



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

PRESENTATION TO THE SELECT COMMITTEE ON SECURITY AND JUSTICE ON THE DETERMINATION OF REMUNERATION OF JUDGES FOR FINANCIAL YEAR 2016/17

22 FEBRUARY 2017

Presentation Outline

1. Establishment of the Office of the Chief Justice as a National Department
2. Purpose and legislative authority
3. Constitutional and legislative imperatives
4. Remuneration of Judges
5. Concluding remarks
6. Recommendation



Establishment of the Office of the Chief Justice as a National Department

- ❑ Section 165(6) of the Constitution designates the Chief Justice as the Head of the Judiciary and he exercises responsibility over the establishment and monitoring of norms and standards for the exercise of judicial functions of all courts
- ❑ On 23 August 2010, the President of the Republic of South Africa proclaimed the Office of the Chief Justice (OCJ) as a National department within the public service by means of Proclamation 44 of 2010.
- ❑ The establishment of OCJ was envisaged as the first phase towards an independent Judiciary-led court administration system in order to fully realise the Judiciary's institutional independence in line with the Constitution.
- ❑ The mandate of the Office of the Chief Justice (OCJ) is to support the Chief Justice in executing his administrative and judicial powers and duties as Head of the Judiciary and Head of the Constitutional Court



Purpose and legislative authority

- The purpose of the presentation is to submit to the Select Committee on Security and Justice, the determination of the remuneration of Judges for the 2016/17 financial year
- In terms of the Judges Remuneration and Conditions of Employment Act, 2001 (s2) the salaries, allowances and benefits of Judges are determined by the President by notice in the Gazette after taking into considerations the recommendations of the Independent Commission for the Remuneration of Public Office Bearers(IRC the Commission).
- The remuneration of Judges must be approved by Parliament



Constitutional and legislative imperatives

- ❑ The remuneration of Judges is a direct charge against National Revenue Fund, and not part of OCJ vote allocation
- ❑ The salary, benefits and allowances of Judges may not be reduced (Section 176(3) of the Constitution)



Remuneration package of Judges

No salaries increase for Judges.

Level	Current	Recommended
Chief Justice	2 716 798	2 716 798
Deputy Chief Justice	2 445 054	2 445 054
President: Supreme Court of Appeal	2 445 054	2 445 054
Deputy President: Supreme Court of Appeal	2 309 262	2 309 262
Judge: Constitutional Court	2 173 470	2 173 470
Judge: Supreme Court of Appeal	2 173 470	2 173 470
Judge President: High/Labour Court	2 037 678	2 037 678
Deputy Judge President: High/Labour Court	1 901 727	1 901 727
Judge: High/Labour Court	1 765 934	1 765 934



Remuneration of Judges cont.

❑ Other allowances and benefits for Judges:

- Gratuity
- Motor vehicle
- Medical aid
- Travelling allowance
- Settlement allowance for Justices of the Constitutional Court and Supreme Court of Appeal Justices



Concluding remarks

The Committee to take note the following in considering the determination by the President:

- The law requires Parliament to approve or reject the determination by the President.
- Parliament must by resolution approve the Notice, whether in whole or in part, or disapprove the Notice.



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Recommendation

It is recommended that the Committee approves the determination as per the Notice addressed to Parliament by the President.

