If necessary there will be further conferences till finality is reached as to what each judgement will say and as to who agrees with what. It is the duty of the President to steer the process and ensure that each appeal judgement is disposed of, as far as it is reasonably possible, by the end of the term.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Administrative duties:           <ul style="list-style-type: none"> <li>— Whether during term in Bloemfontein or in recess at home, have to attend to roll amendments or case management.</li> </ul> </li> </ul>
<b>Recommended Education/Certification</b>	<p>A judge of the Supreme Court of Appeal should be an experienced Judge. Most judges have two degrees and experience of 10 to 15 years.</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Legal skills</li> <li>• Diligence</li> <li>• Precise, clear and articulate legal writing skills</li> <li>• Dispute resolution and consensus achieving skills</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy and powers of prolonged concentration</li> <li>• The ability to delegate appropriately</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Open mindedness</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Ability to work long work hours and large volumes of paper work</li> <li>• Stress tolerance</li> </ul>

Job / Position Title	<b>Judge – Supreme Court of Appeal</b>
<b>Key Role</b>	<p>The Supreme Court of Appeal is the highest court in the country on all non constitutional issues e.g. contract, delict and company law. The appeal cases all emanate from the High Court. Where the Supreme Court of Appeal is the court of last instance (i.e. there is no constitutional issue still to be decided) particular care has to be taken in seeing that conclusions are clearly and unambiguously formulated. Such pronouncements are binding on South African Courts and may be followed by courts of similar jurisdiction in other countries.</p>
<b>Key Responsibilities</b>	<p>The duties and functions of a judge of the Supreme Court of Appeal include:</p> <ul style="list-style-type: none"> <li>• Prepare for coming term:</li> </ul> <p>The recesses are used for this purpose. The terms are 15 February - 31 March; 1-31 May; 15 August-30 September; 1-30 November. The period in between are recesses. The work load for a long recess is, on average:</p> <ul style="list-style-type: none"> <li>— 8000 to 9000 pages of case records.</li> <li>— 1000 to 1500 pages of written argument on those cases.</li> <li>— 500 pages of reported cases quoted in argument.</li> </ul> <p>The work load for a short recess is, on average:</p> <ul style="list-style-type: none"> <li>— 6000 to 7000 pages of case records.</li> <li>— 700-800 pages of written argument.</li> <li>— 300 pages of reported cases quoted in argument.</li> </ul> <p>Note. If the appeal emanates from trial (as opposed to a case presented only on affidavits) it is difficult to read with care more than 200-300 pages of trial evidence per day.</p> <ul style="list-style-type: none"> <li>• Court duties:</li> </ul> <ul style="list-style-type: none"> <li>— Presides in every case in which he is a panel member. In a long term (6 weeks) that is approximately 12 cases. In a short term (4 weeks) approximately 8. Presiding necessitates directing the argument so as to keep it to what is relevant. The hearing of a case involves oral argument by counsel for each party and questioning by the court to focus the equity or elicit counsel's assistance. After the hearing judgement is almost invariably reserved. The panel then confers so that each judge can express a verdict. The presiding judge must direct the discussion so as to clarify the various opinions. The panel then disperses and the allocated judgement writer will produce a draft judgement for discussion later in the term.</li> <li>• Conference and drafts judgements:</li> </ul> <ul style="list-style-type: none"> <li>— When the allocated judgement has produced a draft it is circulated to the other judges on the panel. A conference of the panel members must be arranged to discuss the draft. Those who discern will by then have circulated their own drafts. The drafts are discussed both as to substance and form. If necessary, there will be further conferences till finality is reached as to what each judgement will say and as to who agrees with what. It is the duty of the President to steer the process and ensure that each appeal judgement is disposed of, as far as is reasonably possible, by the end of the term.</li> </ul>
<b>Recommended Education/Certification</b>	<p>A judge of the Supreme Court of Appeal should be an experienced Judge.</p> <p>Most judges have two degrees and experience of 10 to 15 years.</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Legal skills</li> <li>• Diligence</li> <li>• Precise, clear and articulate legal writing skills</li> <li>• Dispute resolution and consensus achieving skills</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy and powers of prolonged concentration</li> <li>• The ability to delegate appropriately</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Open mindedness</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Integrity</li><li>• Even temperament</li><li>• Ability to work long work hours and large volumes of paper work</li><li>• Stress tolerance</li></ul> |
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Job / Position Title	Judge President – High Court
Key Role	<p>The High Court is the court of appeal for all magistrates' and regional courts and also for most appeals against the judgement of a single judge of the same division.</p> <p>A High Court may decide:</p> <ul style="list-style-type: none"> <li>any constitutional matter except matters that only the Constitutional Court may decide or those assigned to another court of similar status by an Act of Parliament; and</li> <li>other matters that have not been assigned to another court by an Act of Parliament.</li> </ul>
Key Responsibilities	<p>The additional duties of the Judge President of the High Court include:</p> <ul style="list-style-type: none"> <li>Arranging rolls of the court and dealing with all the administrative work pertaining to the administration of the court.</li> <li>Attending to all official duties pertaining to public office in the province, for example, attending the Opening of Parliament in the province, swearing in of politicians who have been elected, swearing in of cabinet ministers in the province and generally seeing to it that his/her presence is felt in all these sectors of life.</li> <li>Assuming responsibility for the courts in the province as a whole as the figurehead of the judiciary. In this regard he is called upon to address meetings of magistrates, and he is called upon to attend what is called the Provincial Integrated Justice Forum meetings.</li> <li>Seeing to the liaison between the Family Advocate and the High Court.</li> <li>Attending to reports from the South African Law Commission dealing with new legislation, which he has to circulate to Judges for their input.</li> <li>Attending to correspondence from prisoners who lodge all sorts of complaints regarding appeals and reviews, and all such complaints have to be dealt with individually.</li> <li>Attending to general correspondence from the public on various legal issues.</li> <li>Organising meetings of Judges in his/her division to discuss matters of common interest.</li> <li>Attending Heads of Court meetings with other judges in the Republic.</li> <li>Attending meetings of Judicial Service Commission dealing with appointments of Judges for his/her division.</li> </ul> <p>The regular tasks and functions of a Judge of the High Court include:</p> <p><b>Regular tasks and Functions</b></p> <ul style="list-style-type: none"> <li>Unopposed Motion Court: <ul style="list-style-type: none"> <li>This involves the reading of hundreds, if not thousands, of pages, including affidavits, commercial documents and contracts, balance sheets, notices etc. of unopposed applications. As the matters are unopposed, it is the judge's duty to ensure that every statute, regulation and principle of the common law has been complied with and that all judgments that have been reported dealing with the point in issue are taken into consideration in respect of any particular issue that may arise in any unopposed motion. Ensuring that any particular issues that may arise in any unopposed motion are applied. As many as 75 to 100 unopposed motions may have to be dealt during any week in a busy division of the High Court. Unopposed motions are usually prepared over weekends, a task that may take up 20 hours or more of the time that is normally regarded as family or leisure time.</li> <li>Unopposed motions deal with: <ul style="list-style-type: none"> <li>Provisional and final liquidation of companies.</li> <li>Provisional and final liquidation of close corporations.</li> <li>Sanction of offers of compromise.</li> <li>Removal of liquidators of companies and close corporations.</li> <li>Provisional and final sequestration of a natural person's estate.</li> <li>Rehabilitation of an insolvent.</li> <li>Discharge from sequestration or liquidation.</li> <li>Removal of a trustee of an insolvent estate.</li> <li>Voluntary surrender of a person's estate.</li> </ul> </li> <li>Summary judgments. These applications are often opposed but are heard as part and parcel of the unopposed roll.</li> <li>Default judgments of a complex nature and judgments by consent.</li> </ul> </li> </ul>

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	prepare written judgments. By definition, this work is done outside court sessions.
<b>Recommended Education/Certification</b>	A judge of the High Court should be an experienced Judge. Most judges have two degrees and experience of 10 to 15 years.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Legal skills</li> <li>• Diligence</li> <li>• Precise, clear and articulate legal writing skills</li> <li>• Dispute resolution and consensus achieving skills</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy and powers of prolonged concentration</li> <li>• The ability to delegate appropriately</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality/independence</li> <li>• Open mindedness</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Ability to work long work hours and large volumes of paper work</li> <li>• Stress tolerance</li> </ul>

<b>Job / Position Title</b>	<b>Deputy Judge President – High Court</b>
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#### Reviews of Taxation

- Awards by the Taxing Master of costs presented to him/her for taxation are reviewed by a

	judge in chambers. This may entail having to read hundreds of items in bills of costs and having to prepare written judgments. By definition, this work is done outside court sessions.
<b>Recommended Education/Certification</b>	A judge of the High Court should be an experienced Judge. Most judges have two degrees and experience of 10 to 15 years.
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Legal skills</li> <li>• Diligence</li> <li>• Precise, clear and articulate legal writing skills</li> <li>• Dispute resolution and consensus achieving skills</li> <li>• Analytical and conceptual skills</li> <li>• Problem-solving</li> <li>• Decision-making</li> <li>• Stress tolerance</li> <li>• Cognitive energy and powers of prolonged concentration</li> <li>• The ability to delegate appropriately</li> <li>• Written and verbal communication</li> <li>• Continuous learning</li> <li>• Time-management / planning and organizing.</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>• Impartiality / independence</li> <li>• Open mindedness</li> <li>• Integrity</li> <li>• Even temperament</li> <li>• Ability to work long work hours and large volumes of paper work</li> <li>• Stress tolerance</li> </ul>

Job / Position Title	Judge – High Court
Key Role	<p>The High Court is the court of appeal for all magistrates' and regional courts and also for most appeals against the judgement of a single judge of the same division.</p> <p>A High Court may decide</p> <ul style="list-style-type: none"> <li>any constitutional matter except matters that only the Constitutional Court may decide or those assigned to another court of similar status by an Act of Parliament; and</li> <li>other matters that have not been assigned to another court by an Act of Parliament.</li> </ul>
Key Responsibilities	<p>The nature of the Judge's tasks and functions during any given time include:</p> <p><b>Regular tasks and Functions</b></p> <ul style="list-style-type: none"> <li>Unopposed Motion Court: <ul style="list-style-type: none"> <li>This involves the reading of hundreds, if not thousands, of pages, including affidavits, commercial documents and contracts, balance sheets, notices etc. of unopposed applications. As the matters are unopposed, it is the judge's duty to ensure that every statute, regulation and principle of the common law has been complied with and that all judgments that have been reported dealing with the point in issue are taken into consideration in respect of any particular issue that may arise in any unopposed motion. Ensuring that any particular issues that may arise in any unopposed motion are applied. As many as 75 to 100 unopposed motions may have to be dealt during any week in a busy division of the High Court. Unopposed motions are usually prepared over weekends, a task that may take up 20 hours or more of the time that is normally regarded as family or leisure time.</li> </ul> </li> <li>Unopposed motions deal with: <ul style="list-style-type: none"> <li>Provisional and final liquidation of companies.</li> <li>Provisional and final liquidation of close corporations.</li> <li>Sanction of offers of compromise.</li> <li>Removal of liquidators of companies and close corporations.</li> <li>Provisional and final sequestration of a natural person's estate.</li> <li>Rehabilitation of an insolvent.</li> <li>Discharge from sequestration or liquidation.</li> <li>Removal of a trustee of an insolvent estate.</li> <li>Voluntary surrender of a person's estate.</li> </ul> </li> <li>Summary judgments. These applications are often opposed but are heard as part and parcel of the unopposed roll.</li> <li>Default judgments of a complex nature and judgments by consent.</li> <li>Custody, maintenance, access and other orders in terms of Rule 43 applications. These orders are often opposed, but are heard as part and parcel of the unopposed motion court roll.</li> <li>Interdicts against unlawful conduct, or threatened unlawful conduct of whatever nature.</li> <li>Arrest of a person about to leave the country to evade payment of debt or other obligations.</li> <li>Attachment of the property of foreigners that is situated within the jurisdiction of the court to confirm or found jurisdiction.</li> <li>Arrest or attachment of shipping in regard to shipping claims (not only in the coastal provinces – maritime law also applies to some claims in respect of vessels on the darns of our country).</li> <li>Release of ships arrest.</li> <li>Orders relating to the release of ships or matters arising as a consequence of the arrest or attachment thereof, or the sale of ships in executive.</li> <li>Provisional sentence.</li> <li>Security for claims and costs.</li> <li>Declaratory orders to determine the rights of the parties to any dispute.</li> <li>Dealing with exceptions to pleadings or applications to strike out.</li> <li>Compelling discovery or answers to requests for further particulars.</li> <li>Striking out claims or defences for failure to comply with a court order relating to the conduct of</li> </ul>

the proceedings.

- Ejectment.
- Orders in restraint of trade.
- Orders for joinder of parties and consolidations of actions.
- Orders in respect of infringement of trade marks and patents.
- Appointment of curators ad litem or curators bonis.
- Rescission of judgments.
- Reviews of administrative decisions or tribunals other than courts.
- Declaration of validity or invalidity of wills.
- Edictal citation – authorizing the service of summons or other court process in foreign countries.
- Recognition of foreign court orders or arbitral awards.
- Restoration of possession of property wrongfully removed to the lawful possessor.
- Setting aside attachments of goods.
- Admission and striking off of Attorneys and advocates.
- Recognition of foreign liquidators and trustees.
- Orders in terms of the Prevention of Organized Crime Act.
  - Opposed Motion Court:
    - During the same week in which the judge has to deal with unopposed motions, opposed motions are heard. Again, the papers may run into hundreds of pages in just one application. Each judge may have to deal with between five to ten opposed applications during any motion court week. Matters of great intricacy involving every aspect of i.e. commercial, administrative, tax, local government and family law, the Constitution, common law, law of evidence and law of procedure etc may arise in these applications, requiring many hours of preparation after the court has sat. Senior counsel often appear in opposed motions, presenting full and challenging arguments supported by extensive references to authority (judgments, text books and journals) that must be considered and dealt with in the eventual judgment. These judgments must be given as soon as possible, but may require many hours of research and reading. If a judgment cannot be given straight away, it is reserved and is then usually prepared fully in writing, involving the reading of corrections and revisions. While judgments are prepared, the ordinary court work and its preparation must go on. This may lead to judgments only being delivered in recess, when the court is not officially in session.
  - Urgent Application:
    - In each motion court week, one judge is responsible for urgent applications. He/she is on duty from Friday afternoon to the next Friday afternoon. All matters that require immediate attention are called in this court. Often, the judge is called out at all hours of the day or night on any day of the week. The matters are, if indeed urgent, (many applications are brought by litigants who have a somewhat exaggerated view of urgency), often of very considerable complexity. They must be dealt with immediately and require great concentration and application. The urgent court is very crowded; sleep is at a premium during those seven days.
- Variations in the practice of the different Divisions of the High Court do exist. Some divisions hear all appeals for the current week on one day, others set aside a single day for unopposed motions etc. The volume of work and the necessity to read after hours is not affected thereby.

#### Civil Trials

- Whereas motion court work involves decisions on matters presented on paper only, trials are decided upon the evidence given verbally from the witness box. Civil trials do encompass the entire field of the law outside criminal law and procedure and may include sitting in specialist courts such as the Income Tax Court or the Labour Court. During the course of any trial, decisions on the admissibility of evidence, examination and cross-examination of witnesses, interpretation of statutes and documents may have to be given immediately. No judge knows in advance of the day the trial is allocated which trial she or he will have to hear. Trial adjudication requires constant vigilance, concentration and alertness on the part of the judge, listening to the evidence, observing witnesses on the stand and keeping notes of the evidence. After court, the evidence must be annotated and cross-referenced. In between, other tasks such as reading reviews, (*see infra*), correcting judgments and conferences with other judges on preparation of oncoming appeals have to be completed. The judge involved in these tasks cannot keep office hours.

#### Criminal Trials

- Criminal Trials in the High Court are dealt with in similar fashion as civil trials and similar considerations apply to the way they are conducted and the work load they impose upon a judge. It must be born in mind, however, that criminal trials in the High Court involve the



most serious and heinous crimes and are always concerned with the liberty of the individual. They may therefore add a significant measure of emotional discomfort and stress to the execution of the judge's duty. The work load in respect of reviews and other obligations remains the same.

- Some criminal trials are conducted with assessors, who assist the trial court to decide issues of fact. Regular conferences must be held with them after the day's work in court.

#### Criminal and Civil Appeals

- Appeals are based upon the record of the proceedings in the court whose judgment is appealed against. This means that every word of evidence and every document introduced in the proceedings in the court whose judgment is subject matter of the appeal has to be read (unless parties eliminate unnecessary documentation by agreement from the record). These records may, again, run to hundreds and even thousands of pages and must be read before the appeal is heard. The preparation of the appeals must be undertaken while other duties are fulfilled in and outside court on a daily basis. Usually, six to eight criminal appeals are set down for the relevant day. On average, this means that each judge must read between six hundred and a thousand pages to prepare these appeals.

#### Statutory Reviews

- One of the most important functions of a High Court judge is to read reviews of proceedings against undefended accused in the magistrates' court who have been sentenced to a minimum of three months' imprisonment or a fine of R3000.00 or more, or a combination of the two, if that sentence has been imposed by a magistrate with less than seven years' experience. If the magistrate has held the rank for longer than seven years, only sentences of six months imprisonment or longer, or fines of R6000.00 or more, or a combination of the two are subject to review. In every case in which such a sentence is imposed, the record of the proceedings is typed within seven days after imposition of sentence (delays do occur, unfortunately) and is presented to a judge who has to read the same and decide whether the proceedings are in accordance with justice. If the judge discovers any potential or actual irregularity or mistake, he or she must either write a judgment immediately to set the accused free in cases where serious mistakes have taken place, or invite the magistrate to comment upon the aspect the judge is concerned about. The magistrate's answer must be considered, often the file is then referred to the Deputy Director of Public Prosecution for his or her comment or suggestions and once these have been received, a judgment has to be written if the proceedings in the magistrate's court are interfered with. This system ensures a constant and vigilant control over judicial actions in lower courts involving undefended and normally indigent accused. Reviews demand a great deal of reading the writing of judgments, all in addition to the other tasks already placed upon the judges' shoulders. Reviews must be given preferential treatment and must usually be dealt with on the same day they are delivered to the judge's chambers.
- All judgments prepared in those cases in which the conviction and/or sentence of the lower court is interfered with, must be signed by two judges. All judges therefore have to read and consider not only their own reviews, but also those in which colleagues have altered the conviction and/or sentence.

