



ORANGE FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

VAN DIE PROVINSIE ORANJE-VRYSTAAT

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OFFICE OF THE PREMIER

KANTOOR VAN DIE PREMIER

No. 8

17 October 1994

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It is hereby notified that the Premier has assentend to the following Act which is hereby published for general information:-

No. 7 of 1994: Payment of Members of the Provincial Legislature Act, 1994

Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-

No. 7 van 1994: Wet op die Betaling van Lede van die Provinsiale Wetgewer, 1994

ACT

To provide for the payment of remuneration and allowances to members of the provincial legislature and for matters incidental thereto.

(Afrikaans text signed by the Premier.)
(Assented to 17 October 1994)

BE IT ENACTED by the provincial legislature of the Orange Free State Province, as follows :- 5

Definitions

1. In this Act, unless the context otherwise indicates - 10
 "committee" means a committee consisting of members of the provincial legislature;
 "Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993);
 "office-bearer" means an office-bearer referred to in section 2(1), and "office" has a corresponding meaning. 15

Remuneration and allowances of members of the provincial legislature and office-bearers 20

2. (1) Members of the provincial legislature and the office-bearers of the provincial legislature shall be paid such remuneration and allowances as may be fixed by the Premier, having due regard to the recommendations of the Commission on Remuneration of Representatives mentioned in section 207 of the Constitution. 25

- (2) Notwithstanding subsection (1) - 30
- (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; 35
- (b) no remuneration or allowances are payable or due under this Act to the Premier or any person who is a member of the Executive Council. 40

Deductions on account of absence 40

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 the Speaker), the sum of R100 for every day on which he or she fails to attend a meeting of the provincial legislature or 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 of either the provincial legislature or a committee, as the case may be, which other meeting is attended by him or her. 45 50

- (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. 55

- (3) No deduction shall be made under subsection (1) on account of the failure of a member of the provincial legislature - 60

- (a) to attend any meeting referred to in that subsection, if the member's absence is due to-

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- (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, companion, child or relative of the member, and such absence is condoned by the Speaker; or 5
- (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 No 44 of 1957), during a state of national defence;
- (b) to attend a meeting of the provincial legislature or a committee, in respect of any further period of absence not exceeding 30 days during any calendar year; or 10
- (c) to attend a meeting of a committee referred to in that subsection, if the member's absence is not due to any circumstance referred to in paragraph (a) of this subsection but is condoned by the Speaker, on good cause shown by the member. 15

Payment of remuneration and allowances

4. Subject to section 3 the Secretary to the provincial legislature shall pay to every member of the provincial legislature the remuneration and allowances to which such member is entitled in terms of this Act in monthly instalments, the first month to be reckoned in the case of a member - 20
- (a) designated in terms of item 16 of Schedule 2 to the Constitution, from the date of the publication of the lists of names of representatives as contemplated in subitem (3) of that item; 25
 - (b) nominated in terms of section 133(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, whichever is the later date. 30

Savings

5. (1) Any remuneration or allowances paid to any member of the provincial legislature or to an office-bearer by the Secretary to the provincial legislature after 27 April 1994, but before the Premier has made a fixing under section 2(1), and purporting to have been remuneration or allowances as contemplated in section 135(4) of the Constitution, shall be deemed to have been fixed under this Act. 40
- (2) Notwithstanding section 4(a), it shall be deemed that, in the case of the persons designated as members of the provincial legislature in terms of item 16 of Schedule 2 to the Constitution in pursuance of the first election under the Constitution, the remuneration and allowances referred to in that section have become payable with effect from 27 April 1994. 45

Short title and commencement

6. This Act shall be called the Payment of Members of the Provincial Legislature Act, 1994, and shall be deemed to have come into operation on 27 April 1994. 50