

THE PROVINCE OF THE NORTHERN CAPE
DIE PROVINSIE NOORD-KAAP

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No. 14

OFFICE OF THE PREMIER

KANTOOR VAN DIE PREMIER

No. 6

12 September 1994

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

No. 5 of 1994: Northern Payment of Members of the Provincial Legislature Act, 1994.

No. 6

12 September 1994

Hierby word bekendgemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby vir algemene kennisname gepubliseer word:—

No. 5 van 1994: Noord-Kaapse Wet op die Betaling van lede van die Provinsiale Wetgewer, 1994.

ACT

To provide for the payment of remuneration and allowances to members of the Northern Cape Provincial Legislature and for matters incidental thereto.

(English text signed by Premier)
(Assented to 2 September 1994)

BE IT ENACTED by the Provincial Legislature of the Province of Northern Cape, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—

"committee" means any committee consisting of members of the 5
Provincial Legislature and appointed for or in connection with the
business and proceedings of the Provincial Legislature;

"Constitution" means the Constitution of the Republic of South Africa,
1993 (Act No. 200 of 1993);

"member of the Provincial Legislature" means a member of the 10
Provincial Legislature, including the Premier and a member of the
Executive Council, and "members of the Provincial Legislature" has
a corresponding meaning;

"office-bearer" means an office-bearer of the Provincial Legislature
referred to in section 2(1), and "office" has a corresponding 15
meaning;

"Premier" means the Premier of the Province acting in terms of
section 147(2) of the Constitution;

"President" means the President of the Republic acting in terms of
section 75 of the Constitution; 20

"Province" means the province of Northern Cape;

"Provincial Legislature" means the Provincial Legislature of the
Province;

"Secretary" means the Secretary or provisional secretary of the
Provincial Legislature appointed in terms of section 143 of the 25
Constitution, and

"Speaker" means the Speaker of the Provincial Legislature elected in
terms of section 131(1) of the Constitution.

WET

Om voorsiening te maak vir die betaling van besoldiging en toelaes aan lede van die Noord-Kaapse Provinsiale Wetgewer en vir aangeleent- hede wat daarmee in verband staan.

(Engelse teks deur Premier geteken)
(Goedgekeur op 2 September 1994)

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Noord-Kaap, soos volg:—

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- 5 “ampsdraer” ’n ampsdraer van die Provinsiale Wetgewer in artikel 2(1) bedoel, en het “amp” ’n ooreenstemmende betekenis;
- “Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);
- 10 “komitee” ’n komitee wat uit lede van die Provinsiale Wetgewer bestaan en vir of in verband met die werksaamhede en verrigtings van die Provinsiale Wetgewer aangestel is;
- “lid van die Provinsiale Wetgewer” ’n lid van die Provinsiale Wetgewer, met inbegrip van die Premier en ’n lid van die Uitvoerende Raad, en het “lede van die Provinsiale Wetgewer” ’n
- 15 ooreenstemmende betekenis;
- “Premier” die Premier van die Provinsie handelende ingevolge artikel 147(2) van die Grondwet;
- “President” die President van die Republiek handelende ingevolge artikel 75 van die Grondwet;
- 20 “Provinsiale Wetgewer” die Provinsiale Wetgewer van die Provinsie;
- “Provinsie” die provinsie Noord-Kaap;
- “Sekretaris” die Sekretaris of tussentydse sekretaris van die Provinsiale Wetgewer aangestel ingevolge artikel 143 van die Grondwet, en
- 25 “Speaker” die Speaker van die Provinsiale Wetgewer verkies ingevolge artikel 131(1) van die Grondwet.

Remuneration and allowances of members and office-bearers

2. (1) Members of the Provincial Legislature and such office-bearers as may be determined by the Premier by notice in the *Provincial Gazette* shall be paid such remuneration and allowances as may, in respect of such members and each such office-bearer, be so determined by the Premier, having due regard to the recommendations of the Commission on Remuneration of Representatives contemplated in section 207 of the Constitution. 5

(2) Notwithstanding subsection (1) a person who holds different offices at the same time shall be entitled to remuneration and allowances only in respect of such of the offices concerned as bears the highest remuneration. 10

(3) (a) Paragraph (d) of section 8(1) of the Income Tax Act, 1962 (Act No. 58 of 1962), shall apply to such portion of the remuneration of a member of the Provincial Legislature or an office-bearer as may be determined by the Premier with the concurrence of the President, as if that portion was an allowance granted to the member or office-bearer as contemplated in that paragraph. 15

(b) Different portions may be determined under paragraph (a) in respect of different amounts of remuneration.