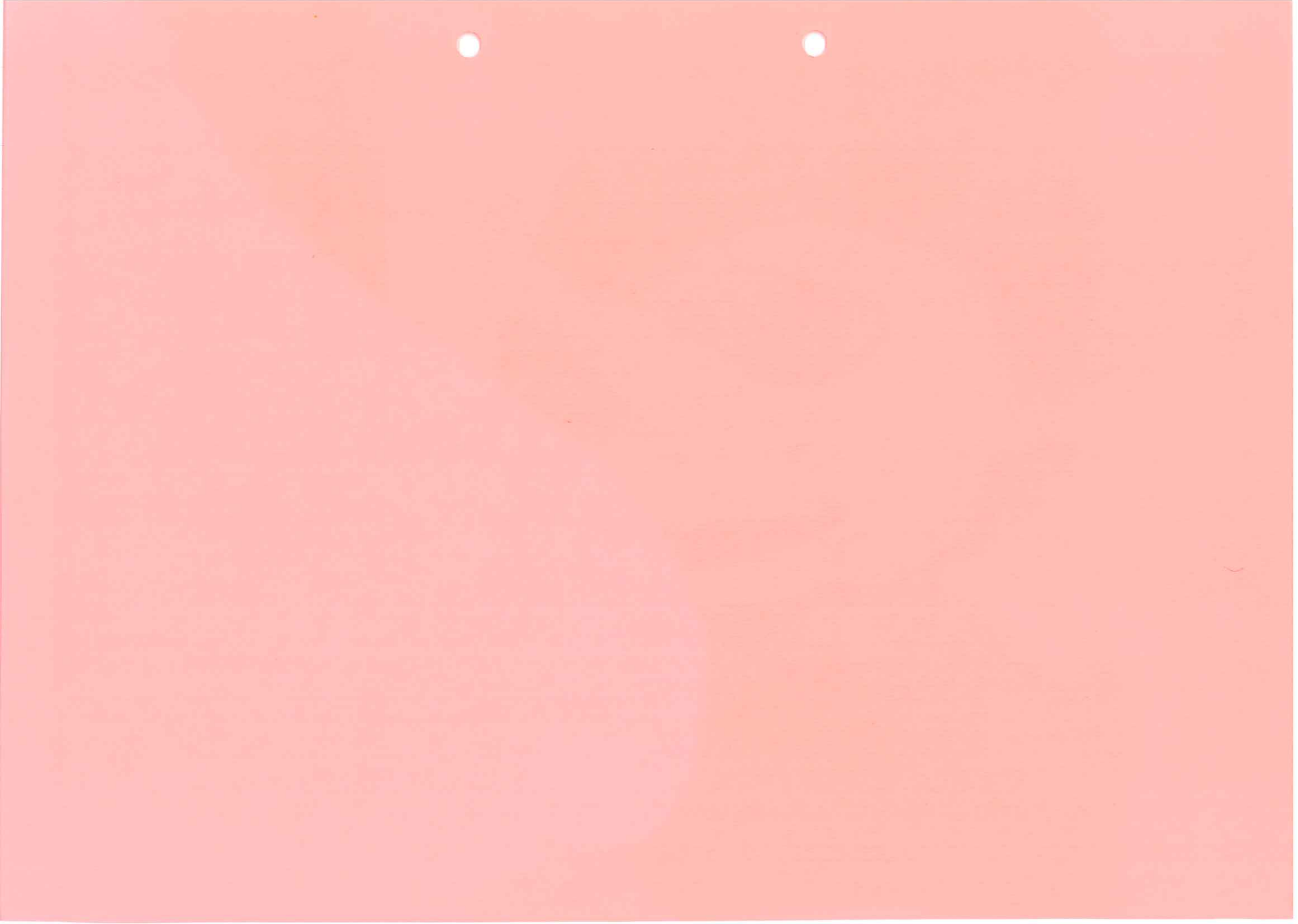
- In terms of the Notice the President accepted the recommendation of the Commission
- That there will be no increase of salaries and allowances for Judges.



END



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Presentation on the Benefits for Constitutional Court Judges and Judges

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PRESENTATION OUTLINE

- ❑ Introduction
- ❑ Recurring cost per Judge's Category



Introduction

- ❑ The Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001) (The Act).
- ❑ The Act provides for the remuneration and conditions of employment of Judges of the Constitutional Court, the Supreme Court of Appeal, the High Courts and related matters.
- ❑ The President may, after consultation by the Minister with the Chief Justice, the President of the Supreme Court of Appeal and the Judges President of the respective High Courts, make regulations in terms of the Act.



The conditions and benefits of Judges are contained
in the Judges' Remuneration and Conditions of
Employment Act, 2001 (Act No 47 of 2001), and
Regulations to the Act.



Remuneration of Constitutional Court Judges and Judges

In terms of section 2 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), the President determines from time to time, an annual salary and such allowances, or benefits. The total remuneration structure has been amended with effect from 01.04.2008. The latest Government Gazette which was published reads as follows:

“The total remuneration structure should include the following elements:

- A cash annual salary component representing 72.24%, and
- A non-cash component of 27.76% (which includes motor vehicle allowance and employer medical aid contribution).”



