

REPUBLIC OF SOUTH AFRICA

REMUNERATION OF PUBLIC OFFICE BEARERS AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 75); explanatory summary of
Bill and prior notice of its introduction published in Government Gazette No. 52274 of 13
March 2025)*
(The English text is the official text of the Bill)

(MR AD BEESLEY, MP)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Remuneration of Public Office Bearers Act, 1998, so as to provide for a definition of ‘tools of trade’; to amend the definition of “the Constitution”; to require that the President be provided with such tools of trade as the National Assembly by resolution may determine, and to stipulate the factors to be considered by the National Assembly when doing so; to require that the Deputy President, Ministers and Deputy Ministers be provided with such tools of trade as the President by proclamation in the *Gazette* may determine, and to stipulate the factors to be considered by the President when doing so; to provide that any changes effected to the provision of allowances, benefits or tools of trade of the Deputy President, Ministers and Deputy Ministers must be reported to the National Assembly and published on the official website of The Presidency; to provide for a review of all allowances, tools of trade and benefits of the President, Deputy President, Ministers and Deputy Ministers and regular reviews thereafter; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 20 of 1998, as amended by section 1 of Act 21 of 2000, section 29 of Act 41 of 2003, section 25 of Act 23 of 2009 and by section 64 of Act 3 of 2019

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1. Section 1 of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) (hereinafter referred to as the “principal Act”), is hereby amended—

(a) by the substitution for the definition of “the Constitution” of the following definition:

“ ‘**the Constitution**’ means the Constitution of the Republic of South Africa, 1996 [(**Act No. 108 of 1996**)];” and

(b) by the insertion after the definition of “the Constitution” of the following definition:

“ ‘**tools of trade**’ means the resources or enabling facilities required by the President, Deputy President, Ministers and Deputy Ministers to perform their duties professionally, effectively and efficiently, and includes—

(a) administrative and professionally qualified staff to provide the required professional support to the President, Deputy President, a Minister or Deputy Minister in order to be able to perform their duties;

(b) communication and technological hardware and software required for communication, such as cellphones, computers and printers;

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- (c) offices, including parking, provided to the President, Deputy President, a Minister or Deputy Minister by the state, to perform their duties;
- (d) office supplies and stationery needed for day-to-day tasks, including letterheads, business cards, diaries, reading material and office furniture; 5
- (e) reasonable safety measures provided by the state for the President, Deputy President, a Minister or Deputy Minister, in their official capacity, during and after working hours, in and outside of their home environment, to safely and securely live and perform their duties; 10
- (f) state-owned residences or rental subsidies provided to the President, Deputy President, a Minister or Deputy Minister to use during their term of office; and
- (g) travelling facilities provided by the state to empower the President, Deputy President, a Minister or Deputy Minister to execute their duties in the most cost-effective manner; and” 15

Amendment of section 2 of Act 20 of 1998

2. Section 2 of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading: 20
“Salary, allowances, tools of trade and benefits of President”; and
 - (b) by the insertion after subsection (4) of the following subsection:
“(4A)(a) The President shall be provided with tools of trade as may be determined from time to time by resolution of the National Assembly. 25
(b) When considering the tools of trade that the President may require, the National Assembly must consider the following factors:
 - (i) The recommendations of the Commission;
 - (ii) the role, status, duties, functions and responsibilities of the President;
 - (iii) affordability and comparative cost of the proposed tools of trade; 30
and
 - (iv) current practices, developments and standards related to tools of trade required for performing professional services in society generally.”.

Amendment of section 4 of Act 20 of 1998 35

3. Section 4 of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading:
“Salaries, [and] allowances, tools of trade and benefits of Deputy President, Ministers and Deputy Ministers”; 40
 - (b) by the substitution for subsection (2) of the following subsection:
“(2) Despite the provisions of subsection (1), a Deputy President, a Minister or a Deputy Minister who holds different public offices simultaneously is only entitled to the salary, allowances, tools of trade and benefits of such office for which he or she earns the highest income.” 45
 - (c) by the insertion after subsection (6) of the following subsection:
“(6A)(a) The Deputy President, Ministers and Deputy Ministers shall be provided with tools of trade as may be determined by the President from time to time by proclamation in the *Gazette*. 50
(b) When considering the tools of trade that the Deputy President, Ministers and Deputy Ministers may require, the President must consider the following factors:
 - (i) The recommendations of the Commission;
 - (ii) the role, status, duties, functions and responsibilities of the Deputy President, Ministers and Deputy Ministers;
 - (iii) affordability and comparative cost of the proposed tools of trade; 55
and
 - (iv) current practices, developments and standards related to tools of trade required for performing professional services in society generally.”; and

(d) by the addition of the following subsections:

“(8) The President must table a report in the National Assembly prior to publishing any changes to the allowances, provision of benefits, or tools of trade of the Deputy President, Ministers and Deputy Ministers setting out details of—

- (a) the proposed changes to the allowances, provision of benefits, or tools of trade;
- (b) factors considered by the President to determine the proposed changes and their extent;
- (c) the recommendations of the Commission;
- (d) costing models considered by the President to support the proposed changes; and
- (e) the cost associated with the proposed changes.

