



SUBMISSION OF THE ANNUAL REPORT TO THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

To the President of the Republic of South Africa, His Excellency President Cyril Ramaphosa, I have the honour to present the 2021 Annual Report for the period of 01 January 2021 to 31 December 2021, on behalf of the Independent Commission for the Remuneration of Public Office-Bearers, as enjoined by section 10(1) of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 (Act No. 92 of 1997), (the Commission Act).

Section 10(2) requires the President to cause a copy of the Annual Report submitted by the Commission to be tabled in Parliament as soon as may be practicable.

Yours sincerely

Judge President Mashangu M Leeuw
Chairperson



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I. ACKNOWLEDGEMENTS

The Independent Commission for the Remuneration of Public Office-Bearers (Commission) acknowledges the following persons and institutions for their contributions to the functioning of the Commission during 2021, and in generating the finalisation of this Annual Report:

1. The Presidency, for administrative support to the Commission;
2. All public office-bearers (POBs) and other stakeholders, who actively participated in the meaningful and in-depth consultations and communication with the Commission, in the execution of its mandate;
3. All Commissioners during the reporting period, for their diligence, dedication and commitment to the Commission's activities; and
4. The Commission's secretariat for its diligence, efficiency and efficient execution of their duties in supporting the work of the Commission.



2. FOREWORD BY THE CHAIRPERSON

Judge Mashangu Monica Leeuw
Chairperson

I have the honour to present the Commission's 2021 Annual Report which covers the activities of the Commission for the period 1 January 2021 to 31 December 2021.

A highlight of the key issues and activities embarked upon by the Commission during the period under review are as follows:

- a) 11 March 2021 - The submission of the Commission's 2020/ 2021 annual remuneration recommendations to the President.
- b) 11 March 2021 - Submission of the Commission's 2020 Annual Report to the President.
- c) 30 March 2021 - The submission of the Commission's 2020/ 2021 annual remuneration recommendations to the Presiding Officers of Parliament.
- d) 31 March 2021 - Publication of the Commission's recommendations in the Government Gazette.
- e) 1 October 2021 - Tabling of the Commission's 2020 Annual Report in Parliament.
- f) Stakeholder engagement on the final draft report of the major review of remuneration of POBs within Local Government, Executive & Legislative and the Judiciary Sectors;
- g) Investigation and consideration of the remuneration review for the Independent Constitutional Institutions and Traditional and Khoi-San Leadership; and
- h) Stakeholder management.

The Commission functioned in full capacity during the first half of 2021, but bid farewell to the Deputy Chairperson, Ms MJ Ramagaga, the Commissioners Mr. GM Barnard and Dr. SM Sibandze whose terms of office with the Commission ended on 31 July 2021. The Commission constituted five (5) members for the remaining half of 2021 which at times affected the constituting of a quorum during the Commission's scheduled meeting(s).

As a result, on 14 June 2021, I met with the Director-General and the Secretariat of Cabinet and agreed that the process should be urgently initiated with the assistance of the Secretariat to replace the vacant posts in the Commission.

I would like to express my sincere gratitude to the Commissioners (outgoing and present) for their invaluable contributions and for forging ahead to cover substantial ground work in discharging the Commission's mandate in 2021, despite the challenges. I convey my gratitude to the Secretariat for their professional work, the unwavering support including the well informed inputs contributed to the Commission's vision and mission, and the fulfilment of the Commission's mandate.

Judge President MM Leeuw
Chairperson



3. HEAD OF SECRETARIAT OVERVIEW

Mr PM Makapan
Head of Secretariat

It is my great pleasure to provide this overview which is informed by the collective effort and union of members of the Secretariat. Year 2021 was a challenging one considering numerous enquiries from stakeholders in relation to the Commission's remuneration review of public office-bearers, expiry of the term of three (3) members of the Commission and economic challenges experienced by the country, which to an extent negatively affected social and economic sustainability of citizens and perceived perpetual income erosion of public office bearers.

The Commission's response to its operating environment and stakeholders' submissions was guided by its founding legislation that directs the Commission to consider certain factors as prescribed by the section 8(6) of the Commission Act for considering remuneration recommendations for POBs. The Secretariat in supporting the Commission adhered to the regulatory directives and operated in a hybrid manner; mostly virtually, in order to enhance the achievement of the Commission's 2021 activities.