#### Common Law Reviews

- These are applications against proceedings in the lower courts, launched in the High Court for the correction of material errors of procedure or other failures to adhere to the principle of a fair trial. They may be launched before the proceedings have terminated and are not, or not solely, based upon the record of the proceedings. They are dealt with in a similar fashion as appeals.

#### Mero Motu Reviews

- A High Court has the inherent power to review any decision by a lower court at its own initiative. Should a judge become aware on an apparent injustice committed during proceedings in a lower court, she/he may call for the matter to be placed before him for this consideration. If the situation warrants his/her intervention, the judge may deal with the matter as if on review.

#### Applications for Leave to Appeal

- More often than not, litigants who are dissatisfied with the outcome of their case in the High Court wish to take the matter on appeal to a full bench (a court composed of three judges in the High Court), or to the Supreme Court of Appeals or the Constitutional Court. An appeal must be commenced by applying for leave to appeal to the court that gave the judgment, usually to the judge who gave the judgment it is sought to attack. The judge must consider whether another court might reasonably come to a different conclusion. If so, leave should be granted, if not, the application must be refused. This process requires the re-reading of the original papers, the judge's notes and the judgment. Applications for leave are not arranged on the ordinary court roll as the part of the judge's ordinary duties, but must be set down by the judge concerned himself, normally before ordinary court hours.

	<p><b>Reviews of Orders of Admission to Health Establishments</b></p> <ul style="list-style-type: none"> <li>Judges are responsible for the final review of involuntary admissions to health care establishments of users of these services who are unable to take informed decisions themselves. (as 36 and 47 of the Mental Health Care Act, 17 of 2002). Appointments of curators of the property of persons with severe or profound intellectual disability may also have to be reviewed in terms of a 60 of the Act. This involves reading and considering reports by mental health practitioners, heads of health establishments, users or their friends and members of their family and may require the hearing of evidence. These tasks are not allocated to the ordinary court work and must be fulfilled during breaks or after hours.</li> </ul> <p><b>Circuit Court</b></p> <ul style="list-style-type: none"> <li>Every judge has to do circuit court duty from time to time. This involves travelling to platteland centres within the court's jurisdiction (e.g. Nelspruit, Polokwane and Modimolle for judges serving in Pretoria). Circuit court duty may take the judge concerned away from home for as many as five or six weeks a time. Criminal trials are conducted on circuit only, with very few exceptions (unopposed divorces on the Cape High Court circuit). Circuit court duties involve significant challenges, as not all centres at which the court sits are well equipped with libraries or other support services (and are sometimes without air conditioning). Invariably, other duties the judge has to perform accumulate at his home court and increase the work load on his return.</li> </ul> <p><b>Prison Visits</b></p> <ul style="list-style-type: none"> <li>All judges are ex officio inspecting judges of our country's correctional institutions. A prison visit can be performed only outside court hours, as each inspection normally takes several hours to complete. The facilities in the correctional institution must be examined and prisoners' health and complaints must be attended to. Each prison visit is followed by a written report to the Inspecting Judge and may involve taking the initiative in addressing problems observed during the inspection. Any inspecting judge is invariably inundated with complaints, comments and accusations by inmates and the chaff has to be separated from the grain. Many visits are intellectually and emotionally challenging as almost invariably shocking conditions are found to exist.</li> </ul> <p><b>General Functions</b></p> <ul style="list-style-type: none"> <li>Every judge must guide junior practitioners whilst they appear before him, particularly on circuit court. Judges are often called upon to address conferences, participating in training workshops of young practitioners, write articles for journals or attend congresses. Judges are numbered among the authors of textbooks on law and practice. Several are involved in high profile community, charity, educational and sports bodies and serve society in this fashion. Every month at least four law reports are published, as are legal journals. These must be read as the new judgments represent the current positive law. New statutes and regulations are promulgated on a regular basis and need to be kept abreast thereof.</li> <li>Judges are often requested to comment upon proposed legislation or the administration of justice generally.</li> <li>Reserved judgments must be prepared outside court time.</li> <li>Appeals against a lower court's refusal of bail must be dealt with as matters of urgency and are often disposed of outside ordinary court hours.</li> </ul> <p><b>Reviews of Taxation</b></p> <ul style="list-style-type: none"> <li>Awards by the Taxing Master of costs presented to him/her for taxation are reviewed by a judge in chambers. This may entail having to read hundreds of items in bills of costs and having to prepare written judgments. By definition, this work is done outside court sessions.</li> </ul>
<b>Recommended Education/Certification</b>	<p>A judge of the High Court should be an experienced Judge.</p> <p>Most judges have two degrees and experience of 10 to 15 years.</p>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>Legal skills</li> <li>Diligence</li> <li>Precise, clear and articulate legal writing skills</li> <li>Dispute resolution and consensus achieving skills</li> <li>Analytical and conceptual skills</li> <li>Problem-solving</li> <li>Decision-making</li> <li>Stress tolerance</li> <li>Cognitive energy and powers of prolonged concentration</li> <li>The ability to delegate appropriately</li> <li>Written and verbal communication</li> <li>Continuous learning</li> <li>Time-management / planning and organizing</li> </ul>
<b>Key Attributes</b>	<ul style="list-style-type: none"> <li>Impartiality / independence</li> <li>Open mindedness</li> </ul>

	<ul style="list-style-type: none"><li>• Integrity</li><li>• Even temperament</li><li>• Ability to work long work hours and large volumes of paper work</li><li>• Stress tolerance</li></ul>
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**Annexure D7: Magistrates**

<b>Job / Position Title</b>	<b>Special Grade Chief Magistrate</b>
<b>Key Role</b>	The primary role of the Special Grade Chief Magistrate is to perform a judicial, managerial and administrative role in the Court while adjudication duties can also be expected.
<b>Role impact</b>	<p>The role of the special grade chief magistrate has political, social and economic impact on various levels of which the following are examples:</p> <ul style="list-style-type: none"> <li>• Make value judgments in cases, based on human rights values.</li> <li>• Perform sophisticated legal analysis.</li> <li>• Protect individual rights.</li> <li>• Develop legal history.</li> <li>• Enforce fundamental societal norms.</li> <li>• Guard vulnerable adults and children.</li> <li>• Resolve conflict.</li> </ul> <p>The authority attached to this role is significant:</p> <ul style="list-style-type: none"> <li>• Determine guilt or innocence.</li> <li>• Determine the truthfulness or deceit of parties.</li> <li>• Determine the placement and maintenance of children.</li> <li>• Determine the punishment of offenders and the appropriate penalty for the offence.</li> </ul>
<b>Key Relationships</b>	<pre> graph TD     subgraph High_Courts [High Courts]         CC[Constitutional Court]         SCA[Supreme Court of Appeal]         HCA[High Courts including High Court of Appeal]     end     subgraph Magistrates_Courts [Magistrates Courts]         RC[Regional Court Total: 309]         DC[Divorce Court Total: 9]         DistC[District Court Total: 1545]         RC_P[Reg Court President (10)]         RC_M[Reg Magist. (299)]         DC_P[Divorce Court President (2)]         DC_M[Div Court Magistrate (7)]         SGC[Special Grade Chief Mag (1)]         CM[Chief Magistrate (26)]         SM[Snr Magistrate (145)]         M[Magistrate (1373)]     end     High_Courts --- Magistrates_Courts     RC --- RC_P     RC --- RC_M     DC --- DC_P     DC --- DC_M     DistC --- SGC     DistC --- CM     DistC --- SM     DistC --- M   </pre> <p>Number of incumbents are estimated</p>

<p><b>Context of Court</b></p>	<p>Magisterial districts are clustered into regions within provincial boundaries. Regions are divided into sub regions. A magistrate's office is designated for efficiency purposes to exercise control in that region. Each sub region also has a magistrate's office designated for control.</p> <p>The District Court has Civil and Criminal Jurisdiction:</p> <ul style="list-style-type: none"> <li>• Criminal Jurisdiction: <ul style="list-style-type: none"> <li>— All matters except treason, murder, rape – but do deal with plea-proceedings to determine whether the accused admits the allegations stated in the charge or not.</li> <li>— Imprisonment not exceeding three years.</li> <li>— Fine not exceeding R60 000 and as determined by notice in Gazette from time to time.</li> <li>— Cases up to 25 years imprisonment where it is specified in an Act.</li> <li>— Other jurisdiction as determined by various Acts of Parliament.</li> </ul> </li> <li>• Civil Jurisdiction: <ul style="list-style-type: none"> <li>— Up to a specific monetary value (R100 000) or unlimited amount if consented to by parties.</li> <li>— Hearing of applications to leave to appeal in terms of Section 309(B) of the Criminal Procedure, Act No 51 of 1977.</li> <li>— Private law Jurisdiction:</li> </ul> </li> </ul> <p>Jurisdiction in respect of person (section 28 of the Magistrates' Courts Act, 1944);  Orders for arrest <i>tanquam suspectus de fuga</i> (section 30 of the Magistrates' Courts Act, 1944);  Orders for attachments (section 30 of the Magistrates' Courts Act, 1944);  Interdicts (section 30 of the Magistrates' Courts Act, 1944);  Mandamenten van spolie (section 30 of the Magistrates' Courts Act, 1944);  Jurisdiction in respect of appeals against decisions of chiefs, headmen and chiefs' deputies (section 29 of the Magistrates' Courts Act, 1944);  Insolvency matters inquiries in terms of the Insolvency Act;  Orders with regard to maintenance matters, including the determination of fathership in terms of the Maintenance Act ;  Breach of Peace orders in terms of the Criminal Procedure Act;  Orders for abortion in terms of the Abortion and Sterilization Act;  Orders in terms of the Alteration of Sex Description and Sex Status Act.</p> <ul style="list-style-type: none"> <li>— Family Law.</li> <li>— Orders in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000.</li> <li>— Orders in terms of the Promotion of Administrative Justice Act, No. 3 of 2000.</li> <li>— Orders in terms of Promotion of Access to Information Act, No. 2 of 2000.</li> </ul> <p>Where the courthouse qualifies for the provisioning of 25 or more magistrate posts, the Special Grade Chief Magistrate will be responsible for (apart from his / her own office) for the efficient administration of justice in the cluster.</p>
<p><b>Key Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• The duties of magistrates are set out in the Magistrates' Courts Act 32 of 1944 as amended:  Section 12 (1)  A magistrate- <ul style="list-style-type: none"> <li>(a) may hold a court, provided that a court of a regional division may only be held by a magistrate of the regional division;</li> <li>(b) shall possess the powers and perform the duties conferred or imposed upon magistrates by any law for the time being in force within the province wherein his district is situate;</li> <li>(c) shall be subject to the administrative control of the head of the administrative region in which his or her district is situate;</li> </ul> </li> <li>• Specific duties include: <ol style="list-style-type: none"> <li>1. <i>Judicial duties – administrative and managerial or duties of another nature:</i> <ul style="list-style-type: none"> <li>— Deal with administrative matters which arise in relating to cases such as fixing a date for trial</li> </ul> </li> </ol> </li> </ul>

	<p>or preparing court statistics.</p> <ul style="list-style-type: none"> <li>— Cooperation with all role-players in the justice system, e.g. Ministry, SAPS, etc.</li> <li>— Member of the National Magistrates Courts Management Committee.</li> <li>— Cooperation with the Magistrates Commission.</li> <li>— Allocate cases to Magistrates.</li> <li>— Optimization of court hours.</li> <li>— Court management.</li> <li>— Case-flow management benchmarking.</li> <li>— Evaluation and submission of judicial statistical data.</li> <li>— Analysis of awaiting trial prisoners and facilitating appropriate intervention.</li> <li>— Maintain the filing system.</li> <li>— Head of court house and all functions related thereto.</li> <li>— Establishment / termination of periodical courts.</li> <li>— Perform Human Resource functions including appraisals and supervision, administration, appointments, establishing and evaluation of training requirements and training needs and guidance.</li> <li>— Handling of grievances and discipline.</li> <li>— Financial Resource Management.</li> <li>— Management of Equipment of court(s).</li> <li>— Operating recording machinery and changing tapes when necessary.</li> </ul> <p>2. <i>Adjudicatory duties:</i></p> <ul style="list-style-type: none"> <li>— Adjudication of all criminal law, private law, family law, equality law, administrative law and access to information law within the jurisdiction limits of the courts and districts.</li> <li>— Observe and maintain the principle of judicial independence by keeping at a distance from any source of power or influence so as to apply the law fearlessly and without favour or prejudice.</li> <li>— Act fairly and competently in applying the law to the facts.</li> <li>— Be accountable in respect of civil court and criminal court work (to the public and to the High court).</li> <li>— Prepare for trials.</li> <li>— Prepare a written judgement once the trial / hearing has concluded.</li> <li>— Prepare or finalise rulings on the admissibility of evidence and other procedural matters which have arisen in the course of the current trial or hearing.</li> <li>— Undertake research on legal issues.</li> <li>— Perform informal inquests, admission of guilt, reviews, etc.</li> <li>— Hearing of applications for leave to appeal in terms of section 309(B) of the Criminal Procedure Act No. 51 of 1977.</li> </ul>
	<ul style="list-style-type: none"> <li>• These duties can further be defined as:</li> <li>— Visits to prisons.</li> <li>— Reception orders.</li> <li>— Inquests.</li> <li>— Substance abuse enquiry and rehabilitation orders.</li> <li>— Quality Assurance and training.</li> <li>— Children's court inquiry.</li> <li>— International assistance in criminal matters.</li> <li>— Interrogatory commissions.</li> <li>— Extradition.</li> <li>— Search warrants.</li> <li>— Arrest warrants.</li> <li>— Insolvencies.</li> </ul>

	<ul style="list-style-type: none"> <li>— Marriages.</li> <li>— Performing animals permits.</li> <li>— Human tissue removal.</li> <li>— Psychiatric observation of offenders.</li> <li>— Disposal of exhibits.</li> <li>— Forfeiture orders – diverse.</li> <li>— Disqualification orders relating to arms, ammunition and motor vehicles.</li> <li>— Protocol relating to foreign visiting ships.</li> <li>— Attending seminars, workshops and meetings.</li> <li>— Fencing Act enquiries.</li> <li>— Remission of bail monies.</li> <li>— Sitting as assessor in High Court.</li> <li>— Taking confessions.</li> <li>— Appeals from courts of Chiefs and Headmen.</li> <li>— Commenting on draft legislation.</li> <li>— Relief duties in clusters and regional courts when necessary.</li> </ul>
	<ul style="list-style-type: none"> <li>• Additional duties:               <ul style="list-style-type: none"> <li>— Assist in lecturing at the Justice College in area of expertise if necessary.</li> <li>— Assist with ad hoc projects to develop the lower court structure.</li> <li>— Any other duties as set out in law or manual.</li> </ul> </li> </ul>
<b>Minimum Education/Certification</b>	B Degree (M+3) in law with 10 years legal experience
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Have a good understanding of all procedure as in legislation and Common Law, the Judicial Manual for District Courts and all other relevant information that is published from time to time. In statutory offences there are more than 700 pieces of legislation, by-laws and regulations.</li> <li>• On appointment, the Magistrate should take the oath in terms of Section 9 (2) of the Magistrates' Court Act, 1944.</li> <li>• Computer literacy.</li> </ul>
<b>Competencies / Key Attributes</b>	<ul style="list-style-type: none"> <li>• Understanding of the Rule of Law in a democratic society</li> <li>• An appreciation of a deserved reputation for integrity, honesty and independence</li> <li>• Standing and respect in both the legal profession and the community</li> <li>• Proven academic and professional ability</li> <li>• A rigorous personal discipline</li> <li>• Scholarship</li> <li>• Problem solving ability</li> <li>• Dignity</li> <li>• Rationality</li> <li>• An ability to handle a substantial workload with vigour, drive, diligence, skill and balance</li> <li>• A capacity for articulation</li> <li>• Social context awareness</li> <li>• Intolerance of injustice</li> <li>• Listening ability</li> </ul>

<b>Job / Position Title</b>	<b>Regional Magistrate</b>
<b>Key Role</b>	The primary role of the Regional Magistrate is to adjudicate in the regional magistrates courts without fear, favour or prejudice. Regional Magistrates also perform an administrative role in the Regional Court.
<b>Role impact</b>	<p>The role of the regional magistrate has political, social and economic impact on various levels of which the following are examples:</p> <ul style="list-style-type: none"> <li>• Make value judgments in cases, based on human rights values.</li> <li>• Perform sophisticated legal analysis.</li> <li>• Protect individual rights.</li> <li>• Develop legal history.</li> <li>• Enforce fundamental societal norms.</li> <li>• Guard vulnerable adults and children.</li> <li>• Resolve conflict</li> </ul> <p>The authority attached to this role is significant:</p> <ul style="list-style-type: none"> <li>• Determine guilt or innocence.</li> <li>• Determine the truthfulness or deceit of parties.</li> <li>• Determine the punishment of offenders and the appropriate penalty for the offence.</li> </ul>
<b>Key Relationships</b>	<pre> graph TD     subgraph High_Courts [High Courts]         CC[Constitutional Court]         SCA[Supreme Court of Appeal]         HCA[High Courts including High Court of Appeal]     end     subgraph Magistrates_Courts [Magistrates Courts]         RC[Regional Court Total: 309]         DC[Divorce Court Total: 9]         DistC[District Court Total: 1545]         RCP[Reg Court President (10)]         DCP[Divorce Court President (2)]         SGCMS[Special Grade Chief Mag (1)]         RM[Reg Magist. (299)]         DCM[Div Court Magistrate (7)]         CM[Chief Magistrate (26)]         SM[Snr Magistrate (145)]         M[Magistrate (1373)]     end     High_Courts --- Magistrates_Courts     RC --- RCP     RC --- RM     DC --- DCP     DC --- DCM     DistC --- SGCMS     DistC --- CM     DistC --- SM     DistC --- M </pre> <p>Number of incumbents are estimated</p>