Deductions on account of absence

3. (1) Subject to the provisions of subsections (2) and (3), there shall be deducted from the amount payable by virtue of this Act to a member of the Provincial Legislature (excluding the Premier and the Speaker), an amount of one thirtieth of the gross monthly salary of every member for every day on which he or she fails to attend a meeting of— 20

- (a) the Provincial Legislature; 25
- (b) the Executive Council, if he or she is a member, or
- (c) a committee of which he or she is a member,

unless the meeting which is not attended by the member takes place at the same time as any other meeting referred to in paragraph (a), (b) or (c), which other meeting is attended by him or her. 30

(2) For the purposes of subsection (1), a member of the Provincial Legislature shall not be regarded as having attended a meeting of a committee unless he or she remained in attendance until the adjournment of the meeting or was excused from further attendance by the chairperson of the committee before the adjournment. 35

(3) No deduction shall be made in terms of subsection (1) on account of the failure of a member of the Provincial Legislature—

- (a) to attend any meeting referred to in that subsection, if the member's absence is due to—
 - (i) his or her illness or the summons or subpoena of a competent court with the exclusion of a summons to appear on a criminal charge upon which he or she is convicted; 40
 - (ii) the death or serious illness of his or her spouse or child, and such absence is condoned by the Speaker in the case of a meeting referred to in subsection (1)(a) and (c) and the Premier in the case of a meeting referred to in subsection (1)(b), or 45

Besoldiging en toelaes van lede en ampsdraers

2. (1) Lede van die Provinsiale Wetgewer en die ampsdraers wat die Premier by kennisgewing in die *Provinsiale Koerant* bepaal, word die besoldiging en toelaes betaal wat aldus ten opsigte van sodanige lede en
5 elke sodanige ampsdraer deur die Premier bepaal word, met behoorlike inagneming van die aanbevelings van die Kommissie op Besoldiging van Verteenwoordigers beoog in artikel 207 van die Grondwet.

(2) Ondanks subartikel (1) is 'n persoon wat verskillende ampte gelyktydig beklee, geregtig op die besoldiging en toelaes slegs ten opsigte
10 van daardie een van die betrokke ampte wat die hoogste besoldiging dra.

(3) (a) Paragraaf (d) van artikel 8(1) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), is op dié gedeelte, soos deur die Premier met die instemming van die President bepaal, van die besoldiging van 'n lid van die Provinsiale Wetgewer of 'n ampsdraer van toepassing, asof daardie
15 gedeelte 'n toelae was wat aan die lid of ampsdraer toegeken is soos in daardie paragraaf bedoel.

(b) Verskillende gedeeltes kan kragtens paragraaf (a) ten opsigte van verskillende bedrae van besoldiging bepaal word.

Aftrekkings weens afwesigheid

20 3. (1) Behoudens die bepalings van subartikels (2) en (3) word daar van die bedrag wat uit hoofde van hierdie Wet aan 'n lid van die Provinsiale Wetgewer (uitgesonderd die Premier en die Speaker) betaalbaar is, 'n bedrag van een dertigste van 'n lid se bruto maandelikse salaris afgetrek vir elke dag waarop hy of sy versuim om 'n vergadering by te woon
25 van—

(a) die Provinsiale Wetgewer;

(b) die Uitvoerende Raad, indien hy of sy 'n lid is, of

(c) 'n komitee waarvan hy of sy 'n lid is,

30 tensy die vergadering wat nie deur die lid bygewoon word nie, plaasvind op dieselfde tyd as 'n ander vergadering bedoel in paragraaf (a), (b) of (c), welke ander vergadering deur hom of haar bygewoon word.