The Secretariat appreciates its supporting role to the Commission to achieve the following objectives:

- Collating and compiling the 2021/2022 annual remuneration recommendations and the 2020 Annual Report including submission thereof to the Commission for consideration;
- Consolidating the remuneration review report of Local Government, the Executive and Legislative and Judicial Sectors;
- Providing Secretariat oversight on the review project of remuneration of POBs within the Traditional and Khoi-San Leadership and Independent Constitutional Institutions; and
- The management and engagements with the service providers and POBs stakeholders.

The Secretariat adhered to the required legislative precepts and instructions in relation to its operations. During the year, the Secretariat was mostly engaged in the consolidating inputs, submissions and collated data in order for the Commission to release its draft consulting report to stakeholders in September 2021. The achievement of the above was realised through the support received from the Presidency in the allocation of

resources, oversight received and guidance from the members of the Commission and open engagement with POBs stakeholders.

The challenge of capacitating the Secretariat requires urgent attention and the Commission expressed this challenge to the Presidency and is eagerly awaiting further action. Consideration of this plea will enable the Secretariat to provide adequate service to the Commission and other relevant stakeholders as envisaged by the extended mandate of the Commission.

The Secretariat wishes to thank the Chairperson and members of the Commission for their support in discharging the Commission's directives and implementing its resolutions during the difficult time in 2021. Lastly, I would like to thank my colleagues within the Secretariat for their dedicated support and contribution in the finalisation of this report. Our collective effort, professional conduct and individual strength will enable the team to realise its operational objectives despite inadequate human resources capacity.

Mr PM Makapan
Head of Secretariat



4. GENERAL INFORMATION: ABOUT US

4.1. OUR ROLE

The Commission is an independent institution that is responsible for making annual recommendations concerning the salaries and/or the upper limits of salaries, allowances, benefits, and the resources required by some POBs, to enable them to perform their duties effectively.

4.2. VISION

The Commission envisages an equitable and appropriate remuneration for all public office bearer positions Republic of South Africa.

4.3. MISSION

The Commission strives through research and consultative processes to, *inter alia*; make independent, transparent and sustainable recommendations, as required, in respect of the remuneration of all Public Office Bearers.

4.4. UNDERLYING PRINCIPLES

The Commission formulated a set of guiding principles that it employs in exercising its discretion and responsibility conferred on it by the Constitution and legislation. The principles fall into two categories, namely:

- Those that are drawn from the objectives and values of the Constitution
- Those that are meant to be practical guides in formulating a just remuneration dispensation

The first category includes:

- Honesty
- Independence
- Integrity
- Leadership
- Objectivity
- Openness
- Selflessness

The second category includes:

- Affordability
- Consultative
- Efficient and effective
- Good governance
- Lawful, open, fair, and justifiable
- Public interest
- Responsive
- Separation of powers
- Transparency and accessibility

4.5. MANDATE

The Commission is a statutory entity established in terms of section 2 of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 (Act 92 of 1997) ('the Commission Act'). It obtains its mandate mainly from the following pieces of legislation:

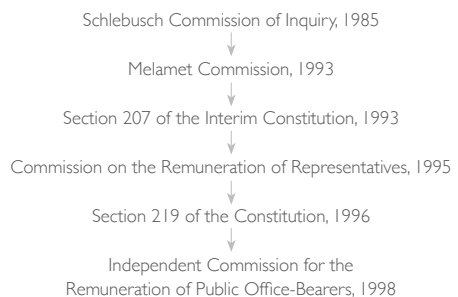
- The Constitution of the Republic of South Africa, 1996;
- The Independent Commission for the Remuneration of Public Office-Bearers, 1997 (No. 92 of 1997); and
- The Remuneration of Public Office-Bearers Act, 1998 (Act No. 20 of 1998).

Other related Acts includes the following:

- The Judges Remuneration and Conditions of Service Act, 2001 (No. 47 of 2001) (Judges Act);
- The Magistrates Act, 1993 (No. 90 of 1993) (Magistrates Act); and
- Traditional and Khoi-San Leadership Act, 2019 (No. 3 of 19) (The TKLA)
- The Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act No 22 of 2014.

4.6. HISTORY

An overview of the history of the Commission is provided hereunder as follows:



CHAIRPERSONS OF THE COMMISSION, 1995 TO DATE

PERIOD OF APPOINTMENT	NAME
21 April 1995 - 5 April 1998	Justice HW Levy
21 August 1998 - 30 April 2000	Justice JH Steyn
10 May 2000 - 31 March 2004	Justice RJ Goldstone
1 April 2004 - 31 March 2009	Deputy Chief Justice Dikgang Moseneke
1 September 2009 - 31 August 2014	Judge LW Seriti
10 October 2014 - 9 October 2019	Judge CJ Musi
17 November 2019 to date	Judge President MM Leeuw



4.7. COMPOSITION

Section 3 of the Act provides that the Commission shall consist of eight members appointed by the President of the Republic of South Africa. All members of the Commission serve on a part-time basis for a non-renewable term of five years.

