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## INHOUD

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| No.                | Bladsy                                                                                                                                                        |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Proklamasie</b> |                                                                                                                                                               |
| 30                 | Provinsie Wes-Kaap: Oorgangswet op Plaaslike Regering, 1993: Wysiging van bepalings aangaande die besoldiging van Plaaslike Owerheidsverteenwoordigers..... 2 |

## CONTENTS

(\*Reprints are obtainable at Room 4-94, Provincial Building, Wale Street, Cape Town 8001.)

| No.                 | Page                                                                                                                                                           |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Proclamation</b> |                                                                                                                                                                |
| 30                  | Province of Western Cape: Local Government Transition Act, 1993: Amendment of enactment regarding the remuneration of Local Government Representatives ..... 2 |

**PROKLAMASIE****PROVINSIE WES-KAAP**

NO. 30/1997

**OORGANGSWET OP PLAASLIKE REGERING, 1993  
(WET 209 VAN 1993)****WYSIGING VAN BEPALINGS AANGAANDE DIE BESOLDIGING  
VAN PLAASLIKE OWERHEIDSVERTENWOORDIGERS**

Kragtens artikel 10N(4) van die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993), en met die instemming van die Minister van Provinsiale Sake en Staatkundige Ontwikkeling—

- (a) wysig ek die Skedule tot Proklamasie 82 van 12 Mei 1993 soos gewysig deur Proklamasie 102 van 1 September 1993 en Proklamasie 29 van 24 November 1997.
- (b) herroep ek artikel 4A van die Verteenwoordigende Oorgangsraade Maatregel, 1996 (Proklamamsie 18 van 1996) met ingang van 1 Julie 1997.

Hierdie Proklamasie tree in werking op 1 Julie 1997.

Gedateer te Kaapstad op hierdie 19de dag van November 1997.

PJ MARAIS, MINISTER VAN PLAASLIKE BESTUUR

**SKEDULE**

1. Deur artikel 8 en 8.1 deur die volgende te vervang.

**“Berekening van toelaes**

- 8 (1) Onderworpe aan die bepalings van Subartikel (2), (4), (5) en (6) en artikel 11, sal die toelae betaalbaar aan 'n lid van die Kaapse Metropolitaanse Raad en die metropolitaanse oorgangsubstrukture ingestel ingevolge artikel 7(1)(6) van die Wet, 'n distrikraad ingestel ingevolge artikel 9 van die Wet, 'n plaaslike oorgangsraad en 'n verteenwoordigende oorgangsraad wees soos uiteengesit word in Tabel 3 in ooreenstemming met die waarde in die eerste kolom van die Tabel wat vir elke raad bereken word in ooreenstemming met die volgende formule:

$$a + b,$$

waar “a” 'n waarde is in die eerste kolom van Tabel 1 wat aan daardie raad toegestaan is gebaseer op die inkomste uit belasting van daardie raad.

en “b” is 'n waarde in die eerste kolom van Tabel 2 wat aan daardie raad toegestaan is gebaseer op die aantal kiesers aangedui in die tweede kolom van Tabel 2, wat vir daardie raad geregistreer is: Met dien verstande dat enige raad wat nie in staat is om die toelaes in Tabel 3 uiteengesit te bekostig nie, met die goedkeuring van die verantwoordelike lid van die provinsiale uitvoerende raad die betaling van toelaes teen 'n verminderde bedrag, kan goedkeur.

- (2) Vir die doel van hierdie Bepaling word “inkomste van tariewe” as volg gedefinieer:

“Die werklike inkomste van tariewe van 'n plaaslike owerheid vir die vorige finansiële jaar soos bereken deur elke plaaslike owerheid aan die einde van die onmiddellik voorafgaande finansiële jaar. Op voorwaarde dat dit aanvaar kan word dat hierdie bedrag nie op daardie tydstip ge-ouditeer sou wees nie.”

- (3) Indien 'n raadslid in 'n metropolitaanse substruktuur sowel as die Kaapse Metropolitaanse Raad in watter hoedanigheid ookal dien, is hy/sy slegs geregtig op die toelae wat van toepassing is op 'n posisie ander dan die van 'n gewone raadslid en is sy of haar toelae by die ander raad beperk tot twee keer die toelae van toepassing op 'n gewone raadslid.