<b>Context of Court</b>	<ul style="list-style-type: none"> <li>• <b>Criminal Jurisdiction:</b> <ul style="list-style-type: none"> <li>— More serious criminal cases are heard in the Regional Court.</li> <li>— All matters except treason.</li> <li>— Include murder, Attempted Murder, Rape, Manslaughter, armed robbery, theft, sexual assault.</li> <li>— Sentences of 15 (25 years in some cases where specified in an Act) years imprisonment / fine of R300 000 (determined in Gazette).</li> <li>— Other jurisdictions are determined by various Acts of Parliament.</li> </ul> </li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• The duties of magistrates are set out in the Magistrates' Courts Act 32 of 1944 as amended: Section 12 (1) A magistrate- <ul style="list-style-type: none"> <li>(a) may hold a court, provided that a court of a regional division may only be held by a magistrate of the regional division;</li> <li>(b) shall possess the powers and perform the duties conferred or imposed upon magistrates by any law for the time being in force within the province wherein his district is situate;</li> <li>(c) shall be subject to the administrative control of the head of the administrative region in which his or her court is situated;</li> </ul> </li> <li>• Specific duties include: <ol style="list-style-type: none"> <li>1. <i>Judicial duties – administrative and managerial or duties of another nature</i> <ul style="list-style-type: none"> <li>— Deal with administrative matters which arise in relating to cases such as fixing a date for trial or preparing court statistics.</li> <li>— Optimization of court hours.</li> <li>— Court management.</li> <li>— Case-flow management benchmarking.</li> <li>— Evaluation and submission of judicial statistical data.</li> <li>— Operating recording machinery and changing tapes when necessary.</li> </ul> </li> <li>2. <i>Adjudicatory duties</i> <ul style="list-style-type: none"> <li>— Adjudication of all criminal law matters.</li> <li>— No private law jurisdiction (but in the role as appointed as an additional magistrate for each district falling within the regional division of which the individual is magistrate.</li> <li>— Observe and maintain the principle of judicial independence by keeping at a distance from any source of power or influence so as to apply the law fearlessly and without favour or prejudice.</li> <li>— Act fairly and competently in applying the law to the facts.</li> <li>— Be accountable in respect criminal court work (to the public and to the High court).</li> <li>— Prepare for trials.</li> <li>— Prepare a written judgement once the trial / hearing has concluded.</li> <li>— Prepare or finalise rulings on the admissibility of evidence and other procedural matters which have arisen in the course of the current trial or hearing.</li> <li>— Undertake research on legal issues.</li> <li>— Civil forfeiture of criminal assets (unlimited value) in terms of <i>The Prevention of Organised Crime Act, No 12 of 1998</i>.</li> </ul> </li> </ol> </li> <li>• <b>Additional duties:</b> <ul style="list-style-type: none"> <li>— Assist in lecturing at the Justice College in area of expertise if necessary.</li> <li>— Assist with ad hoc projects to develop the lower court structure.</li> <li>— Any other duties as set out in law or manual.</li> </ul> </li> </ul>
<b>Minimum Education/Certification</b>	LLB Degree (M+4) with 7 years legal experience

<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"><li>• Have a good understanding of all procedure as in legislation, the Judicial Manual and all other relevant information that is published from time to time. In statutory offences there are more than 700 pieces of legislation, by-laws and regulations</li><li>• On appointment, the Magistrate should take the oath in terms of Section 9 (2) of the Magistrates' Court Act, 1944.</li></ul>
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<b>Job / Position Title</b>	<b>Regional Court President</b>
<b>Key Role</b>	The primary role of the Regional Court President is to administer the Regional Court but adjudication duties may also be expected.
<b>Role impact</b>	<p>The role of the Regional Court President has political, social and economic impact on various levels of which the following are examples:</p> <ul style="list-style-type: none"> <li>• Make value judgments in cases, based on human rights values.</li> <li>• Perform sophisticated legal analysis.</li> <li>• Protect individual rights.</li> <li>• Develop legal history.</li> <li>• Enforce fundamental societal norms.</li> <li>• Guard vulnerable adults and children.</li> <li>• Resolve conflict.</li> </ul> <p>The authority attached to this role is significant:</p> <ul style="list-style-type: none"> <li>• Determine guilt or innocence.</li> <li>• Determine the truthfulness or deceit of parties.</li> <li>• Determine the placement and maintenance of children.</li> <li>• Determine the punishment of offenders and the appropriate penalty for the offence.</li> </ul>
<b>Key Relationships</b>	<pre> graph TD     subgraph High_Courts [High Courts]         CC[Constitutional Court]         SCA[Supreme Court of Appeal]         HCA[High Courts including High Court of Appeal]     end     subgraph Magistrates_Courts [Magistrates Courts]         RC[Regional Court Total: 309]         DC[Divorce Court Total: 9]         DistC[District Court Total: 1545]         RCP[Reg Court President 10]         RCM[Reg Magist. 299]         DCP[Divorce Court President 2]         DCM[Div Court Magistrate 7]         SGM[Special Grade Chief Mag 1]         CM[Chief Magistrate 26]         SM[Snr Magistrate 145]         M[Magistrate 1373]     end     High_Courts --- Magistrates_Courts     RC --- RCP     RC --- RCM     DC --- DCP     DC --- DCM     DistC --- SGM     DistC --- CM     DistC --- SM     DistC --- M </pre> <p>Number of incumbents are estimated</p>
<b>Context of Court</b>	<ul style="list-style-type: none"> <li>• Criminal Jurisdiction: <ul style="list-style-type: none"> <li>— The most serious criminal cases are tried in the Regional Court.</li> <li>— All matters except treason.</li> <li>— Include murder, Attempted Murder, Rape, Manslaughter, armed robbery, theft, sexual assault.</li> <li>— Sentences of 15 (25 years in some cases where specified in an Act) years imprisonment / fine of R300 000 (determined in Gazette).</li> <li>— Other jurisdictions are determined by various Acts of Parliament.</li> </ul> </li> </ul>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• The duties of magistrates are set out in the Magistrates' Courts Act 32 of 1944 as amended: <ul style="list-style-type: none"> <li>Section 12(1)</li> </ul> </li> </ul>

**A magistrate-**

(a) may hold a court, provided that a court of a regional division may only be held by a magistrate of the regional division;

(b) shall possess the powers and perform the duties conferred or imposed upon magistrates by any law for the time being in force within the province wherein his district is situate;

(c) shall be subject to the administrative control of the head of the administrative region in which his or her court is situated;

- Specific duties include:

1. *Judicial duties – administrative and managerial or duties of another nature:*

- Deal with administrative matters which arise in relating to cases such as fixing a date for trial or preparing court statistics.
- Cooperation with all role-players in the justice system, e.g. Ministry, SAPS, etc.
- Member of the National Magistrates Courts Management Committee.
- Cooperation with the Magistrates Commission.
- Allocate cases to Magistrates.
- Optimization of court hours.
- Court management.
- Case-flow management benchmarking.
- Evaluation and submission of judicial statistical data.
- Analysis of awaiting trial prisoners and facilitating appropriate intervention.
- Maintain the filing system.
- Head of court house and all functions related thereto.
- Establishment / termination of periodical courts.
- Perform Human Resource functions including appraisals and supervision, administration, appointments, establishing and evaluation of training requirements and training needs and guidance; taking of oath of office of magistrates.
- Handling of grievances and discipline and complaints by and against Magistrates.
- Financial Resource Management.
- Management of Equipment of court(s).
- Operating recording machinery and changing tapes when necessary.

2. *Adjudicatory duties:*

- Adjudication of all criminal law matters.
- No private law jurisdiction (but in the role as appointed as an additional magistrate for each district falling within the regional division of which the individual is magistrate).
- Observe and maintain the principle of judicial independence by keeping at a distance from any source of power or influence so as to apply the law fearlessly and without favour or prejudice.
- Act fairly and competently in applying the law to the facts.
- Be accountable in respect of civil court and criminal court work (to the public and to the High court).
- Prepare for trials.
- Prepare a written judgement once the trial / hearing has concluded.
- Prepare or finalise rulings on the admissibility of evidence and other procedural matters which have arisen in the course of the current trial or hearing.
- Undertake research on legal issues.
- Perform informal inquests, admission of guilt, reviews, etc.
- Civil forfeiture of criminal assets (unlimited value) in terms of *The Prevention of Organised Crime Act, No 12 of 1998*

- Additional duties:

- Assist in lecturing at the Justice College in area of expertise if necessary.

	<ul style="list-style-type: none"> <li>— Assist with ad hoc projects to develop the lower court structure.</li> <li>— Any other duties as set out in law or manual.</li> </ul>
<b>Minimum Education/Certification</b>	LLB Degree (M+4) with 10 years legal experience
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Have a good understanding of all procedure as in legislation, Judicial Manuals and all other relevant information that is published from time to time. In statutory offences there are more than 700 pieces of legislation, by-laws and regulations.</li> <li>• On appointment, the Magistrate should take the oath in terms of Section 9 (2) of the Magistrates' Court Act, 1944.</li> </ul>
<b>Competencies / Key Attributes</b>	<ul style="list-style-type: none"> <li>• Understanding of the Rule of Law in a democratic society</li> <li>• An appreciation of a deserved reputation for integrity, honesty and independence</li> <li>• Standing and respect in both the legal profession and the community</li> <li>• Proven academic and professional ability</li> <li>• A rigorous personal discipline</li> <li>• Scholarship</li> <li>• Problem solving ability</li> <li>• Dignity</li> <li>• Rationality</li> <li>• An ability to handle a substantial workload with vigour, drive, diligence, skill and balance</li> <li>• A capacity for articulation</li> <li>• Social context awareness</li> <li>• Intolerance of injustice</li> <li>• Listening ability</li> </ul>

<b>Job / Position Title</b>	<b>Chief Magistrate</b>
<b>Key Role</b>	The primary role of the Chief Magistrate is to perform judicial, managerial and administrative role in the Court while adjudication duties can also be expected.
<b>Role impact</b>	<p>The role of chief magistrate has political, social and economic impact on various levels of which the following are examples:</p> <ul style="list-style-type: none"> <li>• Make value judgments in cases, based on human rights values.</li> <li>• Perform sophisticated legal analysis.</li> <li>• Protect individual rights.</li> <li>• Develop legal history.</li> <li>• Enforce fundamental societal norms.</li> <li>• Guard vulnerable adults and children.</li> <li>• Resolve conflict.</li> </ul> <p>The authority attached to this role is significant:</p> <ul style="list-style-type: none"> <li>• Determine guilt or innocence.</li> <li>• Determine the truthfulness or deceit of parties.</li> <li>• Determine the placement and maintenance of children.</li> <li>• Determine the punishment of offenders and the appropriate penalty for the offence.</li> </ul>
<b>Key Relationships</b>	<pre> graph TD     subgraph High_Courts [High Courts]         CC[Constitutional Court]         SCA[Supreme Court of Appeal]         HCA[High Courts including High Court of Appeal]     end     subgraph Magistrates_Courts [Magistrates Courts]         RC[Regional Court Total: 309]         DC1[Divorce Court Total: 9]         DistCt[District Court Total: 1545]         RegCP[Reg Court President (10)]         DivCP[Divorce Court President (2)]         SGCMS[Special Grade Chief Mag (1)]         RegMag[Reg Magist. (299)]         DivMag[Div Court Magistrate (7)]         CM[Chief Magistrate (26)]         SM[Snr Magistrate (145)]         Mag[Magistrate (1373)]     end     High_Courts --- Magistrates_Courts   </pre> <p>Number of incumbents are estimated</p>
<b>Context of Court</b>	<p>Magisterial districts are clustered into regions within provincial boundaries. Regions are divided into sub regions. A magistrate's office is designated for efficiency purposes to exercise control in that region. Each sub region also has a magistrate's office designated for control.</p> <p>The District Court has Civil and Criminal Jurisdiction:</p> <ul style="list-style-type: none"> <li>• Criminal Jurisdiction:       <ul style="list-style-type: none"> <li>— All matters except treason, murder, rape – but do deal with plea-proceedings to determine whether the accused admits the allegations stated in the charge or not.</li> <li>— Imprisonment not exceeding three years.</li> <li>— Fine not exceeding R60 000 and as determined by notice in Gazette from time to time.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>— Cases up to 25 years imprisonment where it is specified in an Act.</li> <li>— Other jurisdiction as determined by various Acts of Parliament.</li> <li>• Civil Jurisdiction: <ul style="list-style-type: none"> <li>— Up to a specific monetary value (R100 000) or unlimited amount if consented to by parties.</li> <li>— Hearing of applications to leave to appeal in terms of Section 309(B) of the Criminal Procedure, Act No 51 of 1977.</li> </ul> </li> <li>— Private law Jurisdiction: <ul style="list-style-type: none"> <li>Jurisdiction in respect of person (section 28 of the Magistrates' Courts Act, 1944);</li> <li>Orders for arrest <i>tanquam suspectus de fuga</i> (section 30 of the Magistrates' Courts Act, 1944);</li> <li>Orders for attachments (section 30 of the Magistrates' Courts Act, 1944);</li> <li>Interdicts (section 30 of the Magistrates' Courts Act, 1944);</li> <li>Mandamenten van spolie (section 30 of the Magistrates' Courts Act, 1944);</li> <li>Jurisdiction in respect of appeals against decisions of chiefs, headmen and chiefs' deputies (section 29 of the Magistrates' Courts Act, 1944);</li> <li>Insolvency matters inquiries in terms of the Insolvency Act;</li> <li>Orders with regard to maintenance matters, including the determination of fatherhood in terms of the Maintenance Act ;</li> <li>Breach of Peace orders in terms of the Criminal Procedure Act;</li> <li>Orders for abortion in terms of the Abortion and Sterilization Act;</li> <li>Orders in terms of the Alteration of Sex Description and Sex Status Act.</li> </ul> </li> <li>— Family Law. <ul style="list-style-type: none"> <li>— Orders in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000.</li> <li>— Orders in terms of the Promotion of Administrative Justice Act, No. 3 of 2000.</li> <li>— Orders in terms of Promotion of Access to Information Act, No: 2 of 2000.</li> </ul> </li> </ul> <p>Where the courthouse qualifies for the provisioning of ten or more magistrate posts, the Chief Magistrate will be responsible for (apart from his / her own office) for the efficient administration of justice in a cluster.</p>
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• The duties of magistrates are set out in the Magistrates' Court Act 32 of 1944 as amended: <ul style="list-style-type: none"> <li>A magistrate- <ul style="list-style-type: none"> <li>(a) may hold a court, provided that a court of a regional division may only be held by a magistrate of the regional division;</li> <li>[Para. (a) Amended by s. 9 of Act 40 of 1952.]</li> <li>(b) shall possess the powers and perform the duties conferred or imposed upon magistrates by any law for the time being in force within the province wherein his district is situate;</li> <li>(c) <i>shall</i> be subject to the administrative control of the head of the administrative region in which his or her district is situate;</li> <li>[Para. (c) Added by s. 5 of Act 66 of 1998.]</li> </ul> </li> </ul> </li> <li>• Specific duties include: <ol style="list-style-type: none"> <li>1. <i>Judicial duties – administrative and managerial or duties of another nature</i> <ul style="list-style-type: none"> <li>— Deal with administrative matters which arise in relating to cases such as fixing a date for trial or preparing court statistics.</li> <li>— Cooperation with all role-players in the justice system, e.g. Ministry, SAPS, etc.</li> <li>— Member of the National Magistrates Courts Management Committee.</li> <li>— Cooperation with the Magistrates Commission.</li> <li>— Allocate cases to Magistrates.</li> <li>— Optimization of court hours.</li> <li>— Court management.</li> <li>— Case-flow management benchmarking.</li> </ul> </li> </ol> </li> </ul>

- Evaluation and submission of judicial statistical data.
- Analysis of awaiting trial prisoners and facilitating appropriate intervention.
- Maintain the filing system.
- Head of court house and all functions related thereto.
- Establishment / termination of periodical courts.
- Perform Human Resource functions including appraisals and supervision, administration, appointments, establishing and evaluation of training requirements and training needs and guidance.
- Handling of grievances and discipline.
- Financial Resource Management.
- Management of Equipment of court(s).
- Operating recording machinery and changing tapes when necessary.

## 2. *Adjudicatory duties*

- Adjudication of all criminal law, private law, family law, equality law, administrative law and access to information law within the jurisdiction limits of the courts and districts.
- Observe and maintain the principle of judicial independence by keeping at a distance from any source of power or influence so as to apply the law fearlessly and without favour or prejudice.
- Act fairly and competently in applying the law to the facts.
- Be accountable in respect of civil court and criminal court work (to the public and to the High court).
- Prepare for trials.
- Prepare a written judgement once the trial / hearing has concluded.
- Prepare or finalise rulings on the admissibility of evidence and other procedural matters which have arisen in the course of the current trial or hearing.
- Undertake research on legal issues.
- Perform informal inquests, admission of guilt, reviews, etc.

### • These duties can further be defined as:

- Visits to prisons.
- Reception orders.
- Inquests.
- Substance abuse enquiry and rehabilitation orders.
- Quality Assurance and training.
- Children's court enquiry.
- International assistance in criminal matters.
- Interrogatory commissions.
- Extradition.
- Search warrants.
- Arrest warrants.
- Insolvencies.
- Marriages.
- Performing animals permits.
- Human tissue removal.
- Psychiatric observation of offenders.
- Disposal of exhibits.
- Forfeiture orders – diverse.
- Disqualification orders relating to arms, ammunition and motor vehicles.
- Protocol relating to foreign visiting ships.
- Attending seminars, workshops and meetings.