The members are appointed on the basis of their knowledge, qualifications of, or experience in matters relating to the functions of the Commission. The Act also prescribes the criteria for disqualification of appointments and vacation of office of members of the Commission.

THE COMMISSION COMPRISES THE FOLLOWING MEMBERS:



Judge Mashangu Monica Leeuw,
Chairperson:
17 November 2019 to date



Ms Matshego Ramagaga,
Deputy Chairperson:
1 August 2016 - 31 July 2021



Dr Nomusa Zethu Qunta,
Commissioner:
17 November 2019 to date



Mr Garth Barnard,
Commissioner:
1 August 2016 - 31 July 2021



Professor Mariette Coetzee,
Commissioner:
17 November 2019 to date



Mr. Satish Roopa,
Commissioner:
17 November 2019 to date



Professor Itumeleng Mosala,
Commissioner:
17 November 2019 to date



Dr. Siphon Masenjane Sibandze,
Commissioner:
1 August 2016 - 31 July 2021

4.8. FUNCTIONS

The functions of the Commission are fully set out in the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997. They include:

- The powers and duties conferred to the Commission by section 219 of the Constitution, 1996.
- Conducting inquiries into any matter authorised by statute;
- Conducting research or causing research to be conducted as may be necessary for the performance of the functions of the Commission.
- Publishing annual recommendations concerning salaries, allowances and benefits of all POBs, and the resources necessary to enable an office-bearer to perform his or her functions effectively;

- Publishing an Annual Report on its activities.

The Commission operates in an environment in which it is required to balance the inputs and submissions of POBs with the economic realities of the Republic of South Africa, the expectations of the general public, and the current trends with respect to appropriate remuneration comparators.

Its role is critical in the promotion of, inter alia, a democratic and well-governed system, in which POBs do not determine their own remuneration.



5. LEGISLATIVE FRAMEWORK AND MANDATE

Table I below sets out briefly the legislative framework within which the Commission operates. The table also indicates, where applicable, the Acts that have been amended or repealed.

ACT	ACT NO.	RELEVANCE	REPEALED/ AMENDED BY ACT
Magistrates Act	90/1993	Provides for remuneration and conditions of employment of Magistrates	N/A
Interim 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 a Commission to make recommendations regarding the nature, extent and conditions of remuneration and allowances of 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
Traditional and Khoi-San Leadership Act	3/2019	Provided for payment of remuneration and allowances to Traditional and Khoi-San Leaders	N/A
Constitution of the Republic of South Africa	108/1996	Provides for legislation of an 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	Provides a framework for determining salaries, allowances and benefits of 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	Provides for remuneration and conditions of employment of all Judges	N/A
Judicial Officers (Amendment of Conditions of Service) Act	28/2003	Includes all judicial office-bearers in the scope and definition of office-bearers	N/A
Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act	22/2014	Provides for remuneration and conditions of employment of Traditional and Khoisan Leadership	41/2003 & 23/2009

6. FACTORS THAT THE COMMISSION CONSIDERS WHEN MAKING RECOMMENDATIONS

When making recommendations referred to in Section 8(4) of the Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 as amended, the Commission must take the following factors into account, as per Section 8(6) of the same Act:

- (i) The role, status, duties, functions and responsibilities of the office-bearers concerned;
- (ii) The affordability of different levels of remuneration of public office-bearers;
- (iii) Current principles and levels of remuneration, particularly in respect of organs of state, and society generally;
- (iv) Inflationary increases;
- (v) The available resources of the state; and
- (vi) Any other factor which, in the opinion of the Commission, is relevant.

All these factors are to be considered by the Commission when making annual recommendations. Information is obtained through consultations with stakeholders, as well as by accessing and researching credible public reports.

7. GOVERNANCE

The Commission Act regulates and determines the operations and governance of the Commission, including how the Commission is constituted, the terms of office of its members, the schedule of meetings and its reporting requirements, as well as the specific functions and its administration.

7.1 Commission meetings and decisions

The Commission is required by law to meet at least once a year; at a time and place determined by the Chairperson. However, the Commission has met more often than the stipulated requirement, because of the increased scope of its work. It met six times during the period under review. The Act further



sets out the quorum requirement, which is "five members shall constitute a quorum for meetings". Decision making is by consensus. However, where a matter needs to be voted on, the majority view holds.