(9) The President must, within 30 days of tabling the report contemplated in subsection (8), publish that report on The Presidency’s official website.”.

Insertion of section 9A in Act 20 of 1998

4. The following section is hereby inserted in the principal Act after section 9:

“Review of allowances, tools of trade and benefits

9A. (1) Any guideline, policy, proclamation or other document purporting to deal with the allowances, tools of trade or benefits of the President, Deputy President, Ministers or Deputy Ministers, must be reviewed at least every five years by the—

- (a) National Assembly, in respect of the President; and
- (b) President, in respect of the Deputy President, Ministers or Deputy Ministers.

(2) The National Assembly must at least six months prior to the expiry of the review period contemplated in subsection (1), or immediately following any other review conducted during the interim of the contemplated review period, debate—

- (a) any proposed changes to the allowances, provision of benefits, or tools of trade of the President;
- (b) factors considered to determine whether changes to the allowances, provision of benefits, or tools of trade of the President should be proposed;
- (c) the recommendations of the Commission;
- (d) costing models considered to make proposals to change the allowances, provision of benefits, or tools of trade of the President; and
- (e) the cost of the allowances, tools of trade or benefits of the President as reviewed,

and must approve or reject any proposed changes as well as the cost of the allowances, tools of trade or benefits of the President, as reviewed.

(3) The President must table a report in the National Assembly at least one year prior to the expiry of the review period contemplated in subsection (1), or immediately following any other review conducted during the interim of the contemplated review period, setting out details of—

- (a) any proposed changes to the allowances, provision of benefits, or tools of trade of the Deputy President, Ministers or Deputy Ministers;
- (b) factors considered by the President to determine whether changes to the allowances, provision of benefits, or tools of trade of the Deputy President, Ministers or Deputy Ministers should be proposed;
- (c) the recommendations of the Commission;
- (d) costing models considered by the President to make proposals to change the allowances, provision of benefits, or tools of trade of the Deputy President, Ministers or Deputy Ministers; and
- (e) the cost of the allowances, tools of trade or benefits of the Deputy President, Ministers and Deputy Ministers, respectively, as reviewed.

(4) The National Assembly must debate the report contemplated in subsection (3) within three months of its tabling, or within such period as

the National Assembly by resolution determines, and must approve, reject or propose amendments to—

- (a) any proposed changes to the allowances, provision of benefits, or tools of trade of the Deputy President, Ministers or Deputy Ministers; and
- (b) the cost of the allowances, tools of trade or benefits of the Deputy President, Ministers and Deputy Ministers, respectively, as reviewed.

(5) The first review period contemplated in subsection (1) commences 12 months from the date of commencement of this section.”.

Transitional provisions

5. (1) Any guideline, policy, proclamation or other document purporting to deal with the allowances, tools of trade or benefits of the President, Deputy President, Ministers or Deputy Ministers, must be reviewed within 12 months of commencement of this Act, in respect of—

- (a) the President, by the National Assembly; and
- (b) the Deputy President, Ministers or Deputy Ministers, by the President.

(2) The National Assembly must within nine months after the commencement of this Act, debate—

- (a) any proposed changes to the allowances, provision of benefits, or tools of trade of the President;
- (b) factors considered to determine whether changes to the allowances, provision of benefits, or tools of trade of the President should be proposed;
- (c) the recommendations of the Commission;
- (d) costing models considered to make proposals to change the allowances, provision of benefits, or tools of trade of the President; and
- (e) the cost of the allowances, tools of trade or benefits of the President as reviewed,

and must approve or reject any proposed changes as well as the cost of the allowances, tools of trade or benefits of the President, as reviewed.

(3) The President must table a report in the National Assembly within six months after the commencement of this Act, setting out details of—

- (a) any proposed changes to the allowances, provision of benefits, or tools of trade of the Deputy President, Ministers or Deputy Ministers;
- (b) factors considered by the President to determine whether changes to the allowances, provision of benefits, or tools of trade of the Deputy President, Ministers or Deputy Ministers should be proposed;
- (c) the recommendations of the Commission;
- (d) costing models considered by the President to make proposals to change the allowances, provision of benefits, or tools of trade of the Deputy President, Ministers or Deputy Ministers; and
- (e) the cost of the allowances, tools of trade or benefits of the Deputy President, Ministers and Deputy Ministers, respectively, as reviewed.

(4) The National Assembly must debate the report contemplated in subsection (3) within three months of its tabling, or within such period as the National Assembly by resolution determines, and must approve, reject or propose amendments to—

- (a) any proposed changes to the allowances, provision of benefits, or tools of trade of the Deputy President, Ministers or Deputy Ministers; and
- (b) the cost of the allowances, tools of trade or benefits of the Deputy President, Ministers and Deputy Ministers, respectively, as reviewed.