	<ul style="list-style-type: none"> <li>— Fencing Act enquiries.</li> <li>— Remission of bail monies.</li> <li>— Sitting as assessor in High Court.</li> <li>— Taking confessions.</li> <li>— Appeals from courts of Chiefs and Headmen.</li> <li>— Commenting on draft legislation.</li> <li>— Relief duties in clusters and regional courts when necessary.</li> </ul>
<b>Minimum Education/Certification</b>	B Degree (M+3) in law with 10 years legal experience
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Have a good understanding of all procedure as in legislation, the Judicial Manual for District Courts and all other relevant information that is published from time to time. In statutory offences there are more than 700 pieces of legislation, by-laws and regulations.</li> <li>• On appointment, the Magistrate should take the oath in terms of Section 9 (2) of the Magistrates' Court Act, 1944.</li> </ul>
<b>Competencies / Key Attributes</b>	<ul style="list-style-type: none"> <li>• Understanding of the Rule of Law in a democratic society</li> <li>• An appreciation of a deserved reputation for integrity, honesty and independence</li> <li>• Standing and respect in both the legal profession and the community</li> <li>• Proven academic and professional ability</li> <li>• A rigorous personal discipline</li> <li>• Scholarship</li> <li>• Problem solving ability</li> <li>• Dignity</li> <li>• Rationality</li> <li>• An ability to handle a substantial workload with vigour, drive, diligence, skill and balance</li> <li>• A capacity for articulation</li> <li>• Social context awareness</li> <li>• Intolerance of injustice</li> <li>• Listening ability</li> </ul>

<b>Job / Position Title</b>	<b>Senior Magistrate</b>
<b>Key Role</b>	The primary role of the magistrate is to adjudicate in the magistrates' courts without fear, favour or prejudice.
<b>Role impact</b>	<p>The role of senior magistrate has political, social and economic impact on various levels of which the following are examples:</p> <ul style="list-style-type: none"> <li>• Make value judgments in cases, based on human rights values.</li> <li>• Perform sophisticated legal analysis.</li> <li>• Protect individual rights.</li> <li>• Develop legal history.</li> <li>• Enforce fundamental societal norms.</li> <li>• Guard vulnerable adults and children</li> <li>• Resolve conflict.</li> </ul> <p>The authority attached to this role is significant:</p> <ul style="list-style-type: none"> <li>• Determine guilt or innocence.</li> <li>• Determine the truthfulness or deceit of parties.</li> <li>• Determine the placement and maintenance of children.</li> <li>• Determine the punishment of offenders and the appropriate penalty for the offence</li> </ul>
<b>Key Relationships</b>	<pre> graph TD     CC[Constitutional Court]     SCA[Supreme Court of Appeal]     HCA[High Courts including High Court of Appeal]     HC[High Courts]     RC[Regional Court Total: 309]     DC[Divorce Court Total: 9]     DistC[District Court Total: 1545]     RegCP[Reg Court President (10)]     DivCP[Divorce Court President (2)]     SGCMS[Special Grade Chief Mag (1)]     RegM[Reg Magist. (299)]     DivM[Div Court Magistrate (7)]     CM[Chief Magistrate (26)]     SM[Snr Magistrate (145)]     Mag[Magistrate (1373)]     NIE[Number of incumbents are estimated]      CC --- SCA     SCA --- HCA     HCA --- HC     HC --- RC     HC --- DC     HC --- DistC     RC --- RegCP     RC --- RegM     DC --- DivCP     DC --- DivM     DistC --- SGCMS     DistC --- CM     DistC --- SM     DistC --- Mag     NIE --- SM     NIE --- Mag </pre>
<b>Context of Court</b>	<p>Magisterial districts are clustered into regions within provincial boundaries. Regions are divided into sub regions. A magistrate's office is designated for efficiency purposes to exercise control in that region. Each sub region also has a magistrate's office designated for control.</p> <p>The District Court has Civil and Criminal Jurisdiction:</p> <ul style="list-style-type: none"> <li>• Criminal Jurisdiction: <ul style="list-style-type: none"> <li>— All matters except treason, murder, rape.</li> <li>— Imprisonment not exceeding three years.</li> <li>— Fine not exceeding R60 000 and as determined by notice in Gazette from time to time.</li> <li>— Cases up to 25 years imprisonment where it is specified in an Act.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>— Other jurisdiction as determined by various Acts of Parliament.</li> <li>• Civil Jurisdiction: <ul style="list-style-type: none"> <li>— Up to a specific monetary value (R100 000) or unlimited amount if consented to by parties.</li> <li>— Hearing of applications to leave to appeal in terms of Section 309(B) of the Criminal Procedure, Act No 51 of 1977.</li> <li>— Private law Jurisdiction: <ul style="list-style-type: none"> <li>Jurisdiction in respect of person (section 28 of the Magistrates' Courts Act, 1944);</li> <li>Orders for arrest <i>tanquam suspectus de fuga</i> (section 30 of the Magistrates' Courts Act, 1944);</li> <li>Orders for attachments (section 30 of the Magistrates' Courts Act, 1944);</li> <li>Interdicts (section 30 of the Magistrates' Courts Act, 1944);</li> <li>Mandamenten van spolie (section 30 of the Magistrates' Courts Act, 1944);</li> <li>Jurisdiction in respect of appeals against decisions of chiefs, headmen and chiefs' deputies (section 29 of the Magistrates' Courts Act, 1944);</li> <li>Insolvency matters inquiries in terms of the Insolvency Act;</li> <li>Orders with regard to maintenance matters, including the determination of fathership in terms of the Maintenance Act ;</li> <li>Breach of Peace orders in terms of the Criminal Procedure Act;</li> <li>Orders for abortion in terms of the Abortion and Sterilization Act;</li> <li>Orders in terms of the Alteration of Sex Description and Sex Status Act.</li> </ul> </li> </ul> </li> <li>— Family Law.</li> <li>— Orders in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000.</li> <li>— Orders in terms of the Promotion of Administrative Justice Act, No. 3 of 2000.</li> <li>— Orders in terms of Promotion of Access to Information Act, No. 2 of 2000.</li> </ul> <p>Where the court house qualifies for the provisioning of four to nine magistrate posts, the Senior Magistrate will have the opportunity to fulfil the role of Judicial and / or Sub-Cluster Head – duties described below.</p>
<p><b>Key Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• The duties of magistrates are set out in the Magistrates' Court Act 32 of 1944 as amended: <ul style="list-style-type: none"> <li>Section 12 (1)</li> <li>A magistrate- <ul style="list-style-type: none"> <li>(a) may hold a court, provided that a court of a regional division may only be held by a magistrate of the regional division;</li> <li>(b) shall possess the powers and perform the duties conferred or imposed upon magistrates by any law for the time being in force within the province wherein his district is situate;</li> <li>(c) shall be subject to the administrative control of the head of the administrative region in which his or her district is situate;</li> </ul> </li> </ul> </li> <li>• Specific duties include: <ol style="list-style-type: none"> <li>1. <i>Judicial duties – administrative and managerial or duties of another nature:</i> <ul style="list-style-type: none"> <li>— Deal with administrative matters which arise in relating to cases such as fixing a date for trial or preparing court statistics.</li> <li>— Operating recording machinery and changing tapes when necessary.</li> </ul> </li> <li>2. <i>Adjudicatory duties:</i> <ul style="list-style-type: none"> <li>— Adjudicate in more complex cases.</li> <li>— Observe and maintain the principle of judicial independence by keeping at a distance from any source of power or influence so as to apply the law fearlessly and without favour or prejudice.</li> <li>— Act fairly and competently in applying the law to the facts.</li> <li>— Be accountable in respect of civil court and criminal court work (to the public and to the High court).</li> <li>— Prepare for trials.</li> </ul> </li> </ol> </li> </ul>

- Prepare a written judgement once the trial / hearing has concluded.
  - Prepare or finalise rulings on the admissibility of evidence and other procedural matters which have arisen in the course of the current trial or hearing.
  - Undertake research on legal issues.
  - Perform informal inquests, admission of guilt, reviews, etc.
- These duties can further be defined as:
- Visits to prisons.
  - Reception orders.
  - Inquests.
  - Substance abuse enquiry and rehabilitation orders.
  - Quality Assurance and training.
  - Children's court enquiry.
  - International assistance in criminal matters.
  - Interrogatory commissions.
  - Extradition.
  - Search warrants.
  - Arrest warrants.
  - Insolvencies.
  - Marriages.
  - Performing animals permits.
  - Human tissue removal.
  - Psychiatric observation of offenders.
  - Disposal of exhibits.
  - Forfeiture orders – diverse.
  - Disqualification orders relating to arms, ammunition and motor vehicles.
  - Protocol relating to foreign visiting ships.
  - Attending seminars, workshops and meetings.
  - Fencing Act enquiries.
  - Remission of bail monies.
  - Sitting as assessor in High Court.
  - Taking confessions.
  - Appeals from courts of Chiefs and Headmen.
  - Commenting on draft legislation.
  - Relief duties in clusters and regional courts when necessary.

- Additional duties:
- Assist in lecturing at the Justice College in area of expertise if necessary.
  - Assist with ad hoc projects to develop the lower court structure.
  - Any other duties as set out in law or manual.
- Duties of Head of Office
- Efficient administration of justice within their own office and district.
  - Perform managerial functions within a sub-region:
    - Cooperation with all role-players in the justice system, e.g. Ministry, SAPS, etc.
    - Cooperation with the Magistrates Commission.
    - Allocate cases to Magistrates.
    - Optimization of court hours.
    - Court management.

		<p>Case-flow management benchmarking.</p> <p>Evaluation and submission of judicial statistical data.</p> <p>Analysis of awaiting trial prisoners and facilitating appropriate intervention.</p> <p>Maintain the filing system.</p> <p>Head of court house and all functions related thereto.</p> <p>Establishment / termination of periodical courts.</p> <p>Perform Human Resource functions including appraisals and supervision, administration, appointments, establishing and evaluation of training requirements and training needs and guidance.</p> <p>Handling of grievances and discipline.</p> <p>Financial Resource Management.</p> <p>Management of Equipment of court(s).</p>
<b>Minimum /Certification</b>	<b>Education</b>	B Degree (M+3) in law with 8 years legal experience
<b>Prerequisite Knowledge</b>	<b>Skills and</b>	<ul style="list-style-type: none"> <li>• Have a good understanding of all procedure as in legislation, the Judicial Manual for District Courts and all other relevant information that is published from time to time. In statutory offences there are more than 700 pieces of legislation, by-laws and regulations.</li> <li>• On appointment, the Magistrate should take the oath in terms of Section 9 (2) of the Magistrates' Court Act, 1944.</li> </ul>
<b>Competencies / Attributes</b>	<b>Key</b>	<ul style="list-style-type: none"> <li>• Understanding of the Rule of Law in a democratic society</li> <li>• An appreciation of a deserved reputation for integrity, honesty and independence</li> <li>• Standing and respect in both the legal profession and the community</li> <li>• Proven academic and professional ability</li> <li>• A rigorous personal discipline</li> <li>• Scholarship</li> <li>• Problem solving ability</li> <li>• Dignity</li> <li>• Rationality</li> <li>• An ability to handle a substantial workload with vigour, drive, diligence, skill and balance</li> <li>• A capacity for articulation</li> <li>• Social context awareness</li> <li>• Intolerance of injustice</li> <li>• Listening ability</li> </ul>

<b>Job / Position Title</b>	<b>Magistrate</b>
<b>Key Role</b>	The primary role of the magistrate is to adjudicate in the magistrates' courts without fear, favour or prejudice.
<b>Role impact</b>	<p>The role of magistrate has political, social and economic impact on various levels of which the following are examples:</p> <ul style="list-style-type: none"> <li>• Make value judgments in cases, based on human rights values.</li> <li>• Perform sophisticated legal analysis.</li> <li>• Protect individual rights.</li> <li>• Develop legal history.</li> <li>• Enforce fundamental societal norms.</li> <li>• Guard vulnerable adults and children.</li> <li>• Resolve conflict.</li> </ul> <p>The authority attached to this role is significant:</p> <ul style="list-style-type: none"> <li>• Determine guilt or innocence.</li> <li>• Determine the truthfulness or deceit of parties.</li> <li>• Determine the placement and maintenance of children.</li> <li>• Determine the punishment of offenders and the appropriate penalty for the offence.</li> </ul>
<b>Key Relationships</b>	<pre> graph TD     CC[Constitutional Court] --&gt; SCA[Supreme Court of Appeal]     SCA --&gt; HC[High Courts]     HC --&gt; RC[Regional Court Total: 309]     HC --&gt; DC[Divorce Court Total: 9]     HC --&gt; DistCt[District Court Total: 1545]     RC --&gt; RegCP[Reg Court President 10]     RC --&gt; RegMag[Reg Magist. 299]     DC --&gt; DivCP[Divorce Court President 2]     DC --&gt; DivMag[Div Court Magistrate 7]     DistCt --&gt; SGM[Special Grade Chief Mag 1]     DistCt --&gt; CM[Chief Magistrate 26]     DistCt --&gt; SM[Snr Magistrate 145]     DistCt --&gt; M[Magistrate 1373]     </pre> <p>Number of incumbents are estimated</p>
<b>Context of Court</b>	<p>Magisterial districts are clustered into regions within provincial boundaries. Regions are divided into sub regions. A magistrate's office is designated for efficiency purposes to exercise control in that region. Each sub region also has a magistrate's office designated for control.</p> <p>The District Court has Civil and Criminal Jurisdiction:</p> <ul style="list-style-type: none"> <li>• Criminal and Statutory Criminal Jurisdiction: <ul style="list-style-type: none"> <li>— All matters except treason, murder, rape.</li> <li>— Imprisonment not exceeding three years.</li> <li>— Fine not exceeding R60 000 and as determined by notice in Gazette from time to time.</li> <li>— Cases up to 25 years imprisonment where it is specified in an Act.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>— Other jurisdiction as determined by various Acts of Parliament.</li> <li>• Civil Jurisdiction: <ul style="list-style-type: none"> <li>— Up to a specific monetary value (R100 000) or unlimited amount if consented to by parties.</li> <li>— Hearing of applications to leave to appeal in terms of Section 309(B) of the Criminal Procedure, Act No 51 of 1977.</li> <li>— Private law Jurisdiction</li> </ul> </li> </ul> <p>Jurisdiction in respect of person (section 28 of the Magistrates' Courts Act, 1944);  Orders for arrest <i>tanquam suspectus de fuga</i> (section 30 of the Magistrates' Courts Act, 1944);  Orders for attachments (section 30 of the Magistrates' Courts Act, 1944);  Interdicts (section 30 of the Magistrates' Courts Act, 1944);  Mandamenten van spolie (section 30 of the Magistrates' Courts Act, 1944);  Jurisdiction in respect of appeals against decisions of chiefs, headmen and chiefs' deputies (section 29 of the Magistrates' Courts Act, 1944);  Insolvency matters inquiries in terms of the Insolvency Act;  Orders with regard to maintenance matters, including the determination of fathership in terms of the Maintenance Act ;  Breach of Peace orders in terms of the Criminal Procedure Act;  Orders for abortion in terms of the Abortion and Sterilization Act;  Orders in terms of the Alteration of Sex Description and Sex Status Act.</p> <ul style="list-style-type: none"> <li>— Family Law.</li> <li>— Orders in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000.</li> <li>— Orders in terms of the Promotion of Administrative Justice Act, No. 3 of 2000.</li> <li>— Orders in terms of Promotion of Access to Information Act, No. 2 of 2000.</li> </ul> <p>Depending on the geography of the court, a magistrate may also have administrative duties. Where a courthouse qualifies for the provisioning of three or less posts of Magistrates, the Magistrate (Judicial Head) are responsible for the efficient administration of justice within the court.</p>
<p><b>Key Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• The duties of magistrates are set out in the Magistrates' Courts Act 32 of 1944 as amended:  Section 12(1)  A magistrate- <ul style="list-style-type: none"> <li>(a) may hold a court, provided that a court of a regional division may only be held by a magistrate of the regional division;</li> <li>(b) shall possess the powers and perform the duties conferred or imposed upon magistrates by any law for the time being in force within the province wherein his district is situate;</li> <li>(c) shall be subject to the administrative control of the head of the administrative region in which his or her district is situate;</li> </ul> </li> <li>• Specific duties include: <ol style="list-style-type: none"> <li>1. <i>Judicial duties – administrative and managerial or duties of another nature</i> <ul style="list-style-type: none"> <li>— Deal with administrative matters which arise in relating to cases such as fixing a date for trial or preparing court statistics.</li> <li>— Operating recording machinery and changing tapes when necessary.</li> </ul> </li> <li>2. <i>Adjudicatory duties</i> <ul style="list-style-type: none"> <li>— Observe and maintain the principle of judicial independence by keeping at a distance from any source of power or influence so as to apply the law fearlessly and without favour or prejudice.</li> <li>— Act fairly and competently in applying the law to the facts.</li> <li>— Be accountable in respect of civil court and criminal court work (to the public and to the High court).</li> <li>— Prepare for trials.</li> </ul> </li> </ol> </li> </ul>

- Prepare a written judgement once the trial / hearing has concluded.
  - Prepare or finalise rulings on the admissibility of evidence and other procedural matters which have arisen in the course of the current trial or hearing.
  - Undertake research on legal issues.
  - Perform informal inquests, admission of guilt, reviews, etc.
- These duties can further be defined as:
    - Visits to prisons.
    - Reception orders.
    - Inquests.
    - Substance abuse enquiry and rehabilitation orders.
    - Quality Assurance and training.
    - Children's court enquiry.
    - International assistance in criminal matters.
    - Interrogatory commissions.
    - Extradition.
    - Search warrants.
    - Arrest warrants.
    - Insolvencies.
    - Marriages.
    - Performing animals permits.
    - Human tissue removal.
    - Psychiatric observation of offenders.
    - Disposal of exhibits.
    - Forfeiture orders – diverse.
    - Disqualification orders relating to arms, ammunition and motor vehicles.
    - Protocol relating to foreign visiting ships.
    - Attending seminars, workshops and meetings.
    - Fencing Act enquiries.
    - Remission of bail monies.
    - Sitting as assessor in High Court.
    - Taking confessions.
    - Appeals from courts of Chiefs and Headmen.
    - Commenting on draft legislation.
    - Relief duties in clusters and regional courts when necessary.
  - Additional duties:
    - Assist in lecturing at the Justice College in area of expertise if necessary.
    - Assist with ad hoc projects to develop the magistrate court structure.
    - Any other duties as set out in law or manual.
  - Head of Office Functions:
    - Provide administrative direction; allocate work (and cases) amongst Magistrates.
    - Cooperate with local role-players within the justice system.
    - Optimal utilization of court hours.
    - Case flow management / benchmarking.
    - Compile and submit judicial statistical data of court house.
    - Analyse awaiting trial prisoners.
    - Maintain filing system.