- Commission meetings;
- Statutory consultations and meetings; and
- Meetings with stakeholders.

A schedule of the Commission's programme of meetings for 2021 is set out in Table A. The table distinguishes between:

Attendance at meetings attached as Annexure A is reflected in the register.

COMMISSION PROGRAMME OF MEETINGS FOR 2021

COMMISSION MEETINGS		
DATE	ACTIVITY	LOCATION
12 February	Commission Meeting	Virtual Meeting
5 March	Commission's Special Meeting	Virtual Meeting
26 March	Commission's Special Meeting	Virtual Meeting
8 April	Task team for the consolidation of review reports	Virtual Meeting
30 April	Commission Meeting	Virtual Meeting
28 May	Commission's Special Meeting	Virtual Meeting
2 July	Commission Meeting	Virtual Meeting
30 July	LG & TL Subcommittee Meeting	Virtual Meeting
30 August	Commission Special Meeting	Virtual Meeting
5 - 6 November	Commission Meeting	Kwa Maritane
13 December	Commission Meeting	Virtual Meeting

STATUTORY CONSULTATION AND MEETINGS		
DATE	ACTIVITY	LOCATION
30 March 2021	Meeting with the Presiding Officers of National Parliament	Virtual Meeting
20 July 2021	The Commission communicated in writing with stakeholders on 20 and 22 July 2021 and requested their views on salaries of POBs as this was intended to be considered during the finalisation of the recommendations.	Letters
15 December 2021	A follow-up written communication on, was sent to stakeholders who did not respond to the Commission's letter of 20 July 2021	Letters

STATUTORY CONSULTATION AND MEETINGS		
DATE	ACTIVITY	LOCATION
23 February	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
8 March	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
14 April	Commission's meeting with the Department of Traditional Affairs	Virtual Meeting
6 May	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
12 May	Commission's meeting with National Treasury	Virtual Meeting
24 May	Validation of role profiles in the Traditional and Khoi-San sectors	Virtual Meeting
21 June	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
28 June	Validation of role profiles in the Traditional and Khoi-San sectors (Snr Khoisans)	Virtual Meeting
30 August	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
14 September	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
11 November	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
19 November	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
1 December	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
8 December	Validation Meeting with the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities	Virtual Meeting
9 December	Validation Meeting with Independent Communications Authority of South Africa	Virtual Meeting
13 December	Validation Meeting with the office of the Auditor General	Virtual Meeting
14 December	Independent Constitutional Institutions (ICIs) Review Meeting	Virtual Meeting
15 December	Validation Meeting with Financial and Fiscal Commission (FFC) and Commission for Gender Equality (CGE)	Virtual Meeting



EXPENDITURE REPORT FOR THE COMMISSION'S PROGRAMME 2021

Total number of Commissioners	7
Total number of days claimed by the Deputy Chairperson	15
Total number of days claimed by other Commissioners	121
Total Amount paid to the Deputy Chairperson	R66 675
Total Amount paid to other Commissioners	R470 448
Cellphone claims	R22 000
Amount claimed by Commissioners	R559 123

7.2 Administration of the Commission

Section 11 (1) of the Commission Act provides that the "Director-General: Office of the President shall, after consultation with the Commission, designate such officers in the Office of the President as may be necessary to perform the work incidental to the exercise or performance of the powers and duties of the Commission". The Commission is assisted by the Secretariat, as indicated in paragraph 4.9 of this Annual Report. The Secretariat, under the leadership of Mr. PM Makapan, provides the support and infrastructure services that are vital to the performance of the Commission's duties and responsibilities.

The Secretariat provides governance, advice, administrative support and expertise to the Commission. The Secretariat further supports the Commission in its discharge of its legislative mandate, by providing operational and secretarial services, assisting different PBO institutions with the implementation of the President's proclamations, and with the interpretation of relevant reports by the Commission's stakeholders. The Secretariat structure is as follows:

SECRETARIAT



Mr PM Makapan
Head of Secretariat



Ms C Masemola
Senior Admin Officer



Ms D Ranthako
Senior Remuneration Specialist



Ms M Mashaba
Senior Legal Researcher



7.3 The Commission's budget

The expenditure incidental to the exercise or performance of the powers and duties of the Commission is defrayed from monies appropriated by Parliament for that purpose. The Presidency provides the Commission with the financial support and resources to exercise its mandate, as prescribed by the Act and other statutory provisions.

