

ACT

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

(English text signed by the Premier on 16/11/1994)

BE IT ENACTED by the Premier and the Legislature of the North West Province as follows:-

**Definitions.**

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

"committee" means a committee consisting of members of the 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 200 of 1993);

"House" means the Provincial Legislature;

"officer of the Provincial Legislature" means the Secretary to the Provincial Legislature, and any other person who may be appointed to the staff of the Provincial Legislature; and

"presiding officer" means the Speaker or Deputy Speaker of the Provincial Legislature and such other member who has been nominated to act as temporary chairperson of a committee.

Remuneration and allowances of members of Provincial Legislature and officers.

2.(1) Members of the Provincial Legislature and such officers of the Provincial Legislature as may be determined by the Premier by proclamation in the Gazette, shall be paid such remuneration and allowances as may be determined by the Premier, having due regard to the recommendations of the Commission on Remuneration of Representatives referred to in section 207 of the Constitution.

(2) Notwithstanding the provisions of subsection (1) -

- (a) a person who holds different offices at the same time is entitled to remuneration and allowances only in respect of that one of such offices which bears the highest remuneration;
- (b) no remuneration or allowances is payable or due under this Act to any person who is a Premier or a member of the Executive Council.

(3)(a) Paragraph (d) of section 8(1) of the Income Tax Act, 1962 (Act 58 of 1962), shall apply to such portion of the remuneration of a member of the Provincial Legislature or an officer as may be determined by the Premier, as if that amount were an allowance granted to the member or officer as contemplated in that paragraph.

(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 in terms of this Act to a member of the Provincial Legislature (other than a presiding officer), the sum of one hundred rand for every day, on which he or she fails to attend a

meeting -

(a) of the House; or

(b) of 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) or (b), which other meeting is attended by him or her.

(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.

(3) No deduction shall be made under 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) the member's illness or the summons or subpoena of a competent court (except a summons to answer a criminal charge upon which he or she is convicted);

(ii) the death or serious illness of the spouse or child of the member, and such absence is condoned by the presiding officer concerned; or

(iii) the member's service with the National Defence Force, or with any other force or service established by or under the Defence Act, 1957 (Act 44 of 1957), during a state of national defence;

(b) to attend a meeting of the House in respect of any further period of absence not exceeding 30 days during any calendar year; or

(c) to attend a meeting of a committee referred to in that

subsection, if the member's absence is not due to any circumstances referred to in paragraph (a) of this subsection but is condoned by the presiding officer on good cause shown by the member.

**Payment of remuneration and allowances.**

4. Subject to the provisions of section 3, the Secretary to the Provincial Legislature shall pay to every member in terms of this Act in monthly instalments, the first month to be reckoned, in the case of a member of the Provincial Legislature nominated in terms of 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 of the Provincial Legislature, whichever is the later date.

**Charge to Provincial Revenue Fund.**

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.**

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

**Short title and date of commencement.**

7. This Act shall be called the Payment of Members of the North West Provincial Legislature Act, 1994, and shall be deemed to have come into operation on the twenty-seventh day of April, 1994.