	<ul style="list-style-type: none"> <li>— Manage own court.</li> <li>— Perform Human Resources function in terms of evaluation for training purposes and quality assurance of Magistrates work.</li> <li>— Perform Financial Resource Management, i.e. budget.</li> <li>— Manage court house equipment.</li> </ul>
<b>Minimum Education / Certification</b>	B Degree (M+3) in law with 5 years legal experience
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Have a good understanding of all procedure as in legislation, the Judicial Manual for District Courts and all other relevant information that is published from time to time.</li> <li>• On appointment, the Magistrate should take the oath in terms of Section 9 (2) of the Magistrates' Court Act, 1944.</li> </ul>
<b>Competencies / Key Attributes</b>	<ul style="list-style-type: none"> <li>• Understanding of the Rule of Law in a democratic society</li> <li>• An appreciation of a deserved reputation for integrity, honesty and independence</li> <li>• Standing and respect in both the legal profession and the community</li> <li>• Proven academic and professional ability</li> <li>• A rigorous personal discipline</li> <li>• Scholarship</li> <li>• Problem solving ability</li> <li>• Dignity</li> <li>• Rationality</li> <li>• An ability to handle a substantial workload with vigour, drive, diligence, skill and balance</li> <li>• A capacity for articulation</li> <li>• Social context awareness</li> <li>• Intolerance of injustice</li> <li>• Listening ability</li> </ul>

<b>Job / Position Title</b>	<b>Presiding Officer of the Divorce Court</b>
<b>Key Role</b>	The primary role of the presiding officer is to adjudicate in the divorce courts without fear, favour or prejudice.
<b>Role impact</b>	<p>The role of presiding officer has political, social and economic impact on various levels of which the following are examples:</p> <ul style="list-style-type: none"> <li>• Make value judgments in cases, based on human rights values.</li> <li>• Perform sophisticated legal analysis.</li> <li>• Protect individual rights.</li> <li>• Develop legal history.</li> <li>• Enforce fundamental societal norms.</li> <li>• Guard vulnerable adults and children.</li> <li>• Resolve conflict.</li> </ul> <p>The authority attached to this role is significant:</p> <ul style="list-style-type: none"> <li>• Determine the truthfulness or deceit of parties.</li> <li>• Determine the placement and maintenance of children.</li> </ul>
<b>Key Relationships</b>	<pre> graph TD     subgraph High_Courts [High Courts]         CC[Constitutional Court]         SCA[Supreme Court of Appeal]         HCA[High Courts including High Court of Appeal]     end     subgraph Magistrates_Courts [Magistrates Courts]         subgraph Regional_Courts [Regional Court]             RC[Reg Court President (10)]             RM[Reg Magist. (299)]         end         subgraph Divorce_Courts [Divorce Court]             DC[Divorce Court President (2)]             DCM[Div Court Magistrate (7)]         end         subgraph District_Courts [District Court]             SGCMS[Special Grade Chief Mag (1)]             CM[Chief Magistrate (26)]             SSM[Snr Magistrate (145)]             M[Magistrate (1373)]         end     end     High_Courts --- Magistrates_Courts     </pre> <p>Number of incumbents are estimated</p>
<b>Context of Court</b>	Established in terms of Section 10 of the Admin Amendment Act, 1929. There are three divisions of divorce courts in South Africa – North Eastern Divorce Court, Southern Divorce Court and the Central Divorce Court – with their respective areas of jurisdiction.
<b>Key Responsibilities</b>	<ul style="list-style-type: none"> <li>• The duties of magistrates are set out in the Magistrates' Courts Act 32 of 1944 as amended: Section 12(1) A magistrate- <ul style="list-style-type: none"> <li>(a) may hold a court, provided that a court of a regional division may only be held by a magistrate of the regional division;</li> <li>(b) shall possess the powers and perform the duties conferred or imposed upon magistrates by any law for the time being in force within the province wherein his district is situate;</li> </ul> </li> </ul>

(c) shall be subject to the administrative control of the head of the administrative region in which his or her district is situate;

- Specific duties include:
  - Preparation for presiding in court.
    - All case files are perused to – familiarize oneself with the matter.
      - Check for pleadings to be closed.
      - Check for compliance with the rules of the court.
      - Check that prescribed fees have been paid.
      - Check that other statutory requirements have been complied with, eg Central Statistical Services' returns.
  - In Court:
    - Take charge and control of the proceedings.
    - Ensure that recording machine is ready and functioning.
    - Operated the recording machine and change tapes when necessary.
    - Hear opening arguments.
    - Determine and approve issues to be tried.
    - Approve a settlement, if any.
    - Hear evidence and cross-examination on issues.
    - Lead evidence of parties appearing in person and guide their cross-examination where applicable.
    - Evaluate the evidence as it is given.
    - Evaluate Family Advocate's report re custody.
    - Evaluate expert evidence.
    - Rule on applications/objections as the hearing progresses.
    - Apply private international law in foreign marriages.
    - Apply international law and conventions on custody of minors.
    - Hear arguments by the parties in person or their legal representatives.
    - Deliver ex tempore judgment and pronounce relevant orders.
    - Otherwise reserve judgment, to deliver it when compiled.
  - Orders that may be given:
    - Decree of divorce/Order for dissolution of a marriage or customary union.
    - Order nullity of marriage or customary union.
    - Order division of joint estate.
    - Order redistribution/transfer of assets of one party to the other.
    - Order for forfeiture of benefit/asset.
    - Order in connection with some commercial contracts between parties if such connected to the marriage relationship of the parties.
    - Order for custody of minor/dependant children.
    - Determine paternity of minor child when such is relevant.
    - Order re maintenance and related issues of the children.
    - Order spouse maintenance.
    - Decide/approve/disapprove/redraft contracts for the marriage of second and subsequent wife in terms of the *Recognition of Customary Marriages Act 102 of 1998*.
    - Decide on applications in terms of the Access by Natural Fathers of Children Born out of Wedlock Act 86 of 1997.
    - Decide on applications stante matrimonio in terms of the *Matrimonial Property Act 88 of 1984*.
    - Order for costs.
  - In Chambers:
    - Hear ex parte and unopposed applications.
    - Hear the parties or their legal representatives in fitting cases.
    - Preside in pre-trial conferences and consultations.

	<p>Do research into developments in law.</p> <p>Research and write/type judgments and reports.</p> <p>Attend to matters of self-development.</p>
<b>Minimum Education / Certification</b>	<ul style="list-style-type: none"> <li>• B Degree (M+3) in law with 5 years legal experience.</li> <li>• Appointed by Minister after consultation with Magistrates Commission.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>• Have a good understanding of all procedure as in legislation, the Judicial Manual for District Courts and all other relevant information that is published from time to time.</li> <li>• On appointment, the Magistrate should take the oath in terms of Section 9 (2) of the Magistrates' Court Act, 1944.</li> </ul>
<b>Competencies / Key Attributes</b>	<ul style="list-style-type: none"> <li>• Understanding of the Rule of Law in a democratic society</li> <li>• An appreciation of a deserved reputation for integrity, honesty and independence</li> <li>• Standing and respect in both the legal profession and the community</li> <li>• Proven academic and professional ability</li> <li>• A rigorous personal discipline</li> <li>• Scholarship</li> <li>• Problem solving ability</li> <li>• Dignity</li> <li>• Rationality</li> <li>• An ability to handle a substantial workload with vigour, drive, diligence, skill and balance</li> <li>• A capacity for articulation</li> <li>• Social context awareness</li> <li>• Intolerance of injustice</li> <li>• Listening ability</li> </ul>

<b>Job / Position Title</b>	<b>President of the Divorce Court</b>
<b>Key Role</b>	The primary role of the president of the Divorce Court is to adjudicate in the divorce courts without fear, favour or prejudice.
<b>Role impact</b>	<p>The role of president has political, social and economic impact on various levels of which the following are examples:</p> <ul style="list-style-type: none"> <li>• Make value judgments in cases, based on human rights values.</li> <li>• Perform sophisticated legal analysis.</li> <li>• Protect individual rights.</li> <li>• Develop legal history.</li> <li>• Enforce fundamental societal norms.</li> <li>• Guard vulnerable adults and children.</li> <li>• Resolve conflict.</li> </ul> <p>The authority attached to this role is significant:</p> <ul style="list-style-type: none"> <li>• Determine the truthfulness or deceit of parties.</li> <li>• Determine the placement and maintenance of children.</li> </ul>
<b>Key Relationships</b>	<pre> graph TD     subgraph High_Courts [High Courts]         CC[Constitutional Court]         SCA[Supreme Court of Appeal]         HCA[High Courts including High Court of Appeal]     end     subgraph Magistrates_Courts [Magistrates Courts]         subgraph Regional_Court [Regional Court Total: 309]             RCP[Reg Court President (10)]             RM[Reg Magist. (299)]         end         subgraph Divorce_Court [Divorce Court Total: 9]             DCP[Divorce Court President (2)]             DCM[Div Court Magistrate (7)]         end         subgraph District_Court [District Court Total: 1545]             SGCMS[Special Grade Chief Mag (1)]             CM[Chief Magistrate (26)]             SM[Snr Magistrate (145)]             M[Magistrate (1373)]         end     end     High_Courts --- Magistrates_Courts   </pre> <p>Number of incumbents are estimated</p>
<b>Context of Court</b>	Established in terms of Section 10 of the Admin Amendment Act, 1929. There are three divisions of divorce courts in South Africa – North Eastern Divorce Court, Southern Divorce Court and the Central Divorce Court – with their respective areas of jurisdiction.

**Key Responsibilities**

- The duties of magistrates are set out in the Magistrates' Courts Act 32 of 1944 as amended:

**Section 12(1)****A magistrate-**

- (a) may hold a court, provided that a court of a regional division may only be held by a magistrate of the regional division;
- (b) shall possess the powers and perform the duties conferred or imposed upon magistrates by any law for the time being in force within the province wherein his district is situate;
- (c) shall be subject to the administrative control of the head of the administrative region in which his or her district is situate;

- Specific duties include:

**— Preparation for presiding in court:**

All case files are perused to – familiarize oneself with the matter.

- Check for pleadings to be closed.
- Check for compliance with the rules of the court.
- Check that prescribed fees have been paid.
- Check that other statutory requirements have been complied with, eg Central Statistical Services' returns.

**— In Court:**

- Take charge and control of the proceedings.
- Ensure that recording machine is ready and functioning.
- Operated the recording machine and change tapes when necessary.
- Hear opening arguments.
- Determine and approve issues to be tried.
- Approve a settlement, if any.
- Hear evidence and cross-examination on issues.
- Lead evidence of parties appearing in person and guide their cross-examination where applicable.
- Evaluate the evidence as it is given.
- Evaluate Family Advocate's report re custody.
- Evaluate expert evidence.
- Rule on applications/objections as the hearing progresses.
- Apply private international law in foreign marriages.
- Apply international law and conventions on custody of minors.
- Hear arguments by the parties in person or their legal representatives.
- Deliver ex tempore judgment and pronounce relevant orders.
- Otherwise reserve judgment, to deliver it when compiled.

**— Orders that may be given:**

- Decree of divorce/Order for dissolution of a marriage or customary union.
- Order nullity of marriage or customary union.
- Order division of joint estate.
- Order redistribution/transfer of assets of one party to the other.
- Order for forfeiture of benefit/asset.
- Order in connection with some commercial contracts between parties if such connected to the marriage relationship of the parties.
- Order for custody of minor/dependant children.
- Determine paternity of minor child when such is relevant.
- Order re maintenance and related issues of the children.
- Order spouse maintenance.
- Decide/approve/disapprove/redraft contracts for the marriage of second and subsequent wife in terms of the Recognition of Customary Marriages Act 102 of 1998.

	<ul style="list-style-type: none"> <li>Decide on applications in terms of the Access by Natural Fathers of Children Born out of Wedlock Act 86 of 1997.</li> <li>Decide on applications stante matrimonio in terms of the Matrimonial Property Act 88 of 1984.</li> </ul> <p>Order for costs.</p> <p>— In Chambers:</p> <ul style="list-style-type: none"> <li>Hear ex parte and unopposed applications.</li> <li>Hear the parties or their legal representatives in fitting cases.</li> <li>Preside in pre-trial conferences and consultations.</li> <li>Do research into developments in law.</li> <li>Research and write/type judgments and reports.</li> <li>Attend to matters of self-development.</li> </ul> <p>— Additional duties:</p> <ul style="list-style-type: none"> <li>Generally manage the Court and ensure it is properly equipped in terms of Buildings and infrastructure, Human resource needs, Furniture and equipment, and Budget.</li> <li>Give guidance to the Registrar and staff regarding the execution of their legal duties.</li> <li>Give guidance and training to presiding officers through judgments and hold discussions for the improvement of judgements.</li> <li>Attend to and resolve problems involving officers of the court and presiding officers, as well as with members of the public.</li> <li>Study law reports and publications for developments and changes in the relevant field of the law.</li> <li>Approve court rolls.</li> <li>Arrange circuits.</li> <li>Allocate cases, especially trials.</li> <li>Constantly evaluate efficacy of the Court's rules and procedures.</li> <li>Issue practice notices when necessary to augment the rules of procedure.</li> <li>Liaise with outside instances about matters of common interest.</li> <li>Attend to community outreach programmes and meetings.</li> <li>Make input in the rationalization and transformation of the Court.</li> <li>Be appeal authority for taxation of Bills of costs.</li> </ul>
<b>Minimum Education / Certification</b>	<ul style="list-style-type: none"> <li>B Degree (M+3) in law with 5 years legal experience.</li> <li>Appointed by Minister after consultation with Magistrates Commission.</li> </ul>
<b>Prerequisite Skills and Knowledge</b>	<ul style="list-style-type: none"> <li>Have a good understanding of all procedure as in legislation, the Judicial Manual for District Courts and all other relevant information that is published from time to time.</li> <li>On appointment, the Magistrate should take the oath in terms of Section 9 (2) of the Magistrates' Court Act, 1944.</li> </ul>
<b>Competencies / Key Attributes</b>	<ul style="list-style-type: none"> <li>Understanding of the Rule of Law in a democratic society</li> <li>An appreciation of a deserved reputation for integrity, honesty and independence</li> <li>Standing and respect in both the legal profession and the community</li> <li>Proven academic and professional ability</li> <li>A rigorous personal discipline</li> <li>Scholarship</li> <li>Problem solving ability</li> <li>Dignity</li> <li>Rationality</li> <li>An ability to handle a substantial workload with vigour, drive, diligence, skill and balance</li> <li>A capacity for articulation</li> <li>Social context awareness</li> <li>Intolerance of injustice</li> <li>Listening ability</li> </ul>

# ANNEXURE E: PEROMNES GRADING RESULTS

Peromnes Grade	National Executive	National Assembly	NCOP	Provincial Legislature	Local Government (Grade 6)	Judiciary	Traditional Leaders
1++	• President						
1+	• Deputy President						
1						• Chief Justice	
2	• Minister	• Speaker	• Chairperson	• Premier		• Deputy Chief Justice. • President of Supreme Court of Appeal.	
3	• Deputy Minister	• Leader of Opposition				• Judge of the Constitutional Court. • Deputy President of the Supreme Court of Appeal. • Judge of the Supreme Court of Appeal. • Judge President of the High Court. • Deputy Judge President of the High Court.	
4		• Deputy Speaker • House Chair	• Deputy Chairperson • House Chair	• Speaker • Leader of Opposition • Member of Executive Council	• Executive Mayor	• Judge of the High Court. • Regional Court President. • Special Grade Chief Magistrate. • President of the Divorce Court	
5		• Chief Whip: Majority Party • Parliamentary Councillor: President • Parliamentary Councillor: Deputy President • Chairperson of Portfolio Committee • Chair of Joint Monitoring Committee	• Chairperson of Select Committee	• Deputy Speaker	• Deputy Executive Mayor • Mayor	• Chief Magistrate. • Regional Magistrate.	• Chairperson: NHTL • King



6		<ul style="list-style-type: none"> <li>• Deputy Chief Whip: Majority Party</li> <li>• Deputy Chief Whip: Largest Minority</li> <li>• Leader's of Minority Parties</li> </ul>	<ul style="list-style-type: none"> <li>• Deputy Chairperson of Select Committee</li> <li>• Chief Whip</li> </ul>	<ul style="list-style-type: none"> <li>• Chairperson of Committees</li> <li>• Deputy Chairperson of Committees</li> <li>• Chairperson of Portfolio Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Speaker / Chairperson</li> <li>• Deputy Mayor</li> </ul>	<ul style="list-style-type: none"> <li>• Senior Magistrate</li> </ul>	<ul style="list-style-type: none"> <li>• Deputy Chairperson : NHTL</li> </ul>
7		<ul style="list-style-type: none"> <li>• Whip</li> <li>• Member</li> </ul>	<ul style="list-style-type: none"> <li>• Programming Whip</li> <li>• Provincial Whip</li> <li>• Permanent Delegates</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Whip: Majority Party</li> <li>• Deputy Chief Whip: Majority Party</li> <li>• Chief Whip: Largest Minority</li> <li>• Leader's of Minority Parties</li> </ul>	<ul style="list-style-type: none"> <li>• Member of Executive Council</li> <li>• Chairperson of Sub Council</li> <li>• Member of Mayoral Committee</li> </ul>	<ul style="list-style-type: none"> <li>• District Magistrate</li> <li>• Presiding Officer of the Divorce Courts</li> </ul>	<ul style="list-style-type: none"> <li>• Chairperson : PHTL</li> </ul>
8				<ul style="list-style-type: none"> <li>• Whip</li> </ul>			<ul style="list-style-type: none"> <li>• Deputy Chairperson : PHTL</li> </ul>
9				<ul style="list-style-type: none"> <li>• Member of Provincial Legislature</li> </ul>	<ul style="list-style-type: none"> <li>• Whip</li> </ul>		<ul style="list-style-type: none"> <li>• Member of NHTL</li> <li>• Senior Traditional Leader</li> </ul>
10					<ul style="list-style-type: none"> <li>• Municipal Councillor</li> </ul>		<ul style="list-style-type: none"> <li>• Headman</li> <li>• Member of PHTL</li> </ul>

# ANNEXURE F: COMPARATIVE GRADING TABLES

GROUP	CURRENT GRADING TABLES				PERSONNES GRADING RESULTS				STAKEHOLDER INPUT			
	Grade	Position	Position	Position	Grade	Position	Position	Position	Grade	Position	Position	Position
		National	Provincial	Local		National	Provincial	Local		National	Provincial	Local
Executive	H	President			1++	President			1++	President		
	G	Deputy President			1+	Deputy President			1+	Deputy President		
	F	Minister			1				1			
					2	Minister			2	Minister		
	E1	Deputy Minister			3	Deputy Minister			3	Deputy Minister		
Legislature	F	Speaker: NA	Premier		3	Speaker: NA	Premier		2	Speaker: NA	Premier	
		Chairperson: NCOP				Chairperson: NCOP				Chairperson: NCOP		
	E1	Deputy Speaker	MEC			Leader of Opposition			3			
		Deputy Chairperson: NCOP	Speaker		4	Deputy Speaker		Executive Mayor	4	Deputy Speaker	Speaker	Executive Mayor
	E2	Leader of the Opposition				Deputy Chairperson: NCOP				Deputy Chairperson: NCOP	MEC	
		PC: President				House Chairperson				House Chairperson		
		Chief Whip: Majority Party			5	PC: President	Deputy Speaker	Mayor	5	Leader of Opposition	Leader of Opposition	Mayor
		Chief Whip: NCOP				PC: Deputy President		Deputy Executive Mayor		PC: President	Deputy Speaker	Deputy Executive Mayor
	D	PC: Deputy President	Deputy Speaker			Chief Whip: Majority Party				PC: Deputy President		
		House Chairperson				Chairperson of a Committee				Chief Whip: Majority Party		
	C1	Chairperson of a Committee	Chief Whip: Majority Party		6	Deputy Chief Whip: Majority Party	Chair of Committees	Speaker / Chairperson		Chairperson of a Committee		
	C2	Chief Whip: Largest Minority Party	Leader of Opposition			Chief Whip: Largest Minority Party	Deputy Chair of Committees	Deputy Mayor		Chief Whip: NCOP		
		Deputy Chief Whip: Majority Party	Chair of Committees			Leader of a Minority Party	Chairperson of a Committee		6	Deputy Chief Whip: Majority Party	Chair of Committees	Speaker / Chairperson
		Deputy Chair of a Committee	Chairperson of a Committee			Chief Whip: NCOP				Chief Whip: Largest Minority Party	Deputy Chair of Committees	Deputy Mayor
	B	Leader of a Minority Party	Chief Whip: Largest Minority Party		7	Whip	Chief Whip: Majority Party	MEC		Leader of a Minority Party	Chairperson of a Committee	
		Whip	Deputy Chief Whip: Majority Party			Member: NA	Deputy Chief Whip: Majority Party	Chairperson of a sub-council			Chief Whip: Majority Party	
			Deputy Chair of Committees			Permanent Delegate: NCOP	Chief Whip: Largest Minority Party		7	Whip	Deputy Chief Whip: Majority Party	MEC
	A1	Member: NA	Leader: Provincial Legislature				Leader of a Minority Party			Member: NA	Chief Whip: Largest Minority Party	Member of a Mayoral Council
		Permanent Delegate: NCOP	Leader of a Minority Party		8		Whip			Permanent Delegate: NCOP	Leader of a Minority Party	Chairperson of a sub-council
			Whip		9		MPL	Whip			PC to a King	
								Member of a Mayoral Council	8		Whip	Whip
	A2		MPL		10			Municipal Councillor	9		MPL	Municipal Councillor