8. STRATEGIC OBJECTIVES AND STATUTORY OBLIGATIONS FOR 2019/2020

8.1. To conduct inquiry into any matter in respect of which the Commission is authorised by relevant legal provisions

KEY PERFORMANCE ACTIVITY	INDICATORS	REASONS/COMMENTS
<ul style="list-style-type: none"> Consolidated report on major review of remuneration of POBs within Local Government, Executive & Legislative and Judiciary sectors 	<ul style="list-style-type: none"> Final draft report on major review of remuneration of POBs within Local Government, Executive & Legislative and Judiciary sectors. The Commission's final draft report to be forwarded to stakeholders for consultation. Consolidation of inputs received and submission of the report to President and Parliament. 	<ul style="list-style-type: none"> Commission to submit the final report to Parliament and President. The report to be published in the government Gazette.

8.2. To make annual recommendations concerning the salaries, allowances and benefits of POBs

KEY PERFORMANCE ACTIVITY	INDICATORS	REASONS/COMMENTS
<ul style="list-style-type: none"> 2021/2022 Annual Remuneration Recommendations 	<ul style="list-style-type: none"> Request for submissions from stakeholders on 2021/2022 Annual Remuneration Recommendations. Research in line with best practices and benchmarking. Identify comparative research data and sources. Secretariat's discussion documents/draft recommendations. Commission inputs and discussion. Statutory consultation and submissions. Commission final report on the subject. Justifiable, transparent and fair recommendations. Recommendations that are in line with international best practices and trends. 	<ul style="list-style-type: none"> Commission is mandated to publish recommendations at least once a year.

8.3. Submission of an annual report to the President

KEY PERFORMANCE ACTIVITY	INDICATORS	REASONS/COMMENTS
<ul style="list-style-type: none"> Timeous project plan in place Compliance with stipulated time frames in terms of legislation Motivated, comprehensive and factual reporting 	<ul style="list-style-type: none"> Secretariat draft annual report. Inputs and discussion by Commission. Finalisation and printing of Annual Report. Submission to President. Circulation to main stakeholders. Broadcasting of Annual Report on Commission website. 	<ul style="list-style-type: none"> Secretariat to draft 2021 Annual Report and circulate it for inputs to the Commissioners. Submission of the Annual Report to the President.



8.4. To investigate and consider any specific matter relating to the salaries, allowances and benefits of POBs, on request by the President or any other stakeholders

KEY PERFORMANCE ACTIVITY	INDICATORS	REASONS/COMMENTS
<ul style="list-style-type: none"> Review of remuneration of POBs within Traditional and Khoi-San Leadership 	<ul style="list-style-type: none"> Stakeholder engagement, validation and grading of position within Traditional and Khoi-San, and consideration of review objectives. Adoption of Terms of Reference. Reviewing of pension, medical aid and other benefits and allowances. Grading, remuneration structure. International benchmarking. Remuneration analysis and structuring. Stakeholder engagement. Drafting of the report. 	
<ul style="list-style-type: none"> Review of the remuneration of Independent Constitutional Institution positions 	<ul style="list-style-type: none"> Drafting of role profiles and validation. Grading, remuneration structure. International benchmarking. Remuneration analysis and structuring. Stakeholder engagement. Drafting of the report. 	<ul style="list-style-type: none"> Implementation of Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014 (Act No. 22 of 2014).

8.5. Exercise good governance and planning

KEY PERFORMANCE ACTIVITY	INDICATORS	REASONS/COMMENTS
<ul style="list-style-type: none"> Ensure proper annual planning 	<ul style="list-style-type: none"> Provide Presidency with a clear annual programme of the Commission. 	<ul style="list-style-type: none"> The Secretariat Operational Plan that incorporates the Commission strategy required by the Presidency.
<ul style="list-style-type: none"> Commission performance evaluation and its value add 	<ul style="list-style-type: none"> Effective and efficient management of the Commission. Monitor and provide reports on Commission achievements. Commission meetings to be held at the agreed dates. Optimal attendance of meetings and participation therein. 	<ul style="list-style-type: none"> Mandatory.
<ul style="list-style-type: none"> Ensure compliance with legislative prescripts and acceptable standards 	<ul style="list-style-type: none"> Strict compliance with all statutory and policy requirements. 	<ul style="list-style-type: none"> Mandatory.