(2) In die toepassing van subartikel (1) word 'n lid van die Provinsiale Wetgewer nie geag 'n vergadering van 'n komitee by te woon het nie tensy hy of sy tot die verdaging van die vergadering daarop aanwesig gebly
35 het of voor die verdaging deur die voorsitter van die komitee van verdere bywoning verskoon is.

(3) Geen aftrekking word ingevolge subartikel (1) gedoen nie weens die versuim van 'n lid van die Provinsiale Wetgewer—

40 (a) om enige vergadering bedoel in daardie subartikel by te woon, indien die lid se afwesigheid te wyte is aan—

(i) sy of haar siekte of die dagvaarding of getuiedagvaarding van 'n bevoegde hof, uitgesonderd 'n dagvaarding om te verskyn op 'n kriminele aanklag waarop hy of sy skuldig bevind word;

45 (ii) die dood of ernstige siekte van sy of haar gade of kind, en sodanige afwesigheid deur die Speaker in die geval van 'n vergadering bedoel in subartikels (1)(a) en (c) en die Premier in die geval van 'n vergadering bedoel in subartikel (1)(b) verskoon word, of

- (iii) his or her serving with the National Defence Force, or with any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957), during a state of national defence;
- (b) to attend a meeting of the Provincial Legislature, referred to in subsection (1)(a), in respect of any further period of absence not exceeding 15 days during any calendar year in addition to any absence on account of circumstances referred to in paragraph (a); or 5
- (c) to attend a meeting of the Executive Council referred in subsection (1)(b) or to attend a meeting of a committee referred to in subsection (1)(c), if his or her absence is not due to any circumstances referred to in paragraph (a) but is condoned by the Premier or the Speaker, whatever the case may be, on good cause shown by him or her, even if such meeting is held during the 15 days referred to in paragraph (b). 10 15

Payment of remuneration and allowances

4. (1) The Secretary shall pay to every member of the Provincial Legislature the remuneration and allowances to which he or she is entitled in terms of this Act, after deduction of any amounts contemplated in section 20 3 in monthly instalments, the first month to be reckoned—

- (a) in the case of a member designated in terms of item 16 of Schedule 2 to the Constitution, from the date of publication of the list of names of representatives as contemplated in subitem (3) of the said item, and 25
- (b) in the case of a member nominated in terms of section 133(2), read with section 44(2) of the Constitution, to fill a vacancy, from the date on which the previous member vacated his or her seat in the Provincial Legislature or the date of receipt of the nomination by the Speaker, whichever is the later date. 30

(2) In addition to the deduction contemplated in subsection (1), the Secretary is authorised to deduct from the payment of a member of the Provincial Legislature all such amounts as may be prescribed by law and all such amounts as have been consented to by the member concerned.

Charge to the Provincial Revenue Fund

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5. The amount payable in respect of remuneration and allowances in terms of this Act shall be charged annually to the Provincial Revenue Fund, and the provisions of this section shall be deemed to be an appropriation of every such amount.

Savings

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6. (1) Any remuneration or allowances paid to any member of the Provincial Legislature or to an office-bearer by the Secretary after 27 April 1994, but before the commencement of the first notice under section 2(1) of this Act, and purporting to have been remuneration or allowances as contemplated in section 135(4) or 149(10) of the Constitution shall be deemed 45 to have been determined under this Act.

NOORD-KAAPSE WET OP DIE BETALING VAN LEDE VAN DIE
PROVINSIALE WETGEWER, 1994

Wet No. 5, 1994

- (iii) sy of haar diens in die Nasionale Weermag, of in 'n ander mag of diens by of kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), ingestel, gedurende 'n staat van nasionale verdediging;
- 5 (b) om 'n vergadering van die Provinsiale Wetgewer, bedoel in subartikel (1)(a), by te woon ten opsigte van 'n verdere tydperk van afwesigheid, wat 15 dae gedurende enige kalenderjaar nie te bowe gaan nie, bykomend tot enige afwesigheid weens omstandighede bedoel in paragraaf (a); of
- 10 (c) om 'n vergadering van die Uitvoerende Raad soos bedoel in subartikel (1)(b) of 'n vergadering van 'n Komitee soos bedoel in subartikel (1)(c) by te woon, indien sy of haar afwesigheid nie aan 'n omstandigheid bedoel in paragraaf (a) bedoel, te wyte is nie, maar deur die Premier of die Speaker, wat die geval ookal is,
- 15 verskoon word by aanvoering van goeie gronde deur hom of haar, selfs al word die vergadering gehou gedurende die 15 dae bedoel in paragraaf (b).