Short title and commencement

6. This Act is called the Remuneration of Public Office Bearers Amendment Act, 2025, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE REMUNERATION OF PUBLIC OFFICE BEARERS AMENDMENT BILL, 2025

1. INTRODUCTION AND PURPOSE

- 1.1. In April 2022, President Cyril Ramaphosa amended the Guide for Members of the Executive, (commonly known as “Ministerial Handbook”), without informing the National Assembly or the public. The amendments included exempting Ministers and Deputy Ministers from paying for water and electricity at their official residences and significantly expanding the size of their private offices. It was revealed that the expansion of these offices would cost taxpayers upwards of R87 million annually.
- 1.2. The President’s unannounced and costly changes to the Ministerial Handbook triggered weeks of public outcry. In response, the President was ultimately compelled in October 2022 to rescind the changes made in April 2022. In January 2023, Dr Leon Schreiber, MP introduced the Remuneration of Public Office Bearers Amendment Bill [B8-2023] to address the issue. However, the Bill has since lapsed in terms of the National Assembly Rules.
- 1.3. While the President reversed the specific changes due to the public pressure, concerns over excessive spending persists particularly regarding travel and protection costs of Ministers and Deputy Ministers. The fundamental issue remains: the Ministerial Handbook lacks proper controls and transparency. In his written reply to a Parliamentary question, the President confirmed that “the adoption of the Guide is not done in terms of any legislative provision but is the result of a Cabinet decision that the tools of the trade need to be defined and regulated.” The Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), does allow transparency in respect of the salary, allowances and benefits a President, as these are determined by resolution of the House, but not in respect of the Deputy President, Ministers and Deputy Ministers.
- 1.4. There is also no legal requirement for the National Assembly, or the President, to consider other relevant factors, such as prevailing economic conditions in the country or the comparative costs of different tools of trade. Also, in contrast to other remuneration decisions, there is no legal requirement for the President to report changes to the Ministerial Handbook to the National Assembly, nor is there any requirement to regularly review these allowances and benefits.
- 1.5. The purpose of the Bill is to provide for—
 - 1.5.1. tools of trade to be provided to the President, Deputy President, Ministers and Deputy Ministers; and
 - 1.5.2. transparency and oversight where the President makes a decision about allowances, benefits, or tools of trade for the Deputy President, Ministers and Deputy Ministers.

2. OBJECTS OF BILL

The Remuneration of Public Office Bearers Amendment Bill, 2025 (the “Bill”), seeks to amend the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) (hereinafter referred to as the “principal Act”), by—

- 2.1. requiring that tools of trade shall be provided to the President, Deputy President, Ministers and Deputy Ministers;
- 2.2. providing for the requirements to be considered by the National Assembly and by the President when determining such tools of trade;

- 2.3. providing for transparency and oversight where the President makes a decision about allowances, benefits, or tools of trade for the Deputy President, Ministers and Deputy Ministers; and
- 2.4. providing for a review of all allowances, tools of trade and benefits of the President, Deputy President, Ministers and Deputy Ministers and regular reviews thereafter.

3. CONTENTS OF BILL

- 3.1. Clause 1 makes provision for the definition of ‘tools of trade’ and amends the definition of Constitution to align the citation with the Citation of Constitutional Laws Act, 2005 (Act No. 5 of 2005).
- 3.2. Clause 2 amends section 2, and its heading, to provide for tools of trade for the President. It also provides the factors to consider when determining tools of trade.
- 3.3. Clause 3 amends section 4, and its heading, to provide for tools of trade for the Deputy President, Ministers and Deputy Ministers. It also provides the factors to consider when determining tools of trade. Clause 3 further provides that the President must table a report in the National Assembly prior to publishing any changes and must make that report available on its official website.
- 3.4. Clause 4 inserts section 9A in the principal Act, which provides for a review of all allowances, tools of trade and benefits at least every five years and the process to report thereon to the National Assembly. Section 9A also requires that the National Assembly must approve or reject any proposed changes as well as the cost of the allowances, tools of trade or benefits of the President, Deputy President, Ministers and Deputy Ministers.
- 3.5. Clause 5 provides for a transitional provision that requires a review of any guideline, policy, proclamation or other document purporting to deal with the allowances, tools of trade or benefits of the President, Deputy President, Ministers or Deputy Ministers, within 12 months of commencement of this Act.
- 3.6. Clause 6 provides for the short title and commencement.

4. ORGANISATIONAL AND PERSONNEL IMPLICATIONS

The coming into operation of the Bill will have no additional personnel implications.

5. FINANCIAL IMPLICATIONS FOR STATE

The Bill does not propose obligations that will require additional resources. Transparency and oversight over the cost of benefits, allowances and tools of trade will allow for efficiency and is likely to save the country a significant amount of money.

6. PARLIAMENTARY PROCEDURE

- 6.1. The Member proposes that the Bill be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provisions to which the procedures set out in section 74, 76 or 77 of the Constitution apply.
- 6.2. The Member is of the opinion that it is not necessary to refer this Bill to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), since it does not contain provisions pertaining to customary law or customs of traditional communities.

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