8.6. Stakeholder management

KEY PERFORMANCE ACTIVITY	INDICATORS	REASONS/COMMENTS
<ul style="list-style-type: none"> Effective stakeholder engagement plan Clear communication strategy Comprehensive stakeholder mapping Effective Reputation/image management 	<ul style="list-style-type: none"> Timely communication with stakeholders (Introduction of new Commissioners). Adopted Commission Communication strategy. Stakeholder mapping document. Stakeholder database and contacts (engaging incoming stakeholders – Chapter 9 Institutions). Distribution of regular communiqués to all stakeholder groups. Establish and maintain nodal points for communication with stakeholder groups. Press conferences/statements/Communiqués. Website Maintenance. Publication of reports in Gazette. Establish & maintain relationships with international entities to ensure continued information sharing. 	<ul style="list-style-type: none"> Maintaining stakeholder and engagement strategies.



8.7 Sustainable administration and resources

KEY PERFORMANCE ACTIVITY	INDICATORS	REASONS/COMMENTS
<ul style="list-style-type: none"> Independence, reputation and credibility of the Commission 	<ul style="list-style-type: none"> Public understanding and acceptance of independence requirements. Independent Commission activities. Strict independence ethics and practices. Reports of threats to independence. The Chairperson of the Commission to liaise with the Director-General in the Presidency. 	<ul style="list-style-type: none"> The achievement depends on the amendment of the Commission legislation(s) that the Commission proposed and consideration of the legal opinion received.
<ul style="list-style-type: none"> Recruitment and retention of qualified support staff to the Commission 	<ul style="list-style-type: none"> Implementation of the proposed Secretariat structure. Availability of the required resources. 	<ul style="list-style-type: none"> Urgent meeting with the President.
<ul style="list-style-type: none"> Maintain a comprehensive intelligence management capability Knowledge management 	<ul style="list-style-type: none"> Maintenance of document management. 	<ul style="list-style-type: none"> Proper records management.

9. KEY OUTPUTS ACHIEVED, MILESTONES AND CHALLENGES

9.1. ANNUAL RECOMMENDATIONS FOR 2020/2021

The Commission delivered its Annual Recommendations to the President on 4 March 2021. The official meeting between the Commission and the President was held on 11 March 2021. Pursuant thereto, a meeting to submit to the Speaker of the National Assembly and the Chairperson of National Council of Provinces was held on 30 March 2021. As a result, the recommendations were published in Government Gazette No. 44369 of 31 March 2021.

In considering the recommendations, the Commission was guided by the following provisions of the Independent Commission for the Remuneration of Public Office Bearers (Remuneration Act):

- Sections 3 to 6 of the Remuneration Act provides for the President to determine the remuneration of Public Office Bearers. These statutory provisions further provide for the consideration of, amongst others, the recommendations of the Commission before the said determinations were made.
- Section 7 (1) (a) of the Remuneration Act provides that the Minister of Cooperative Governance and Traditional Affairs determines the upper limits and allowances of the members of Municipal Councils, after consultation with members of the Executive Council responsible for local government in each province and also after taking into consideration, others things, the recommendations of the Commission.
- Section 8(4) of the Commission Act provides that the Commission shall publish annually, in the Government Gazette, its recommendations on the salaries or upper limits, and the benefits and allowances for POBs.

d) Section 8(5) of the Commission Act also provides that the recommendations referred to in section 8(4) shall be submitted to Parliament before publication.

e) The Determination of Remuneration of Office Bearers of Independent Constitutional Institutions Laws Amendment Act 22 of 2014 (ICI Act) was assented to and published for general information on 2 June 2014 and came into operation on 1 April 2019.

The Commission further considered the fiscal condition of the country demonstrated in the previous financial years (2018/2019 and 2019/2020), the State's wage bill and the impact of POBs' salary increment on the fiscus and general economic status of the country which has been negatively affected by the Covid-19 pandemic, affordability of the fiscus, relevant legislation and all other factors referred to above.

As a result, the Commission recommends that there be no increment (0%) to the remuneration of all POBs' categories.

9.2. ANNUAL REMUNERATION RECOMMENDATIONS FOR 2021/2022

In terms of the Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act (ICI Act) the Commission is required to conduct consultations with the Minister of Justice and Correctional Service, the Minister of Finance and the Chief Justice or person designated by him/her, prior to the submission of its recommendation to the President Parliament, and publication thereof.

The Commission communicated in writing with stakeholders on 20 July 2021 and requested their views on salaries of POBs as this was intended to be considered during the finalisation of the recommendations. A follow-up written communication on 15 December 2021, was sent to stakeholders who did not respond to the Commission's letter of 20 July 2021. The following responses were received from stakeholders:



Minister of Finance

The Minister suggested that a zero percent salary increase be considered for all categories of POBs for the FY2021/22 or alternatively the Commission should consider increasing salaries of POBs at the lower end within the Senior Management Service (SMS) category.