CONSOLIDATED STAKEHOLDER INPUTS												
GROUP	Grade	Position	Position	Position	Grade	Position	Position	Position	Grade	Position	Position	Position
		National	Provincial	Local		National	Provincial	Local		National	Provincial	Local
Judiciary		Chief Justice			1	Chief Justice			1	Chief Justice		
		Deputy Chief Justice			2	Deputy Chief Justice			2	Deputy Chief Justice		
		President: SCA				President: SCA				President: SCA		
		Deputy President: SCA			3	Judge of the Constitutional Court			3	Judge of the Constitutional Court		
		Judge of the Constitutional Court				Deputy President: SCA				Deputy Presidents: SCA		
		Judge of the SCA				Judge of the SCA				Judge of the SCA		
		Judge President of a High Court				Judge President of a High Court				Judge President of a High Court		
		Judge President of a Labour Court				Judge President of a Labour Court				Judge President of a Labour Court		
		Deputy Judge President of a High Court				Deputy Judge President of a High Court				Deputy Judge President of a High Court		
		Deputy Judge President of a Labour Court				Deputy Judge President of a Labour Court				Deputy Judge President of a Labour Court		
		Judge of a High Court			4	Judge of a High Court			4	Judge of a High Court		
		Judge of a Labour Court				Judge of a Labour Court				Judge of a Labour Court		
		Special Grade Chief Magistrate				Special Grade Chief Magistrate				Special Grade Chief Magistrate		
		Regional Court President				Regional Court President				Regional Court President		
		Chief Magistrate				President of a Divorce Court				President of a Divorce Court		
		Regional Magistrate			5	Regional Magistrate			5	Regional Magistrate		
		Senior Magistrate				Chief Magistrate				Chief Magistrate		
					6	Senior Magistrate				Presiding Officer: Divorce Court		
					7	Magistrate			6	Senior Magistrate		
		Magistrate				Presiding Officer: Divorce Court			7	Magistrate		
Traditional Leadership		King			5	King			5	King		
		Paramount Chief				Chairperson: NHTL				Chairperson: NHTL		
		Chairperson: NHTL			6	Deputy Chairperson: NHTL			6	Deputy Chairperson: NHTL		
		Deputy Chairperson: NHTL			7		Chairperson: PHTL		7		Chairperson: PHTL	
		Full time Chairperson: PHTL			8		Deputy Chairperson: PHTL		8	Member: NHTL	Deputy Chairperson: PHTL	
		Full time Deputy Chairperson: PHTL			9	Member: NHTL			9	Senior Traditional Leader	Member: PHTL	
		Chief				Senior Traditional Leader			10			Headman
		Part time Chairperson: PHTL			10		Member: PHTL	Headman				
		Part time Deputy Chairperson: PHTL										
		Part time Member: NHTL										
		Part time Member: PHTL										

# ANNEXURE G: CURRENT REMUNERATION TABLES

GRADING STRUCTURE, REMUNERATION AND ALLOWANCES FOR THE DEPUTY PRESIDENT, MINISTERS DEPUTY MINISTERS (NATIONAL EXECUTIVE AUTHORITY) WITH EFFECT FROM 01 APRIL 2006										
COLUMN 1		COLUMN 2 (NOTCH 1)			COLUMN 3 (NOTCH 2)			COLUMN 4 (NOTCH 3)		
Grade	Office	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration
Grade G	Deputy President	778754	194688	973442						
Grade F	Minister	643589	160898	804487	675781	168945	844726	707956	176988	884944
Grade E1	Deputy Minister	523104	130776	653880	549264	137315	686579	575410	143852	719262

GRADING STRUCTURE, REMUNERATION AND ALLOWANCES OF MEMBERS OF THE NATIONAL ASSEMBLY AND PERMANENT DELEGATES TO THE NATIONAL COUNCIL OF PROVINCES WITH EFFECT FROM 01 APRIL 2006										
COLUMN 1		COLUMN 2 (NOTCH 1)			COLUMN 3 (NOTCH 2)			COLUMN 4 (NOTCH 3)		
Grade	Office	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration
Grade F	Speaker: National Assembly (NA) Chairperson NCOP	643589	160898	804487	675781	168945	844726	707956	176988	884944
Grade E1	Deputy Speaker: NA Deputy Chairperson: NCOP	523104	130776	653880	549264	137315	686579	575410	143852	719262
Grade E2	Parliamentary Councilor (PC): President Chief Whip Majority Party in NA Chief Whip (CW): NCOP Leader of the Opposition i.t.o section 57(2)(d) of the Constitution	430928	107723	538660	452478	113120	565598	474042	118511	592553
Grade D	PC: Deputy President House Chairperson: NA & NCOP	409433	102358	511791	438097	109524	547621	450372	112593	562965
Grade C1	Chairperson of a Committee of a House or a Joint Committee	396745	99185	495930	424512	106128	530640	436404	109100	545504
Grade C2	CW: Official Opposition/Largest Minority Party in a House Deputy Chief Whip: Majority Party in a House	384497	96124	480621	411411	102852	514263	422947	105736	528683
Grade B	Leader of a House Whip in a House Leader of a Minority Party other than the official opposition where that leader is a member of the NA or a permanent delegate to the NCOP	368746	92258	461004	387485	96870	484355	405934	101484	507418
Grade A1	Member of NA Permanent Delegates	328252	82063	410315	351239	87810	439049	361082	90270	451352
All amounts reflected under the "Total remuneration" columns include an amount of R40 000 per annum determined in this Proclamation as the amount to which section 8(1)(d) of the Income Tax Act, 1962, applies.										

**UPPER LIMIT OF THE SALARIES AND ALLOWANCES OF PREMIERS, MEMBERS OF EXECUTIVE COUNCILS AND MEMBERS OF PROVINCIAL LEGISLATURES WITH EFFECT FROM 01 APRIL 2006**

COLUMN 1		COLUMN 2 (NOTCH 1)			COLUMN 3 (NOTCH 2)			COLUMN 4 (NOTCH 3)		
Grade	Office	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration	Basic salary	Motor vehicle allowance	Total remuneration
Grade F	Premier	643589	160898	804487	675781	168945	844726	707956	176988	884944
Grade E1	Executive Council member Speaker	523104	130776	653880	549264	137315	686579	575410	143852	719262
Grade D	Deputy Speaker	409433	102358	511791	438097	109524	547621	450372	112593	562965
Grade C1	Chief Whip: Majority Party	396745	99185	495930	424512	106128	530640	436404	109100	545504
Grade C2	Leader of Opposition i.t.o section 116(2)(d) of the Constitution Chairperson of a Committee of a Legislature Chairperson of Committees	384497	96124	480621	411411	102852	514263	422947	105736	528683
Grade B	Chief Whip: Official Opposition Largest Minority Party Deputy Chief Whip: Majority Party Deputy Chief Whip: Majority Party Deputy Chairperson of Committees	368746	92258	461004	387485	96870	484355	405934	101484	507418
Grade A1	Parliamentary Counsellor to the King Whip Leader of a Minority Party in a Legislature other than the Official Opposition	328252	82063	410315	351239	87810	439049	361082	90270	451352
Grade A2	Member of a Legislature	316132	79032	395164	325621	81404	407025	347755	86938	434693

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

REMUNERATION OF TRADITIONAL LEADERS WITH EFFECT FROM 01 APRIL 2006			
CATEGORY			ANNUAL SALARY
King/Paramount Chief			507038
Chief			121702
Chairperson NHTL			403033
Deputy Chairperson NHTL			349875
Full time Chairperson PHTL			369035
Full time Deputy Chairperson PHTL			328252
ALLOWANCES PAYABLE TO MEMBERS OF THE NATIONAL HOUSE OF TRADITIONAL LEADERS FOR ATTENDING MEETINGS OF THE HOUSE, SEMINARS, WORKSHOPS AND CONFERENCES, IN ADDITION TO THEIR SALARIES AS TRADITIONAL LEADERS			
CATEGORY	SITTING ALLOWANCE	SUBSISTENCE	TRANSPORT
Member	709,00 per day	Reasonable,actual expenses	Department of Transport tariffs for the use of privately owned vehicles
ALLOWANCES PAYABLE TO MEMBERS OF THE PROVINCIAL HOUSES OF TRADITIONAL LEADERS (WHO ARE NOT FULL TIME MEMBERS) FOR ATTENDING MEETINGS OF THE HOUSE, SEMINARS, WORKSHOPS AND CONFERENCES, IN ADDITION TO THEIR SALRIES AS TRADITIONAL LEADERS			
CATEGORY	SITTING ALLOWANCE	SUBSISTENCE	TRANSPORT
Chairperson	843,00 per day	Reasonable,actual expenses	Department of Transport tariffs for the use of privately owned vehicles
Deputy Chairperson	758,00 per day	Reasonable,actual expenses	Department of Transport tariffs for the use of privately owned vehicles
Member	588,00 per day	Reasonable,actual expenses	Department of Transport tariffs for the use of privately owned vehicles

<b>REMUNERATION OF CONSTITUTIONAL COURT JUDGES AND JUDGES WITH EFFECT FROM 01 APRIL 2006</b>	
<b>DESIGNATION OF OFFICE</b>	<b>SALARY PER ANNUM (R)</b>
Chief Justice of South Africa	769 995
Deputy Chief Justice	757 015
President of the Supreme Court of Appeal	757 015
Deputy President of the Supreme Court of Appeal	744 877
Judge of the Constitutional Court	708 811
Judge of the Supreme Court of Appeal	708 811
Judge President of the High Court	704 475
Judge President of the Labour Court	704 475
Deputy Judge President of the High Court	693 138
Deputy Judge President of Labour Court	693 138
Judge of the High Court	687 904
Judge of the Labour Court	687 904

<b>REMUNERATION OF MAGISTRATES WITH EFFECT FROM 01 APRIL 2006</b>			
<b>DESIGNATION OF OFFICE</b>	<b>SALARY PER ANNUM ( R )</b>	<b>MOTOR VEHICLE ALLOWANCE</b>	<b>TOTAL REMUNERATION</b>
Special Grade Chief Magistrate	434955	126736	561691
Regional Court President	434955	126736	561691
Chief Magistrate	351329	103484	454813
Regional Magistrate	351329	103484	454813
Senior Magistrate	317873	79468	397341
Magistrate	289167	72292	361459



## ANNEXURE H: CURRENT TOTAL REMUNERATION PACKAGES

### EXPLANATORY NOTE

The figures for basic salary and motor vehicle allowance in the tables below, are as reflected in the relevant Proclamations of 2006. The figures in respect of pension benefits were calculated at a rate of 22.5% of the basic salary, and represent the state's contribution to a pension fund in respect of the applicable public office bearer positions. The figures in respect of medical aid benefits have been calculated on either the maximum allowance by the state, or, in respect of Parmed contributions, on an assumed annual average state contribution for a main member who has one adult and two minor dependents.

### The Executive

Political Office	Grade	Notch	Basic Salary	MV allowance	Pension	Medical aid	Total Remuneration
President	H	1	886 078.56	295 359.44	/	/	1 181 438
Deputy President	G	1	778 754	194 688	175 220	40 278	1 188 940
Minister	F	1	643 589	160 898	144 807	40 278	989 572
		2	675 781	168 945	152 051	40 278	1 037 055
		3	707 956	176 988	159 290	40 278	1 084 512
Deputy Minister	E1	1	523 104	130 776	117 698	40 278	811 856
		2	549 264	137 315	123 584	40 278	850 441
		3	575 410	143 852	129 467	40 278	889 007

- The Remuneration of Public Office Bearers Act, 1998, determines that the National Assembly may determine by resolution upon the retirement or death of the President, the pension and other benefits payable to the President or dependants, as the case may be.
- Medical care is provided to the President by the state.

### National Assembly and NCOP

Political Office	Grade	Notch	Basic Salary	MV allowance	Pension	Medical aid	Total Remuneration
Speaker	F	1	643 589	160 898	144 807	40 278	989 572
Chairperson NCOP		2	675 781	168 945	152 051	40 278	1 037 055
		3	707 956	176 988	159 290	40 278	1 084 512
Deputy Speaker	E1	1	523 104	130 776	117 698	40 278	811 856
Deputy Chair NCOP		2	549 264	137 315	123 584	40 278	850 441
		3	575 410	143 852	129 467	40 278	889 007
Chief Whip Majority Party	E2	1	430 928	107 723	96 959	40 278	675 888
Chief Whip NCOP		2	452 478	113 120	101 808	40 278	707 684
PC: President		3	474 042	118 511	106 659	40 278	739 490
Leader of Opposition		1	409 433	102 358	92 122	40 278	644 191
PC: Dep President	D	2	438 097	109 524	98 572	40 278	686 471
House Chairperson		3	450 372	112 593	101 334	40 278	704 577
Chairperson of a Committee	C1	1	396 745	99 185	89 268	40 278	625 476
		2	424 512	106 128	95 515	40 278	666 433
		3	436 404	109 100	98 191	40 278	683 973
Chief Whip: Largest Minority Party	C2	1	384 497	96 124	86 512	40 278	607 411
Deputy Chief Whip: Majority Party		2	411 411	102 852	92 567	40 278	647 108
		3	422 947	105 736	95 163	40 278	664 124
Leader of Minority Party	B	1	368 746	92 258	82 968	40 278	584 250
Whip		2	387 485	96 870	87 184	40 278	611 817
		3	405 934	101 484	91 335	40 278	639 031
Member of NA	A1	1	328 252	82 063	73 857	40 278	524 450
Permanent Delegate: NCOP		2	351 239	87 810	79 029	40 278	558 356
		3	361 082	90 270	81 243	40 278	572 873

## Members of Executive Councils and Members of Provincial Legislatures

Political Office	Grade	Notch	Basic Salary	MV allowance	Pension	Medical aid	Total Remuneration
Premier	F	1	643 589	160 898	144 807	40 278	989 572
		2	675 781	168 945	152 051	40 278	1 037 055
		3	707 956	176 988	159 290	40 278	1 084 512
MEC Speaker	E1	1	523 104	130 776	117 698	40 278	811 856
		2	549 264	137 315	123 584	40 278	850 441
		3	575 410	143 852	129 467	40 278	889 007
Deputy Speaker	D	1	409 433	102 358	92 122	40 278	644 191
		2	438 097	109 524	98 572	40 278	686 471
		3	450 372	112 593	101 334	40 278	704 577
Chief Whip: Majority Party	C1	1	396 745	99 185	89 268	40 278	625 476
		2	424 512	106 128	95 515	40 278	666 433
		3	436 404	109 100	98 191	40 278	683 973
Leader of Opposition Chairperson of a Committee Chairperson of Committees	C2	1	384 497	96 124	86 512	40 278	607 411
		2	411 411	102 852	92 567	40 278	647 108
		3	422 947	105 736	95 163	40 278	664 124
Chief Whip: Largest Minority Party Deputy Chief Whip: Majority Party Deputy Chairperson of Committees	B	1	368 746	92 258	82 968	40 278	584 250
		2	387 485	96 870	87 184	40 278	611 817
		3	405 934	101 484	91 335	40 278	639 031
Parliamentary Counsel to the King Whip Leader of a Minority Party	A1	1	328 252	82 063	73 857	40 278	524 450
		2	351 239	87 810	79 029	40 278	558 356
		3	361 082	90 270	81 243	40 278	572 873
MPL	A2	1	316 132	79 032	71 130	40 278	506 572
		2	325 621	81 404	73 265	40 278	520 568
		3	347 755	86 938	78 245	40 278	553 216

## Traditional Leaders

Position	Total remuneration	Allowances (in addition to salaries as Traditional Leaders)
King / Paramount Chief	507 038	
Chief	121 702	
Chairperson NHTL	403 033	
Deputy Chairperson NHTL	349 875	
Full time Chairperson PHTL	369 035	
Full time Deputy Chairperson PHTL	328 252	
Member of the NHTL		709 per day of attendance
Part time Chairperson PHTL		843 per day of attendance
Part time Deputy Chairperson PHTL		758 per day of attendance
Part time Member of a PHTL		588 per day of attendance

**Judiciary**

Official Position	Basic Salary	MV allowance	Medical aid	Pension	Total Remuneration
Chief Justice	769 995	224 029	40 278	58 061	1 092 363
Deputy Chief Justice	757 015	224 029	40 278	57 082	1 078 404
President of the SCA	757 015	224 029	40 278	57 082	1 078 404
Deputy President of the SCA	744 877	224 029	40 278	56 167	1 065 351
Judge of the Constitutional Court	708 811	224 029	40 278	53 447	1 026 565
Judge of the SCA	708 811	224 029	40 278	53 447	1 026 565
Judge President of the High Court	704 475	224 029	40 278	53 120	1 021 902
Judge President of the Labour Court	704 475	224 029	40 278	53 120	1 021 902
Deputy Judge President of the High Court	693 138	224 029	40 278	52 265	1 009 710
Deputy Judge President of the Labour Court	693 138	224 029	40 278	52 265	1 009 710
Judge of the High Court	687 904	224 029	40 278	51 871	1 004 082
Judge of the Labour Court	687 904	224 029	40 278	51 871	1 004 082