- (4) (a) Lede van die Kaapse Metropolitaanse Raad wat nie direk tot die raad verkies is, sal volgens die vlakke bepaal vir kategorie 16 in Tabel 3 betaal word.

(b) Lede van die Rade van die Metropolitaanse Oorgang-

**PROCLAMATION****PROVINCE OF WESTERN CAPE:**

NO. 30/1997

**LOCAL GOVERNMENT TRANSITION ACT, 1993  
(ACT 209 OF 1993)****AMENDMENT OF ENACTMENT REGARDING THE REMUNERATION  
OF LOCAL GOVERNMENT REPRESENTATIVES**

Under section 10N(4) of the Local Government Transition Act, 1993 (Act 209 of 1993), and with the concurrence of the Minister of Provincial Affairs and Constitutional Development, I hereby—

- (a) amend the Schedule to Proclamation 82 of 12 May 1993 as amended by Proclamation 102 of 1 September 1993 and Proclamation 29 of 24 November 1997.
- (b) with effect from 1 July 1997 repeal section 4A of the Transitional Representative Councils Enactment, 1996 (Proclamation 18 of 1996).

This Proclamation shall come into operation on 1 July 1997.

Dated at Cape Town this 19th day of November 1997.

PJ MARAIS, MINISTER OF LOCAL GOVERNMENT

**SCHEDULE**

1. The following section is hereby substituted for section 8 and 8.1.

**“Calculation of Allowances**

- 8 (1) Subject to the provisions of Subsection (2), (4), (5) and (6) and section 11, the allowance payable to a member of the Cape Metropolitan Council and the transitional metropolitan substructures established in terms of section 7(1)(b) of the Act, a district council established in terms of section 9 of the Act, a transitional local council and a transitional representative council shall be as set out in Table 3 in accordance with the value in the first column of that Table which is calculated for each council in accordance with the following formula:

$$a + b,$$

where “a” is a value in the first column of Table 1 which is accorded that council based on the income from rates for that council.

and “b” is a value in the first column of Table 2 which is accorded that council based on the number of voters indicated in the second column of Table 2, registered for that council: Provided that any council which is unable to afford the allowances set out in Table 3 may, with the approval of the responsible member of the provincial executive council, approve the payment of allowances in a lesser amount.

- (2) For the purpose of this Enactment “income from rates” is defined as follows:

“The actual income from rates of a local authority for the previous financial year as calculated by each local authority at the end of the immediately preceding financial year. Provided that it be accepted that this amount will not have been audited at that time.”

- (3) If a councillor serves in a metropolitan substructure as well as the Cape Metropolitan Council in whatever capacity, he is entitled to receive from only one council, the allowance applicable to a position other than that of an ordinary councillor and his or her allowance at the other council is limited to twice the allowance applicable to an ordinary councillor.

- (4) (a) Members of the Cape Metropolitan Council who have been directly elected to the council shall be paid according to the levels stipulated for category 16 in Table 3.

(b) Members of the Councils of the Transitional Metropolitan

substrukture van Kaapstad en Tygerberg sal betaal word volgens die vlakke bepaal vir kategorie 16 in Tabel 3.

(c) Lede van die Raad van die Metropolitaanse Oorgangsubstruktuur van Suid-Skiereiland sal betaal word volgens die vlakke bepaal vir kategorie 15 van Tabel 3.

(d) Lede van die Rade van die Metropolitaanse Oorgangsubstrukture van Helderberg, Blaauwberg en Oostenberg sal betaal word volgens die vlakke bepaal vir kategorie 14 van Tabel 3.

(5) Lede van die Verteenwoordigende Oorgangsraade sal toelae betaal word volgens die vlakke bepaal vir kategorie 1 in Tabel 3.

(6) Die Voorsitters van die distrikraade sal betaal word in ooreenstemming die vlakke bepaal vir vlak 1 van kategorie 14 in Tabel 3.