However, the Minister cautioned that retaining salaries of the lower end MPs/MPLs and SMS at zero percentage for extended periods of time, may not be sustainable as it will have a negative impact on POBs pensionable **emoluments** and possibly impact on morale.

Chief Justice (Judiciary submissions)

The Judges submit that their salaries diminished due to the below inflation or no increase of salaries. Their submission is informed by various factors affecting the role players in the year on year consumer price index, determining the remuneration of Judges. Judges invited the Commission to consider and apply the provisions of section 176 (3) of the Constitution, which provides that: ***“The salaries, allowances and benefits of Judges may not be reduced”***.

The Judges further raised the concern that within the past five years, the Judges salary has eroded by over 20 percent. Judges receive a 2.5 % adjustment to their salaries in the year 2018/2019 financial year; that the effect thereof is that Judges presently earn 20% less than what they are entitled to in terms of the Constitution, especially in view of the fact that Judges have lost the medical aid subsidy which they were entitled to receive prior to the 2008 adjustment to their remuneration.

They further submit that an erosion of these nature is unconstitutional by reason of section 176 (3) and the separation of powers envisaged in Section 165 (4) of the Constitution which provides that ***organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts.***

The Judges propose that the Commission should:

- consider Judges’ salaries separately from all other POBs;
- request the President, when considering the Commission’s recommendations, to have due regard to the constitutional injunction contained in section 176 (3);
- recommend a cost-of-living-adjustment (COLA) for Judges, and also consider implementing progressive steps aimed at addressing the 20% deficit in their current remuneration and grant an adjustment which is above the CPI, or not less than 8%; and
- to take note of the fact that Judges’ salaries are being reduced each year.

Lower Courts Remuneration Committee (Magistrates submissions)

The Magistrates submit that the remuneration levels of magistrates have consistently being reduced over the past eleven years. The reasons advanced are amongst others, the internal and external inequities with regard to magistrates’ positions as well as judges’ salaries respectively, and the non-approval of the Commission’s recommendation to the President.

The Magistrates recommend the following with regard to the 2021/2022 remuneration:

- COLA to cover and make good the compounding and cumulative shortfall in the adjustments of the remuneration under the CPI inflation increases since 2009 and
- A COLA adjustment of 5,3% for Magistrates with effect from 1 April 2021.

The Minister of Home Affairs

The Ministry of Home Affairs having noted the Commission’s explanatory memorandum, did not make any inputs or proposal.

The Minister of Cooperative Governance and Traditional Affairs

The Minister recommended that an urgent full-scale benchmark of the local government POBs be conducted to align the salaries, allowances and benefits of these POBs to their National and Provincial counterparts.

Furthermore, the Minister requested the Commission to consider investigating the actual cost of compensation for municipalities and affordability, as most of them are financially distressed.

The Minister further made submissions on the following matters: pension and medical aid of Traditional Leaders and Municipal Councillors. These issues will be dealt with in the major review report.

There were no inputs received from the following stakeholders:

STAKEHOLDERS	RESPONSE
Minister of Justice and Correctional Services	The Minister requested an indulgence to consider the Commission’s request. As at the submission of these recommendations, the Commission did not received any further response from the Minister.
Minister of Women, Youth and Persons with Disabilities	No response
Minister of Communications and Digital Technologies	No response



The Commission was unable to finalise and submit 2021/2022 annual recommendations due to outstanding statutory responses from other stakeholders especially from the Minister of Finance. The full details of the recommendations will be depicted in 2022 Annual Report.

9.3. COMMUNICATION WITH STAKEHOLDERS

The Commission interacted with various stakeholders from the POBs' institutions by requesting submissions on matters relating to remuneration, benefits and allowances with regards to the consolidated Major Review Report and other matters relating to the remuneration major review projects for POBs in the Traditional and Khoi-San sector:

The Commission again consulted with the Chief Justice, the Ministers that are responsible for the Independent Constitutional Institutions as per the provisions of the Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014 (Act No. 22 of 2014).

9.4. TASK TEAMS OF THE COMMISSION

In order to share the workload, the Commission established various task teams with the purpose of strengthening stakeholder relations, increasing consultations between the Commission and stakeholders, and enhancing the effectiveness of the Commission. The task teams were established to deal with matters relating to the salaries, benefits, allowances and tools of trade for the following POB categories:

- Executive and Legislature;
- Judiciary and Independent Constitutional Institutions; and
- Local Government and Traditional Leaders.

The recommendations of the task teams are tabled at the Commission meetings, in order for the Commission to discuss, make amendments and endorsements where necessary.