**Magistrates**

Official Position	Basic Salary	13 <sup>th</sup> cheque	Vehicle allowance	Medical aid	Housing	Pension	Total Remuneration
Special Grade Chief Magistrate	434 955	36 246	126 736	15 600	4 488	56 544	674 569
Regional Court President	434 955	36 246	126 736	15 600	4 488	56 544	674 569
Chief Magistrate	351 329	29 277	103 484	15 600	4 488	45 673	549 851
Regional Magistrate	351 329	29 277	103 484	15 600	4 488	45 673	549 851
Senior Magistrate	317 873	26 489	79 468	15 600	4 488	41 323	485 242
Magistrate	289 167	24 097	72 292	15 600	4 488	37 592	443 236

**Local Government: Grade 6 Municipality**

Official Position	Basic	Vehicle allowance	Pension	Medical aid	Cellular phone	Total Remuneration
Executive Mayor	510 114	170 038	76 517	12 168	25 380	794 217
Mayor	510 114	170 038	76 517	12 168	25 380	794 217
Deputy Executive Mayor	408 092	136 030	61 214	12 168	12 684	630 188
Speaker / Chairperson	408 092	136 030	61 214	12 168	12 684	630 188
Deputy Mayor	408 092	136 030	61 214	12 168	12 684	630 188
MEC	382 586	127 528	57 388	12 168	12 684	592 354
Chairperson of Sub Council	382 586	127 528	57 388	12 168	12 684	592 354
MMC	382 586	127 528	57 388	12 168	12 684	592 354
Whip	382 586	127 528	57 388	12 168	12 684	592 354

\* Office-bearers receive a cellular phone allowance as part of the guaranteed cash portion of their salaries

# ANNEXURE I: RECOMMENDED REMUNERATION TABLES

NATIONAL EXECUTIVE AND DEPUTY MINISTERS					
GRADE	PAY LEVEL	POSITION	CURRENT TOTAL PACKAGE	RECOMMENDED TOTAL REMUNERATION	EXPLANATION
EA	1	President	1 181 438	1 898 400	A + 10%
EB	1	Deputy President	1 188 940	1 708 600	Anchor (A)
EC	1	Minister	1 084 512	1 452 300	A – 15%
ED	1	Deputy Minister	889 007	1 196 000	A – 30%

NATIONAL PARLIAMENT					
GRADE	PAY LEVEL	POSITION	CURRENT TOTAL PACKAGE	RECOMMENDED TOTAL REMUNERATION	EXPLANATION
PA	1	Speaker: NA	1 084 512	1 708 600	Anchor (A)
		Chairperson: NCOP	1 084 512	1 708 600	
PB	1	Deputy Speaker: NA	889 007	1 196 000	A – 30%
		Deputy Chairperson: NCOP	889 007	1 196 000	
	2	House Chairperson	704 577	1 110 600	A – 35%
PC	1	Chief Whip: Majority Party	739 490	939 700	A – 45%
		Chief Whip: NCOP	739 490	939 700	
		Parliamentary Counsel: President	739 490	939 700	
		Parliamentary Counsel: Deputy President	739 490	939 700	
		Leader of Opposition	739 490	939 700	
	2	Chairperson of a Committee	683 973	854 300	A – 50%
PD	1	Deputy Chief Whip: Majority Party	664 124	768 900	A – 55%
		Chief Whip: Largest Minority Party	664 124	768 900	
		Leader of a Minority Party	664 124	768 900	
	2	Whip	639 031	713 500	5.40% increase
PE	1	Member: NA	572 873	643 800	5.40% increase
		Permanent Delegate: NCOP	572 873	643 800	

PROVINCIAL EXECUTIVES AND LEGISLATURES					
GRADE	PAY LEVEL	POSITION	CURRENT TOTAL PACKAGE	RECOMMENDED TOTAL REMUNERATION	EXPLANATION
LA	1	Premier	1 084 512	1 366 900	A (PA) – 20%
LB	1	MEC	889 007	1 196 000	A – 30%
		Speaker	889 007	1 196 000	
LC	1	Deputy Speaker	739 490	939 700	A – 45%
	2	Chairperson of Committees	664 124	768 900	A – 50%
		Chief Whip: Majority Party	664 124	768 900	
		Leader of Opposition	664 124	768 900	
	3	Deputy Chairperson of Committees	639 031	723 400	A – 60%
		Chairperson of a Committee	639 031	723 400	
		Deputy Chief Whip: Majority Party	639 031	723 400	
		Chief Whip: Largest Minority Party	639 031	723 400	
		Leader of a Minority Party	639 031	723 400	
LD	1	Parliamentary Counsel to a King	572 873	643 800	5.40% increase
		Whip	572 873	643 800	
	2	MPL	553 216	623 100	5.40% increase

LOCAL GOVERNMENT					
GRADE	PAY LEVEL	POSITION	CURRENT TOTAL PACKAGE	RECOMMENDED TOTAL REMUNERATION	EXPLANATION
MA	1	Executive Mayor	680 152	756 900	5.40% increase
		Mayor	680 152	756 900	
MB	1	Deputy Executive Mayor	544 122	613 500	5.40% increase
		Speaker / Chairperson	544 122	613 500	
		Deputy Mayor	544 122	613 500	
MC	1	MEC	510 114	577 700	5.40% increase
		MMC	510 114	577 700	
		Chairperson of a sub-council	510 114	577 700	
		Whip	510 114	577 700	
MD	1	Municipal Councillor	238 053	290 900	5.40% increase

JUDICIARY					
GRADE	PAY LEVEL	POSITION	CURRENT TOTAL PACKAGE	RECOMMENDED TOTAL REMUNERATION	EXPLANATION
JA	1	Chief Justice	1 034 302	1 708 600	Anchor (A)
JB	1	Deputy Chief Justice	1 021 322	1 537 700	A – 10%
		President: SCA	1 021 322	1 537 700	
JC	1	Deputy President: SCA	1 009 184	1 452 300	A – 15%
	2	Judge: Constitutional Court	973 118	1 366 900	A – 20%
		Judge: SCA	973 118	1 366 900	
	3	Judge President: High/Labour Court	968 782	1 281 500	A – 25%
	4	Deputy Judge President: High/Labour Court	957 445	1 196 000	A – 30%
	5	Judge: High/Labour Court	952 211	1 110 600	A – 35%
JD	1	Special Grade Chief Magistrate	680 779	768 900	A – 55%
		Regional Court President	680 779	768 900	
JE	1	President: Divorce Court	554 391	683 400	A – 60%
		Regional Magistrate	554 391	683 400	
		Chief Magistrate	554 391	683 400	
	2	Presiding Officer: Divorce Court	554 391	632 200	A – 63%
JF	1	Senior Magistrate	489 114	563 800	A – 67%
JG	1	Magistrate	446 535	512 600	A – 70%

TRADITIONAL LEADERSHIP					
GRADE	PAY LEVEL	POSITION	CURRENT TOTAL PACKAGE	RECOMMENDED TOTAL REMUNERATION	EXPLANATION
TA	1	King	507 038	590 400	Anchor (A)
TB	1	Chairperson: NHTL	403 033	501 800	A – 15%
	2	Chairperson: PHTL	369 035	413 300	A – 30%
	3	Deputy Chairperson: NHTL	349 875	383 800	A – 35%
	4	Deputy Chairperson: PHTL	328 252	354 200	A – 40%
TC	1	Member: NHTL	121 702	206 600	A – 65%
	2	Member: PHTL	121 702	177 100	A – 70%
TD	1	Senior Traditional Leader	121 702	129 900	A – 78%
	2	Headman	0	0	
Sitting allowance	/	Part time Member: NHTL	R709 per day	R744 per day	5.4% increase
Sitting allowance	/	Part time Chairperson: PHTL	R843 per day	R885 per day	5.4% increase
Sitting allowance	/	Part time Deputy Chairperson: PHTL	R758 per day	R796 per day	5.4% increase
Sitting allowance	/	Part time Member: PHTL	R588 per day	R617 per day	5.4% increase

**ANNEXURE J: COST OF TRANSLATION FROM CURRENT TO TOTAL REMUNERATION PACKAGES**

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	RECOMMENDED TOTAL REMUNERATION	DIFFERENCE	NO. OF POSTS	TOTAL COST
EA	1	President	1 181 438	1 898 400	716 962	1	716 962
EB	1	Deputy President	1 188 940	1 708 600	519 660	1	519 660
EC	1	Minister	1 084 512	1 452 300	367 788	26	9 562 488
ED	1	Deputy Minister	889 007	1 196 000	306 993	21	6 446 853
		<b>TOTAL COST IMPLICATION</b>					<b>17 245 963</b>

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	RECOMMENDED TOTAL REMUNERATION	DIFFERENCE	NO. OF POSTS	TOTAL COST
PA	1	Speaker: NA	1 084 512	1 708 600	624 088	1	624 088
		Chairperson: NCOP	1 084 512	1 708 600	624 088	1	624 088
PB	1	Deputy Speaker: NA	889 007	1 196 000	306 993	1	306 993
		Deputy Chairperson: NCOP	889 007	1 196 000	306 993	1	306 993
	2	House Chairperson	704 577	1 110 600	406 023	3	1 218 069
PC	1	Chief Whip: Majority Party	739 490	939 700	200 210	1	200 210
		Chief Whip: NCOP	739 490	939 700	200 210	1	200 210
		Parliamentary Counsel: President	739 490	939 700	200 210	1	200 210
		Parliamentary Counsel: Deputy President	739 490	939 700	200 210	1	200 210
		Leader of Opposition	739 490	939 700	200 210	1	200 210
	2	Chairperson of a Committee	683 973	854 300	170 327	48	8 175 696
PD	1	Deputy Chief Whip: Majority Party	664 124	768 900	104 776	1	104 776
		Chief Whip: Largest Minority Party	664 124	768 900	104 776	1	104 776
		Leader of a Minority Party	664 124	768 900	104 776	14	1 466 864
	2	Whip	639 031	713 500	74 469	53	3 946 857
PE	1	Member: NA	572 873	643 800	70 927	298	21 136 246
		Permanent Delegate: NCOP	572 873	643 800	70 927	27	1 915 029
		<b>TOTAL COST IMPLICATION</b>					<b>40 931 525</b>

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	RECOMMENDED TOTAL REMUNERATION	DIFFERENCE
LA	1	Premier	1 084 512	1 366 900	282 388
LB	1	MEC	889 007	1 196 000	306 993
		Speaker	889 007	1 196 000	306 993
LC	1	Deputy Speaker	739 490	939 700	200 210
	2	Chairperson of Committees	664 124	768 900	104 776
		Chief Whip: Majority Party	664 124	768 900	104 776
		Leader of Opposition	664 124	768 900	104 776
	3	Deputy Chairperson of Committees	639 031	723 400	84 369
		Chairperson of a Committee	639 031	723 400	84 369
		Deputy Chief Whip: Majority Party	639 031	723 400	84 369
		Chief Whip: Largest Minority Party	639 031	723 400	84 369
		Leader of a Minority Party	639 031	723 400	84 369
LD	1	Parliamentary Counsel to a King	572 873	643 800	70 927
		Whip	572 873	643 800	70 927
	2	MPL	553 216	623 100	69 884

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	RECOMMENDED TOTAL REMUNERATION	DIFFERENCE
MA	1	Executive Mayor	680 152	756 900	34 048
		Mayor	680 152	756 900	34 048
MB	1	Deputy Executive Mayor	544 122	613 500	27 178
		Speaker / Chairperson	544 122	613 500	27 178
		Deputy Mayor	544 122	613 500	27 178
MC	2	MEC	510 114	577 700	25 486
		MMC	510 114	577 700	25 486
		Chairperson of a sub-council	510 114	577 700	25 486
		Whip	510 114	577 700	25 486
MD	1	Municipal Councilor	238 053	290 900	11 947



GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	RECOMMENDED TOTAL REMUNERATION	DIFFERENCE	NO. OF POSTS	TOTAL COST
JA	1	Chief Justice	1 034 302	1 708 600	674 298	1	674 298
JB	1	Deputy Chief Justice	1 021 322	1 537 700	516 378	1	516 378
		President: SCA	1 021 322	1 537 700	516 378	1	516 378
JC	1	Deputy President: SCA	1 009 184	1 452 300	443 116	1	443 116
	2	Judge: Constitutional Court	973 118	1 366 900	393 782	9	3 544 038
		Judge: SCA	973 118	1 366 900	393 782	19	7 481 858
	3	Judge President: High/Labour Court	968 782	1 281 500	312 718	9	2 814 462
	4	Deputy Judge President: High/Labour Court	957 445	1 196 000	238 555	9	2 146 995
	5	Judge: High/Labour Court	952 211	1 110 600	158 389	131	20 748 959
JD	1	Special Grade Chief Magistrate	680 779	768 900	88 121	1	88 121
		Regional Court President	680 779	768 900	88 121	10	881 210
JE	1	President: Divorce Court	554 391	683 400	129 009	3	387 027
		Regional Magistrate	554 391	683 400	129 009	318	41 024 862
		Chief Magistrate	554 391	683 400	129 009	26	3 354 234
	2	Presiding Officer: Divorce Court	554 391	632 200	77 809	5	389 045
JF	1	Senior Magistrate	489 114	563 800	74 686	160	11 949 760
JG	1	Magistrate	446 535	512 600	66 065	1388	91 698 220
		<b>TOTAL COST IMPLICATION</b>					<b>188 658 961</b>

GRADE	PAY LEVEL	POSITION	CURRENT PACKAGE	RECOMMENDED TOTAL REMUNERATION	DIFFERENCE	NO. OF POSTS	TOTAL COST
TA	1	King	507 038	590 400	83 362	12	1 000 344
TB	1	Chairperson: NHTL	403 033	501 800	98 767	1	98 767
	2	Chairperson: PHTL	369 035	413 300	44 265	6	265 590
	3	Deputy Chairperson: NHTL	349 875	383 800	33 925	1	33 925
	4	Deputy Chairperson: PHTL	328 252	354 200	25 948	6	155 688
TC	1	Member: NHTL	121 702	206 600	84 898	16	1 358 368
	2	Member: PHTL	121 702	177 100	55 398	192	10 636 416
TD	1	Senior Traditional Leader	121 702	129 900	8 198	760	6 230 480
	2	Headman	0	0	0	20000	0
		<b>TOTAL COST IMPLICATION</b>					<b>19 779 578</b>

**ANNEXURE K: SUMMARY OF TOOLS OF TRADE PER INSTITUTION****National Assembly and National Council of Provinces****Travel arrangements**

- 46 – 70 single trips of economy class per annum (including her/his spouse)
- 10 single trips of economy class (members only and they pay 20% of the ticket)
- 8 single trips of economy class per annum of each dependant
- 2 single trips of economy class for parent/parent –in-law per calendar year
- Journey by motor vehicle will be reimbursed at fixed rate per kilometer for the shortest route between the two points
- Commuting between the place of residence and Cape Town during the parliamentary sitting, in excess of 50 kilometers return per day is reimbursed
- Traveling to and from airports
- Parking at an airport (Maximum of R 1000,00 per month)
- Relocation cost of newly appointed members is R 13 000,00

**Telephone Units per month including residential calls, fax, cellphone and Internet subscriptions**

Chief Whip of Majority Party: NA Chief Whip of Majority Party: NCOP Leader of the Largest Minority Party	R 3 010,00
Deputy Chief Whip of Majority Party Deputy Chief Whip of Majority Party: NCOP Chief Whip of Largest Minority Party House Chair Chairperson of Committees: NCOP Chairperson of a committee Leader of other Minority Parties	R 2 316,00
Parliamentary Councilor: President Deputy Chairperson of Committees: NCOP	R 2 062,00
Parliamentary Councilor: Deputy President Provincial Whip: NCOP	R 1 853,00
Whip Members of the National Assembly Permanent Delegates: NCOP	R 1 622,00

### Provincial Legislatures

#### Cellphone and Telephone Allocation

- Cellphone allowance of R 300,00 per month
- Ordinary members – R 1 055,00
- Members with rural constituencies – R 1 166,00
- Whips, Chairperson of Committees and Leader of Minority Party – R 1 188,00
- Chief Whip, Leader, Leader of Opposition – R 1 610,00

#### Subsistence Allowances to members residing further than 50km from the Legislature

- R 2 220,00 per month
- R 2 220,00 per month for hotel accommodation per month/ R 230,00 per night
- A maximum of R 1 000,00 per month/ R 154,00 per night where a member lodges privately within the 50 kilometer boundary
- Traveling allowance at appropriate kilometer tariff, when using private transport residing outside of 50 kilometer from Legislature and claim toll fees
- Traveling allocation between R 17 000,00 – R 19 000,00 per annum depending on their Parliamentary grade
- Relocation allowance R 6 000,00

### Local Government

- R 246,00 per month, where a councilor does not use council owned facilities
- Cellphone allowance for councilors is R 1 000,00 and R 2 000,00 per month for Executive mayors and Mayors
- Councilors are reimburse for reasonable out of pocket expenses
- Grade 6 Councilors receive an office bearer allowance
- Full-time Executive Mayor/Mayor – R 52 294,00 per annum

- Full-time Deputy Executive Mayor/Deputy Mayor – R 47 064,00 per annum
- Full-time Members of the Executive Mayoral Committees and Whips and Chairperson of sub-council – R 41 835,00 per annum

### Judiciary

- Where private transport had been used for official duties, a Judge will be compensated at standard tariffs per kilometer
- Traveling expenses for the spouse of Acting or Chief Justice and Acting or President of the Supreme High Court and subsistence claim of R 600,00 for every 24 hours spent away from home
- Traveling expense and subsistence claim of the spouse of the Constitutional Court Judge, Judge or Acting Judge on official duties

### Traditional Leaders

- Actual and reasonable expenses regarding subsistence
- Claim for private transport used on official duties

## ANNEXURE L: REMUNERATION AND BENEFITS OF MEMBERS OF PARLIAMENT: A COMPARATIVE OVERVIEW<sup>1</sup>

### Background

This brief provides an overview of salaries and allowances payable to Members of Parliament (MPs) in the United Kingdom, India, New Zealand, Finland, the Dutch Republic, the United States of America, Jamaica and Kenya.

### United Kingdom (UK)

In the UK, the Review Body on Senior Salaries makes recommendations about the remuneration of the senior civil service, senior military personnel and the judiciary. Salary increases in for MPs are linked automatically to the increase in salary bands for the senior civil service. As of 1 April 2004, MPs in the House of Commons receive a salary of £57,485 (± R705.000).

