

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NOTICE xx OF 2022

DR. LEON SCHREIBER, MP

**NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND
INVITATION FOR PUBLIC COMMENT ON THE DRAFT, NAMELY THE
REMUNERATION OF PUBLIC OFFICE BEARERS AMENDMENT BILL, 2022**

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, 2022 ("the Draft Bill"), 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 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 official residences, 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. The President was ultimately forced, in late October 2022, to rescind the changes he had made to the Guide in April 2022.

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 contrast to decisions around other forms of remuneration for public office bearers, there is no legal requirement for the President to consider recommendations from the Independent Commission for the Remuneration of Public Office Bearers prior to introducing benefits, tools of trade or allowances contained in the Guide. There is also no requirement for the President to consider other relevant factors, such as prevailing economic conditions in the

country or the comparative costs of different benefits, tools of trade or allowances. 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.

To remedy this lack of controls and transparency, the Remuneration of Public Office Bearers Amendment Bill, 2022, would compel the President to grant benefits, tools of trade or allowances to the President, Deputy President, Ministers and Deputy Ministers only after considering:

- (a) the recommendations of the Independent Commission for the Remuneration of Public Office-bearers;
- (b) the role, status, duties, functions and responsibilities of the President, Deputy President, Ministers and Deputy Ministers;
- (c) the affordability of different benefits, tools of trade or allowances of political office bearers;
- (d) current principles and levels of remuneration in society generally; and
- (e) inflationary increases.

The Remuneration of Public Office Bearers Amendment Bill, 2022 would further require the President to:

- (a) report all changes effected to the provision of benefits, tools of trade or allowances to the National Assembly within 30 days; and
- (b) include details of any costing models and other relevant factors considered in changing the provision of benefits, tools of trade or allowances.

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, 2022 may, after introduction, be obtained from legislation@da.org.za or on the Democratic Alliance's website at <https://www.da.org.za/newsroom>.