9.5. CHALLENGES

The Commission is undertaking a comprehensive remuneration review on the practices and principles used to determine the remuneration of POBs that includes, amongst others, office-bearers of ICIs and Traditional and Khoi-San Leadership. The Commission consulted stakeholders and conveyed its approach and methodology in relation to the major review projects.

The fact that the country was still under lockdown restrictions, the Commission had to conduct virtual consultations and in other instances requested submissions from stakeholders in order to execute its mandate. There was a serious delay in responses from the stakeholders that hampered the Commission's intention to meet its target dates relating to the major review projects and annual recommendations.

During the financial year, the Commission bid farewell to three Commissioners who played a vital role to the completion of the said review projects and that had also had an impact on finalisation of the review projects and consolidated major review report.

The Commission was also faced with the challenge of limited resources in terms of support staff and support from the Presidency, which committed to strengthen the support staff to enable the Commission to execute its mandate effectively.

In order to overcome some challenges, emanating from the Commission's enabling legislations like internal arrangement of the Commission and operation of the Secretariat, the Commission advised the Presidency to facilitate the promotion of amending the Commission's legislations as requested previously.



ANNEXURE A: MEETING ATTENDANCE

ATTENDANCE OF COMMISSION MEETINGS IN 2021									
Commissioners	Date	Date	Date	Date	Date	Date	Date	Date	Date
	12 Feb	5 Mar	26 Mar	30 Apr	28 May	2 Jul	30 Aug	5 – 6 Nov	13 Dec
Judge MM Leeuw	P	P	P	A	P	P	P	P	P
Ms M Ramagaga	P	A	P	P	P	P	E/T	E/T	E/T
Mr G Barnard	P	A	P	P	P	P	E/T	E/T	E/T
Dr M Sibandze	P	P	A	P	P	P	E/T	E/T	E/T
Dr NZ Qunta	P	P	P	A	P	P	P	P	P
Prof I Mosala	P	P	P	P	A	P	P	P	P
Mr S Roopa	P	P	P	P	P	P	P	P	P
Prof M Coetzee	P	P	P	P	P	P	P	P	P
Mr PM Makapan	P	P	P	P	P	P	P	P	P
Ms D Ranthako	P	P	P	P	P	P	P	P	P
Ms M Mashaba	P	P	P	P	P	P	P	A	P
Ms C Masemola	NR	NR	NR	NR	NR	P	P	P	P

P: Present an apology N/A: Not appointed during that period NR: Not required to attend e/t: expired term of office

SUB-COMMITTEE MEETINGS IN 2021

EXECUTIVE, NATIONAL PARLIAMENT AND PROVINCIAL LEGISLATURE SUB-COMMITTEE	
Name	Date
	30 March
Judge MM Leeuw	P
Ms M Ramagaga	P
Mr G Barnard	A
Dr Sibandze	P
Mr S Roopa	A
Prof I Mosala	P
Prof M Coetzee	A
Dr NZ Qunta	P
Mr P Makapan	P

LOCAL GOVERNMENT AND TRADITIONAL LEADERS SUB-COMMITTEE								
Name	Date	Date	Date	Date	Date	Date	Date	Date
	30 March	14 April	20 May	24 May	8 June	28 June	30 July	17 August
Judge M Leeuw	N/R	N/R	N/R	N/R	N/R	N/R	P	N/R
Ms M Ramagaga	N/R	N/R	N/R	N/R	N/R	N/R	P	E/T
Mr G Barnard	N/R	N/R	N/R	N/R	P	N/R	P	E/T
Dr Sibandze	P	P	P	P	N/R	P	P	E/T
Dr NZ Qunta	P	P	P	P	N/R	P	P	P
Ms D Ranthako	P	P	P	P	P	P	P	P
Mr P Makapan	N/R	P	P	P	P	P	P	P

INDEPENDENT CONSTITUTIONAL INSTITUTIONS (ICIS) SUB-COMMITTEE													
Name	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date
	23 Feb	8 Mar	6 May	21 Jun	30 Aug	14 Sept	11 Nov	19 Nov	1 Dec	8 Dec	9 Dec	13 Dec	14 Dec
Mr S Roopa	P	P	P	P	P	P	P	P	P	P	P	P	P
Prof M Coetzee	P	A	A	A	P	P	A	A	A	A	A	A	A
Ms M Mashaba	P	P	P	P	P	P	P	P	P	P	P	P	P
Mr P Makapan	P	P	P	P	P	P	P	P	P	P	P	A	P

