**2. Report of the Portfolio Committee on Home Affairs on the draft notice determining the remuneration of Commissioners of the Electoral Commission of South Africa (IEC) for 2019/20, dated 21 July 2020.**

The Portfolio Committee on Home Affairs, having considered the draft notice of the President’s determination of the salaries and allowances of members of various institutions, including Commissioners of the Electoral Commission of South Africa (IEC), reports as follows:

1. A letter, dated 26 March 2020, was received from the President of the Republic, requesting the National Assembly to consider the draft notice of determination of the salaries and allowances of members of various institutions, including the Commissioners of the Electoral Commission of South Africa in terms of the Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014 (Act No. 22 of 2014) retrospectively for 2019/20, usually required by the end of the financial year but having been delayed by the Covid 19 Pandemic related disruptions.
2. On 8 April 2020 and again on 30 June 2020, the matter was referred to the Committee for consideration and report.
3. Section 219(5) of the Constitution of the Republic of South Africa, 1996, provides that national legislation must establish frameworks for determining the salaries, allowances and benefits of judges, the Public Protector, the Auditor-General, and members of any commission provided for in the Constitution, including the Electoral Commission referred to in section 192 of the Constitution.

4. The Determination of Remuneration of Office-Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014 (Act No. 22 of 2014), which came into operation on 1 April 2019, creates the necessary framework to determine the salaries of office-bearers of Chapter 9 institutions mentioned in the Constitution.

5. Section 7 (2) of the Electoral Act 73 of 1998 provides that the conditions of service, remuneration, allowances and other benefits of Commissioners shall from time to time be determined by the President after consultation with the Commission on Remuneration of Representatives established by section 2 of the Commission on the Remuneration of Representatives Act, 1994 (Act 37 of 1994), and a distinction may be made between commissioners appointed in a full-time and part-time capacity.

6. The Independent Commission for Public Office Bearers gazetted its recommendations on 13 February 2020 (GG No. 43019, 13 February 2020), having consulted with the institutions concerned and the relevant Minsters to better understand the remuneration of office-bearers in the various independent constitutional institutions, as well as related concerns and challenges. Pending a major salary review, the Independent Commission recommended that the office-bearers be treated in line with other public office-bearers receiving:

* A 3% adjustment to the remuneration of all categories of public office bearers earning above R1 500 000; and
* 4% for all categories earning below R1 500 000.

1. Having taken into account the serious economic challenges that the country faces and the constrained fiscal environment, the President, however, has proposed:

* A salary-freeze for office-bearers earning R1.5 million and above.
* A 2.8% adjustment for office-bearers earning between R1 million and R1.5 million.
* A 4.5% adjustment for office-bearers earning below R1 million.

1. The Independent Commission for Public Office Bearers notice gazetted on 13 February 2020 (GG No. 43019, 13 February 2020), indicates that the Chairperson and full-time Commissioners of the IEC all earn salaries above R1.5 million. Part-time Commissioners are entitled to a daily sitting rate or hourly sitting rate calculated on a basic salary of a Judge of the High Court.
2. The one part-time IEC Commissioner is a Judge and as such is remunerated in terms of section 2(4) of the Judges’ Remuneration and Conditions of Employment Act 2001, (Act No 47 of 2001). The Portfolio Committee on Justice and Correctional Services, having considered Draft Notice determining the rate at which salaries, allowances and benefits are payable to Constitutional Court judges and other judges annually with effect from 1 April 2019, tabled for approval the Draft Notice to also allocate no salary increase for the 2019/20.

**Recommendation**

1. The Committee, having deliberated, concur with the President’s determination on the remuneration adjustment of IEC Commissioners, that a retrospective salary freeze or 0% increase be implemented for the Chairperson and other full-time Commissioners given their salary level for the 2019/20 financial year. For the part-time Commissioner, a similar freeze will thus apply to the daily/hourly rate which they received for 2019/20 over and above the salary freeze applicable to Judges. The Committee recommends that the National Assembly approve the draft notice determining the remuneration of the Commissioners of the Electoral Commission of South Africa (IEC).

**Report to be considered**.