In addition to a monthly salary, MPs are entitled to various allowances, which include, but are not limited to:

- *Staffing allowance.* MPs receive a staffing allowance to cover costs for items such as IT equipment, rent and rates of offices, training of Members and staff, and reimbursing disabled Members for additional expenses.
- *Incidental expenses.* Incidental expenses are paid to MPs to meet any other expenditure, which Members might incur wholly necessarily and exclusively in discharging their duties as Members.
- *Supplementary London Allowance.* Is payable to Members for Inner London seats to reflect higher costs in London.

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<sup>1</sup> This brief was compiled by the Research Unit of the Parliament of South Africa with the assistance of the Library of the Parliament of South Africa.

- *Additional costs allowance.* Reimburses Members with constituencies outside Inner London for expenses incurred in staying overnight away from home whilst performing parliamentary duties.
- *Motor Mileage Allowance (MMA).* Reimburses Members for the cost of travel by car between Westminster and Members' constituencies and homes, as well as for other approved journeys on parliamentary business. The rate of the MMA takes into account the full cost of owning and using a vehicle and includes parking, membership of a breakdown service, road tax, insurance, servicing or maintenance, depreciation, and fuel.
- *Motorcycle and bicycle allowances.* Reimburses Members for journeys undertaken by motorcycle and bicycle. The rates for these allowances are fixed per mile.
- *Temporary secretarial allowance.* This allowance is available to meet the extra cost of obtaining temporary secretarial or research support while a salaried permanent secretary or research assistant is absent from work as a result of illness or pregnancy.
- *Reimbursement of costs due to recall during recess.* When Members are recalled to Parliament during recess, they are entitled to reclaim any extra costs incurred due to the parliamentary recall.
- *Travel.* Members can claim a certain number of free journeys between London and the constituency and/or London and home for themselves, their spouses and their children under 18 years old. Members are also designated a certain amount of journeys per year that has to be shared between all his or her staff members.

## India

In India, the Salary, Allowances and Pension of Members of Parliament Act, Act 30 of 1954, as amended by Act 46 of 2001, regulate the salaries and allowances of MPs. In terms of the 2001 Amendment Act, the salaries of MPs are fixed at 12 000 rupees ( $\pm$  R1.800) per month for a period of 5 years from the date on which the Amendment Act came into operation. In addition, Members are entitled to receive an allowance of 500 rupees ( $\pm$  R77.00) for each day during any period of residence on duty.

Other allowances to which MPs are entitled include:

- *Travel allowances to Sessions of Parliament.* An MP is entitled to a travel allowance for every journey he or she undertakes in India to attend plenary sessions, committee meetings or a commitment connected with his or her duties as a Member. The travel allowance is categorised as follows:
- If the trip is undertaken by rail, an amount equal to one first class fare plus one second class fare for each such journey, irrespective of the class in which the member actually travels.
- If the trip is undertaken by air, an amount equal to one and one-fourth of the air fare for each such journey.
- If the journey or any part of the journey cannot be undertaken by air or rail, and an MP uses road transport instead, a road mileage at the rate of 8 rupees ( $\pm$  R1.20) per kilometre for each such journey or part of it is paid.
- *Travelling allowances for intermediate journeys. Where a Member is away from Parliament for less than 15 days during a session of a House of Parliament or a sitting of a committee to visit any place in India, he or she is entitled to an allowance in respect of such a journey to such a place and for the return journey:*
- If the trip is undertaken by rail, an amount equal to one first class fare for each journey irrespective of the class in which the Member actually travels.
- If the travel is by air, an amount equal to one fare by air for each trip.

- *Free travel by railway.* MPs are entitled to a free railway pass to travel by railway in India in first class air-conditioned or executive class of any train. The pass is valid for the duration of an MPs term.
- *Travel for Blind and Physically Disabled Members.* *A Member who is blind or physically disabled and requires the service of an attendant is entitled in respect of each journey to:*
  - An amount equal to one fare of air travel for the attendant for each journey.
  - If he or she travels by rail, one free railway pass for the attendant to accompany the Member in the same class in which the Member travels.
- *Constituency allowance and amenities.* The Rules of Parliament prescribe the amounts of MPs' constituency allowance, medical facilities for themselves and for their families, housing, telephone, water, electricity facilities or an amount in place of such facilities.
- *Pension.* The Salary, Allowances and Pension of Members of Parliament Amendment Act, 2003, entitles every person who has served as a Member of the Provisional Parliament or either House of Parliament for any period, to a pension of 3000 rupees (± R460.00) per month. MPs who have served for more than 5 years are entitled to receive an additional pension of 6000 rupees (± R920.00) per month for every year in excess of 5 years.

### New Zealand

In New Zealand the salaries and allowances of MPs is determined by the Parliamentary Salary and Allowances Determination, 2004, pursuant to the Civil List Act, 1979 and the Remuneration Authority Act, 1977.<sup>2</sup>

Schedule 1 to the Determination sets the salary of ordinary MPs at 113, 300 New Zealand dollars (± R534.393).

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<sup>2</sup> The Determination came into effect on 1 July 2004 and expires on 30 June 2005.



In addition to their salary, Schedule 2 to the Determination entitles each MP to an Expense Allowance in the amount of 12, 815 New Zealand dollars ( $\pm$  R60.000). The Expense allowance is intended to cover out-of-pocket expenses incurred in the pursuit of parliamentary business. Expenses include a non-exhaustive list of expenses relating to:

- The entertainment of visitors, staff, constituents, and officials.
- Memberships, sponsorships, and fees.
- Donations and raffle tickets.
- Gifts and prizes.
- Flowers (including wreaths).
- Passport photos.
- Clothing and grooming (Prime Minister only).
- Briefcase, luggage and meals.

### Finland

In Finland, MPs receive a monthly salary of 4970 Euros ( $\pm$  R40.000). Members who have served as MPs for more than 12 years receive a slightly higher salary of 5340 Euros ( $\pm$  R43.000) per month.

In addition to a monthly salary, allowances to Finnish MPs include:

- *Compensation for expenses.* MPs receive tax-free compensation for work-related expenses on the 15<sup>th</sup> of each month. This compensation is calculated as a percentage of the basic salary for civil servants of a particular grade (class A27), depending on where the MP resides. However, MPs do not receive separate remuneration for attending committee meetings, evening or weekend sessions. Furthermore, MPs receive a tax-free allowance for telecommunications.

- *Travel.* MPs are entitled to travel free of charge by train, scheduled flights and bus in Finland. They may also travel free of charge by taxi in the Helsinki metropolitan area for purposes related to legislative work.
- *Pension.* MPs are part of a contributory pension scheme in terms of which they pay a similar employee's pension contribution as other employees in Finland. However, Parliament does not contribute the share of employer's pension contribution for Members. An MP can access his or her pension as an old age pension at the age of 65, or as a disability pension if he or she loses working capacity before that age. The survivors' pension is payable to the surviving spouse and children under 18 years after an MP has died.

### The Dutch Republic

In the Dutch Republic, the salary of MPs is regulated by the Civil Servants Pay Decree, 1984. MPs receive a salary that is linked to the highest salary band of scale 16 of Annex B to the Decree, which was approximately 86 000 Euros ( $\pm$  R696.000) on 1 December 2002. The salary includes a holiday allowance of 8%.

In addition to the salary, benefits to which MPs are entitled include:

- *Medical expenses insurance.* MPs receive a contribution towards the premium for medical expenses insurance for themselves, their spouses or partners and children less than 16 years.
- *Expense allowances.* MPs are eligible for 4 different expense allowances, i.e.:
  - *Commuting between home and The Hague.* MPs are entitled to either an annual public transport season ticket for first-class travel on Dutch railways or to compensation for the expenses of travelling to and from work. This travelling expense allowance is paid before the deduction of tax.
  - *Other travelling expenses.* MPs receive an amount equal to the maximum tax-free allowance for motoring expenses per kilometer

under the Income Tax Act, 1964, as reimbursement for travelling expenses other than commuting to and from The Hague.

- Reimbursement of living expenses. MPs receive remuneration for living expenses in The Hague. The amount of such remuneration depends on the distance between their place of residence and the Parliament building.
- Reimbursement of occupational expenses. MPs receive an annual amount to cover occupational expenses.
- *Insurance.* MPs are entitled to receive their full salary and expense allowances during sickness. In terms of the Political Office Holders' Superannuation Act (APPA), MPs are entitled to an end-of-service allowance benefit after their membership of the House of Representatives is terminated. The duration of such entitlement depends on the length of the period during which the Member held office. Furthermore, it is not compulsory for MPs to insure themselves under the Compulsory Health Insurance Act. They can insure themselves privately and receive a contribution towards the premium for such an insurance policy.

#### United States of America (USA)

In the USA, Section 6 of the Constitution requires Congress to determine the salaries of Members of Congress. Members' salaries (including Representatives and Senators) are adjusted in three basic ways, i.e. stand-alone legislation; pursuant to recommendations from the President, based on recommendations made by a quadrennial salary commission; and through automatic annual adjustments. As from January 2005, Members receive an annual salary of \$162,100 ( $\pm$  R1 million). Members are also permitted to earn outside income for personal services rendered,<sup>3</sup> but this is limited to 15% of their salary. Furthermore, Members are allowed to deduct for income tax purposes, a maximum amount of \$3 000 ( $\pm$  R20.000) for living expenses while away from their congressional districts or home states.

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<sup>3</sup> However, certain specified types of outside earned income are prohibited.

In addition, Members are entitled to various allowances, including:

- *Health and Life Insurance.* Members are eligible to participate, on a contributory basis, in the Federal Employees Health Benefits Programme. Such participation is voluntary. Also, Members are eligible to participate in the Federal Employees Group Life Assurance Programme. The amount of coverage for personal insurance is based on the coverage elected.
- *Retirement provisions.* Members have various options available regarding participation in the Civil Service Retirement System and the Federal Employees Retirement System. Participation in Social Security is mandatory for Members.
- *Personnel, office expenses and mail allowances for US Representatives.* Representatives receive a representational allowance to support them in their official and representational duties to the districts from which they were elected. The allowance comprises 3 individual allowances for personnel, official office expenses and official (franked) mail. The personnel allowance is the same for each Member, whilst the office expenses and mail allowances vary between Members, based on variations in the distance between a Member's district and Washington DC.
- Representatives receive the personnel allowance to employ a maximum of 18 permanent staff members (plus 4 additional staff designated by the Member) in the Washington DC and district offices. The official office expenses allowance pays for ordinary and necessary business expenses incurred in support of official and representational duties to the district from which a Member has been elected. Finally, Members are authorised to send mail as franked mail in the conduct of official business to assist them in their duties as Members of Congress.
- *Personnel, office expenses and mail allowances for US Senators.* Senators have 3 official allowances available to them for personnel and official office expenses, i.e. the administrative and clerical assistance allowance; the legislative assistance allowance; and the official office expense allowance. The administrative and clerical assistance allowance and the official office expense allowance are governed by formula and have authorised limits,

whilst the legislative assistance allowance comprises a set amount for all Senators.

- The administrative and clerical assistance allowance is allocated according to the population of a Senator's state. The legislative assistance allowance authorises each Senator to appoint 3 legislative assistants. Furthermore, Senators are authorised to use the official office expense allowance for official Senate business. The amount of this allowance varies, depending on factors such as the distance between Washington DC and the home state; the population of the state; and the official mail location.
- Senators are also authorised to send mail as franked mail in the conduct of official business to assist them in their duties as Members of Congress.
- *Travel Allowance for Organisational Caucuses or Conferences.* Each Member-elect and one designated staff person who attend an organisational caucus or conference are entitled to be paid for a return trip between their places in the district of Washington DC. The same applies to each incumbent Member re-elected and a designated staff person. Each Member-elect is also entitled to claim a daily allowance for expenses incurred in connection with such attendance.

### Jamaica

Jamaica has a bi-cameral Parliamentary democracy. Parliament consists of a House of Representatives and a Senate, as well as the Queen, who is represented by the Governor-General. The House of Representatives consists of sixty elected representatives, whilst the Governor-General appoints 21 eligible persons to the Senate.

## Members' Salaries

Although the Jamaican Parliament distinguishes between Members of Parliament (MPs) from rural and urban areas, the salaries of these categories of Members are the same, i.e. \$2,206,651<sup>4</sup> (± R 240.000) per year.

## Allowances

In addition to their monthly salary, Members of Parliament are entitled to the following allowances:

### *Subsistence*

MPs receive a subsistence allowance of \$300 (± R32.00) per sitting to cover the costs (accommodation, food, etc.) for attending Parliament and committee meetings. This allowance is only withheld from an MP if he or she is absent from Parliament without the permission of the Speaker of the House.

### *Duty Concession*

All Parliamentarians are entitled to a 20% Duty Concession for the purchase of a motor vehicle with a maximum value of US\$25,000 (± R167.000). This means they will only pay duty at the rate of 20% of the value of the car. Once the concession has been used, the motor vehicle cannot be sold for three years without payment of full duty.

### *Pension*

A Member of Parliament contributes 6% of his or her gross salary towards pension. They qualify for a pension on retirement after the age of 55 years, and after completing two Parliamentary terms or serving Parliament for an aggregate

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<sup>4</sup> Jamaican dollars, unless otherwise indicated.

of nine years. A Parliamentarian may also qualify to receive a pension at the age of 50 years if he or she is ill and has ceased to be a Member.

Parliamentarians receive a pension equal to two-thirds of their highest salary earned. They may, however, opt to receive a reduced pension (for 12½ years) equal to three quarters of the normal retiring allowance of a MP plus a tax-free gratuity. If the pensioner is still alive after the 12½ years, the reduced pension automatically reverts to full pension.

Senators are not entitled to a pension, except for those with Ministerial positions and the President of the Senate.

#### *Health Insurance*

The Jamaican government has three Health Insurance Schemes operating in the Civil Service. Ordinary MPs participate in two of these Schemes, i.e. the Government Employees Administrative Services Only Plan (GEASO) (where government subsidises the MPs premium by 80%); and the Government Pensioners Administrative Services Only Plan (GPASO). The GPASO covers retired MPs who receive a pension, with government subsidising 90% of the premium.

#### *Life Insurance*

Currently, the government does not provide normal life insurance coverage for any Parliamentarian. However:

Where an MP with at least four years' service dies, the surviving spouse will be paid an allowance equal to two-thirds of the full retiring allowance that the MP would have received.

Where there is no surviving spouse and the MP has less than four years' service, only the MPs pension contributions are awarded to his or her legal representative.

Where there is no surviving spouse and the MP has four years' or more service, an award equal to one year's salary and the MPs pension contributions are made to his or her legal representative.

### *Constituency expenses*

Parliament pays the salary of 2 persons to work in a MPs constituency office, i.e. a secretary and a driver. In addition, MPs receive an annual allowance to cover the expenses of operating a constituency office. This allowance differs for rural (\$246,000) ( $\pm$  R1 million) and urban (\$306,000) ( $\pm$  R1.4 million) MPs.

### *Travel allowance*

MPs receive a travel allowance to cover travelling expenses for attending Parliament when travelling from out of Town. In addition, they receive a constituency travel allowance for travelling expenses incurred within their constituency.

Furthermore, Air Jamaica gives each Parliamentarian free air travel between Montego Bay and Kingston, as well as four first class tickets per year to any Air Jamaica destination, except London.

## Kenya

In Kenya, the salaries and allowances of MPs are regulated by the National Assembly Remuneration Act, as amended in 2003.<sup>5</sup> The Act entitles MPs to an annual salary, as well as a number of allowances.

### Members' Salaries

Part 1 of the First Schedule to the National Assembly Remuneration Amendment Act of 2003 sets the salaries of ordinary MPs at 2.4million Kenyan shillings (KSh)

<sup>5</sup> National Assembly Remuneration Act, No 2 of 2003.



(± R210.000) per annum. The salary is the only part of the remuneration package of MPs that is taxable.

### Allowances

In addition to their monthly salary, MPs are entitled to a number of non-taxable allowances. These include:

#### *Accommodation/House Allowance*

The Parliament distinguishes between an accommodation allowance for ordinary MPs and a house allowance for office bearers such as the Speaker. The house allowance paid to office bearers is substantially bigger than the accommodation allowance given to ordinary MPs.

#### *Constituency/Nominated Member Allowance*

All elected and nominated Members are entitled to a constituency allowance.

#### *Traveling Allowance*

MPs are entitled to three different kinds of traveling allowances, i.e.:

##### *Varied Allowance.*

This allowance is available to MPs who represent a constituency or who reside outside the Nairobi area beyond a radius of 100 kilometers from Nairobi. The engine capacity of the vehicle used and the distance between the Parliament buildings and the constituency or home of the MP determines the amount of the allowance. The allowance is payable on a weekly basis.

### *Commuted Flat Mileage Allowance.*

This allowance is payable to all MPs representing constituencies within the Nairobi area and those within a radius of 50 kilometers of the Nairobi area.

Air or railway travel allowance. In place of the Mileage Allowance, MPs can claim an air or railway travel allowance. The air allowance entitles MPs to fly business class, whilst the railway travel allowance entitles them to travel first class.

### *Attendance Allowance*

MPs are entitled to an allowance per sitting whenever they attend a sitting of the National Assembly or a Select Committee.

### *Pension for Members*

MPs participate in a contributory Pension Scheme in terms of the Parliamentary Pensions Act. Money from the Pension Scheme becomes payable to a Member at the age of 50 years when he or she ceases to be a Member, and has served for two parliamentary terms.

### *Group Accident Insurance Scheme*

All MPs are insured against injuries arising from an accident in terms of the Group Personal Accident Insurance Scheme. However, cover is subject to set limits.

### *Medical Scheme*

MPs contribute to the National Hospital Insurance Fund. However, plans are underway to develop a new Medical Insurance Scheme that will cater exclusively for Members.

*Motor vehicle purchase allowance and car maintenance allowance*

MPs are entitled to an allowance to buy one motor vehicle of their choice to use for any journey made in Kenya for the purpose of attending to the business of the National Assembly. This allowance may only be accessed once during the parliamentary term of five years.

In addition, MPs receive a car maintenance allowance in respect of a motor vehicle purchased with the above-mentioned allowance.

*Other allowances*

Other allowances for MPs set out in Part 1 of the First Schedule to the National Assembly Remuneration Amendment Act 2003 include an Extraneous Duty Allowance and an Entertainment Allowance. However, the Amendment Act does not elaborate on how these Allowances should be applied.