Betaling van besoldiging en toelaes

4. (1) Die Sekretaris betaal aan elke lid van die Provinsiale Wetgewer, in maandelikse paaie, die besoldiging en toelaes waarop hy of sy ingevolge hierdie Wet geregtig is na aftrekking van enige bedrae beoog in artikel 3, en die eerste maand word gereken—

- (a) in die geval van 'n lid aangewys ingevolge item 16 van Bylae 2 van die Grondwet, vanaf die datum van die publiserings van die lys van name van verteenwoordigers soos beoog in subitem (3) van daardie item, en
- 25 (b) in die geval van 'n lid benoem ingevolge artikel 133(2), gelees met artikel 44(2) van die Grondwet, om 'n vakature te vul, vanaf die datum waarop die vorige lid sy of haar setel in die Provinsiale Wetgewer ontruim het of die datum van ontvangs van die benoeming deur die Speaker, watter ook al die laaste datum is.
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(2) Die Sekretaris is gemagtig om, benewens die aftrekking in subartikel (1) bedoel, al sodanige bedrae van die betaling van 'n lid van die Provinsiale Wetgewer af te trek as wat by enige wet voorgeskryf word en

35 ook enige sodanige bedrae waartoe die betrokke lid mag toestem.

Las teen Provinsiale Inkomstefonds

5. Die bedrag wat ten opsigte van besoldiging en toelaes ingevolge hierdie Wet betaalbaar is, maak 'n jaarlikse las teen die Provinsiale Inkomstefonds uit, en die bepalings van hierdie artikel word geag 'n bewilliging van elke sodanige bedrag te wees.

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Voorbehoude

6. (1) Enige besoldiging of toelaes wat na 27 April 1994, maar voor die inwerkingtredeing van die eerste kennisgewing kragtens artikel 2(1) van hierdie Wet, deur die Sekretaris aan 'n lid van die Provinsiale

45 Wetgewer of aan 'n ampsdraer betaal is, en wat voorgee besoldiging of toelaes soos beoog in artikel 135(4) of 149(10) van die Grondwet te wees, word geag kragtens hierdie Wet bepaal te wees.

Act No. 5, 1994**NORTHERN CAPE PAYMENT OF MEMBERS OF THE
PROVINCIAL LEGISLATURE ACT, 1994**

(2) Notwithstanding the provisions of section 4(a) of this Act, the remuneration and allowances referred to in that section shall be deemed to have become payable with effect from 27 April 1994 to those persons who, in pursuance of the first election under the Constitution, were designated as members of the Provincial Legislature in terms of item 16 of Schedule 2 to the Constitution. 5

Short title and commencement

7. This Act shall be called the Northern Cape Payment of Members of the Provincial Legislature Act, 1994, and shall be deemed to have come into operation on 27 April 1994. 10

NOORD-KAAPSE WET OP DIE BETALING VAN LEDE VAN DIE
PROVINSIALE WETGEWER, 1994

Wet No. 5, 1994

- (2) Ondanks die bepalings van artikel 4(a) van hierdie Wet word die besoldiging en toelaes in daardie artikel bedoel geag met ingang van 27 April 1994 betaalbaar te geword het aan dié persone wat, na aanleiding van die eerste verkiesing kragtens die Grondwet, ingevolge item 16 van
- 5 Bylae 2 van die Grondwet as lede van die Provinsiale Wetgewer aangewys is.

Kort titel en inwerkingtreding

7. Hierdie Wet heet die Noord-Kaapse Wet op die Betaling van Lede van die Provinsiale Wetgewer, 1994, en word geag op 27 April 1994
- 10 in werking te getree het.

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