Annual non-taxable allowances

In terms of section 2 (b) a judge receives an allowance at the rate of R3500 per annum, which allowance shall not be taxable, unless Parliament expressly provides otherwise.



Motor Vehicles

- ❑ Section 12 of the Judges' Remuneration and Conditions of Employment Act, 47 (Act No. 47 of 2001) determines as follows:

“Making available of motor vehicles to judges.- A motor vehicle owned by the State may, on such conditions as the Minister may determine with the concurrence of the Minister of Transport, be made available to any person who holds office as Constitutional Court judge or judge in a permanent or acting capacity, whether he or she performs active service or service, for use, in accordance with the conditions so determined, in the course of his or her official functions as well as for his or her private purposes”.

On 22 February 1999 the class of vehicles was extended to include 4 x 4 vehicles, provided that the price of such vehicles does not exceed the price of a BMW 740iA, of which the current price is R1,207,984.09.

- ❑ Resolution that was taken at the Heads of Court meeting held on 3 April 2016 sets the limit for the judges to purchase the official vehicle at a set limit of R900,000.00.



Medical Aid

- It is Compulsory for a Judge to be a membership of Parmed Medical Aid Scheme.
- Any office-bearer in the service of the Republic shall for as long as he or she holds that post, be a member of Parmed Medical Aid Scheme.



Travelling

- Judge / AJ entitled to allowance of R792.00 every 24 hours away from headquarters or home on official duties
- This allowance may be paid for short periods proportionate to the hours of absence
- Subsistence allowance of R145.00 is paid for a period of absence on official duties of less than 24 hours in total



Total annual recurring cost per Judge's category from direct charges:

ITEM	CHIEF JUSTICE	DCJ	PRES:SCA	D/PRESS: SCA	CONCOURT/ SCA	JP	DJP	JUDGE
Salary	R 1 962 614.88	R 1 766 307.01	R 1 766 307.01	R 1 668 210.87	R 1 570 114.73	R 1 472 018.59	R 1 373 806.86	R 1 275 710.72
Allowance	R 754 183.12	R 678 746.99	R 678 746.99	R 641 051.13	R 603 355.27	R 565 659.41	R 527 919.14	R 490 223.28
Non Taxable allowance	R 3 500.00	R 3 500.00	R 3 500.00	R 3 500.00	R 3 500.00	R 3 500.00	R 3 500.00	R 3 500.00
TOTAL:	R 2 720 298.00	R 2 448 554.00	R 2 448 554.00	R 2 312 762.00	R 2 176 970.00	R 2 041 178.00	R 1 905 226.00	R 1 769 434.00

Other benefits and allowances of judges:

- Continuing salary as a form of pension
- Gratuity



Total annual recurring cost per Judge's category from voted funds:

ITEM	CHIEF JUSTICE	DCJ	PRES:SCA	D/PRES:SCA	CONCOURT/ SCA	JP	DJP	JUDGE
Cell phone	R 18 000.00	R 18 000.00	R 18 000.00	R 18 000.00	R 18 000.00	R 18 000.00	R 18 000.00	R 18 000.00
Data/3G	R 6 000.00	R 6 000.00	R 6 000.00	R 6 000.00	R 6 000.00	R 6 000.00	R 6 000.00	R 6 000.00
Motor vehicle cost								
TOTAL:	R 24 000.00	R 24 000.00	R 24 000.00	R 24 000.00	R 24 000.00	R 24 000.00	R 24 000.00	R 24 000.00



The total annual recurring cost per Judge's category from voted funds:

Note: it is not possible to determine an annual cost per judge on these items as it varies from judge to judge and the historic information is not yet available to the OCJ

ITEM	CHIEF JUSTICE	DCJ	PRES:SCA	D/PRES:SCA	CONCOURT/ SCA	JP	DJP	JUDGE
S&T	R 792.00	R 792.00	R 792.00	R 792.00	R 792.00	R 792.00	R 792.00	R 792.00
Settlement	R 700.00	R 700.00	R 700.00	R 700.00	R 700.00			



THANK YOU



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