
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

PARLEMENT VAN DIE REPUBLIEK VAN SUID-AFRIKA

NOTICE 1555 OF 2023

DR. LEON SCHREIBER, MP

NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT THEREON, NAMELY THE REMUNERATION OF PUBLIC OFFICE BEARERS AMENDMENT BILL, 2023

Dr Leon Schreiber, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Remuneration of Public Office Bearers Amendment Bill, 2023, in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

In October 2022, the Democratic Alliance (DA) revealed that President Cyril Ramaphosa had amended the Guide for Members of the Executive in April 2022 ("Guide") without informing the National Assembly or public. This was despite the fact that the amendments made to the Guide, which is popularly known as the "Ministerial Handbook", included that Ministers and Deputy Ministers would be exempt from paying for water and electricity at their private residences, which were designated as official residences (the limit of R5,000 that the State bears in this regard as per the 2019 Guide, was removed), and that the private offices of Ministers and Deputy Ministers would be dramatically expanded. The DA estimated that the cost of expanding the offices alone would cost taxpayers upwards of R87 million more every year.

The President's unannounced and expensive changes to the Guide triggered weeks of public outcry. Following the public outcry, the President decided in late October 2022 to rescind these changes and reverted to the previous version of the Guide adopted in 2019, pending an independent review.

Despite the President bowing to public pressure over the latest amendments to the Guide, systemic problems with the Guide remain. Principal among these are a lack of controls and transparency. In his written reply to a Parliamentary question, the President confirmed that "the adoption of the Guide is not done in terms of any legislative provision, but is the result of a Cabinet decision that the tools of the trade need to be defined and regulated." This lack of legal controls or oversight stands in contrast to the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), which does

enable control and transparency in respect of the salary, allowances and benefits of President, as these are determined by resolution of that House, but not in respect of the Deputy President, Ministers and Deputy Ministers.

In the case of the Guide, there is also no requirement for the National Assembly, or the President, to consider relevant factors, such as prevailing economic conditions in the country or the comparative costs of different tools of trade. Also, in contrast to other remuneration decisions, there is no legal requirement for the President to report changes to the Guide to the National Assembly, nor is there any requirement to regularly review these allowances and benefits.

To remedy this lack of controls and transparency in the provision of tools of trade, allowances and benefits, the Remuneration of Public Office Bearers Amendment Bill, 2023 (“the Draft Bill”) intends to amend the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) so as to—

- provide for transparency and oversight where the President makes a decision about allowances, benefits, or tools of trade for the Deputy President, Ministers and Deputy Ministers;
- provide for a review of all allowances, tools of trade and benefits of the President, Deputy President, Ministers and Deputy Ministers and regular reviews thereafter;
- require the President to consider recommendations from the Independent Commission for the Remuneration of Public Office Bearers when providing allowances, tools of trade, and benefits; and
- require the President to inform the National Assembly when making any changes to allowances, tools of trade and benefits.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, P O Box 15 Cape Town 8000, or emailed to speaker@parliament.gov.za and copied to legislation@da.org.za.

Copies of the Remuneration of Public Office Bearers Amendment Bill, 2023 may, after introduction, be obtained from legislation@da.org.za or on the Democratic Alliance’s website at <https://www.da.org.za/newsroom>.