

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette Extraordinary

6024

Wednesday, 28 May 2003

Buitengewone Provinsiale Koerant

6024

Woensdag, 28 Mei 2003

Registered at the Post Office as a Newspaper

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*(*Reprints are obtainable at Room 12-06, Provincial Building, 4 Dorp Street, Cape Town 8001.)*

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Afrikaans and Xhosa translation will be available at a later date

PROCLAMATION

BY THE PREMIER OF THE PROVINCE OF THE WESTERN CAPE

NO. 8

PROVINCE OF THE WESTERN CAPE

DETERMINATION OF THE UPPER LIMIT OF SALARIES AND ALLOWANCES OF PROVINCIAL MINISTERS AND MEMBERS OF THE PROVINCIAL PARLIAMENT OF THE WESTERN CAPE

1. In terms of section 2(1) of the Payment of Members of the Western Cape Provincial Legislature Law, 1994 (Law 3 of 1994) and section 6(3)(a) of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998) (“the Remuneration Act”), read with Proclamation R.37, 2003 published in Government Gazette No. 24767 of 25 April 2003, I hereby declare that the following remuneration and allowances, as set out in Schedule 1 hereto, shall apply with effect from 1 April 2003, subject to section 6(7)(a) and (b) of the Remuneration Act.
2. I further declare that the following remuneration and allowances, as set out in Schedule 1 hereto, shall mutatis mutandis also apply to those Provincial Ministers appointed in terms of section 42(1)(b) of Annexure A to Schedule 3 of the Constitution of the Western Cape, 1997 (Act 1 of 1998) with effect from 1 April 2002, subject to section (6)(7)(a) and (b) of the Remuneration Act.
3. Column 4 of Schedule 1 (Notch 3) applies to a re-elected member who at any time has occupied his or her current office, or an office in the same or a higher grade according to Schedule 2, for a period of at least 24 months in total, whether continuous or not, and whether before or after 2 June 1999.
4. Column 3 of Schedule 1 (Notch 2) applies to all re-elected members other than those referred to in paragraph 3. When a re-elected member to whom Column 3 of Schedule 1 applies has held his or her current office, or an office in the same or a higher grade according to Schedule 2, for a period of 24 months in total, whether continuous or not, Column 4 of Schedule 1 (Notch 3) becomes applicable to that member.
5. Column 2 of Schedule 1 (Notch 1) applies to all members of the Provincial Parliament who are not re-elected members.
6. For the purposes of calculating the period of 24 months referred to in paragraphs 3 and 4, a re-elected member who—
 - (a) was a member of Parliament or a Provincial Parliament on 1 June 1999, and
 - (b) pursuant to the elections of 2 June 1999, was designated by the Electoral Commission as a member of the National Assembly or a Provincial Parliament, or appointed as a permanent delegate to the National Council of Provinces (NCOP) in terms of section 61(2)(b) of the Constitution of the Republic of South Africa,is regarded to have continued to occupy the position occupied by him or her on 1 June 1999 until so designated or appointed.
7. In terms of section 6(4) of the Remuneration Act, the amount of R 40 000,00 per annum has been declared as that portion of the remuneration of an office bearer mentioned in Column 1 of Schedule 1 to which section 8(1)(d) of the Income Tax Act, 1962 (Act 58 of 1962), applies.
8. Except for the salaries and allowances provided for in this Proclamation, the office-bearers mentioned in Column 1 of Schedule 1 are not entitled to any other remuneration, whether directly or indirectly, in respect of the offices held by them.
9. In this Proclamation, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Remuneration Act, the Constitution of the Republic of South Africa 1996, (Act 108 of 1996) the Constitution of the Western Cape, 1997 (Act 1 of 1998) or the relevant Rules and Orders contemplated in section 116 of the Constitution of the Republic of South Africa, bears that meaning, and—
 - (a) “member of Parliament” means a member of the National Assembly or a permanent delegate to the National Council of Provinces, and
 - (b) “re-elected member” means a member of the Provincial Parliament—
 - (i) who at any time before 2 June 1999 occupied an office mentioned in Schedule 2, and
 - (ii) whose service in any one or more of those offices has not been interrupted at any time for a continuous period of more than 24 months.
10. Proclamations No. 15/2002 published in Provincial Gazette Extraordinary 5934 of 14 October 2002 and No. 425/2002 published in Provincial Gazette Extraordinary 5959 of 3 December 2003 are hereby repealed.

Dated at Cape Town this 26th day of May 2003.

MCJ VAN SCHALKWYK, PREMIER