(7) Raadslede wat op distrikraade dien sal ten opsigte van vergaderings bygewoon by die distrikraad geregtig wees op 'n toelae per vergadering in terme van die skale soos hieronder uiteengesit op voorwaarde dat vergaderingtoelae vir 'n maksimum van tien vergaderings per jaar geëis kan word.

|                                        |       |
|----------------------------------------|-------|
| Gewone raadslid                        | R250  |
| Lid van die Uitvoerende Komitee        | R300  |
| Voorsitter van die Uitvoerende Komitee | R400" |

2. Artikel 9 word hierby geskrap.

3. Artikel 11 word hierby deur die volgende artikel vervang:

#### "Spesiale voorwaardes

11 (1) Waar die bestaande vergoeding plus byvoordele die bostaande vergoeding oorskry, behou die betrokke raadslede die hoër besoldigingsvlak op voorwaarde dat geen verdere aanpassings gemaak word totdat die normale aanpassings wat in hierdie Proklamasie vervat is gelyk is aan die toelae wat huidige aan daardie raadslede betaal word, waarna verdere aanpassings weer op hulle van toepassing sal wees, op voorwaarde dat: In die geval van munisipaliteite wat tussen 1 Januarie tot 30 Junie 1997 verhogings in raadslidtoelae goedkeur het, sodanige verhogings teruggetrek moet word indien dit die toepaslike vlakke van vergoeding in Tabel 3 oorskry.

(2) Die huidige stelsel van pensioenvoordele van toepassing op 30 Junie 1997 vir raadslede word behou, in afwagting van die ondersoek na hierdie voordele, maar op voorwaarde dat geen nuwe lede toegelaat word om by bestaande fondse aan te sluit nie waar die toestemming van 'n funksionaris van die staat of provinsiale regering vereis word om by die fonds aan te sluit nie.

(3) Die huidige reëlings vir reisuittgawes van toepassing op raadslede wat ten opsigte van raadsaangeleenthede reis en raadslede in plattelandse gebiede wat raadsvergaderings bywoon, word behou, op voorwaarde dat—

(a) raadslede normaalweg geen vergoeding vir reisuittgawes binne die regsgebied van die betrokke raad ontvang nie,

(b) raadslede wat buite die regsgebied van hul rade reis en lede van distrikraade wat buite die regsgebied van die primêre plaaslike owerheid ten opsigte van distrikraadsaangeleenthede reis, vir amptelike besoeke byvoorbeeld konferensies en vergaderings, redelike vergoeding ontvang vir werklike onkoste soos reisonkoste, maaltye en hotelkoste, en

(c) in die geval van raadslede wat in plattelandse gebiede dien, word raadslede wat meer as 30km moet reis om Raadsvergadering by te woon, vergoed ten opsigte van vervoer na en van vergaderings van die Raad.

(4) In uitsonderlike gevalle waar die betaling van besoldiging van toepassing is op raadslede wat in raadskomitees dien, word daardie reëlings behou: Met dien verstande dat hierdie beginsel nie uitgebrei word voordat 'n nuwe bedeling vir plaaslike regering in werking tree nie.

(5) 'n Raad moet deur middel van 'n besluit boetes bepaal wat

Substructures of Cape Town and Tygerberg shall be paid according to the levels stipulated for category 16 in Table 3.

(c) Members of the Council of the Transitional Metropolitan Substructures of the South Peninsula shall be paid according to the levels stipulated for category 15 of Table 3.

(d) Members of the Councils of the Transitional Metropolitan Substructures of Helderberg, Blaauwberg and Oostenberg shall be paid according to the levels stipulated for category 14 in Table 3.

(5) Members of transitional representative councils shall be paid allowances stipulated for category 1 in Table 3.

(6) The Chairperson of district councils shall be paid in accordance with the stipulation for level 1 of category 14 in Table 3.

(7) Councillors serving on district councils shall, in respect of meetings attended at the district council, be entitled to an allowance per meeting in terms of the scales provided below, but on condition that meeting allowances for a maximum of ten meetings can be claimed per year.

|                                        |       |
|----------------------------------------|-------|
| Ordinary councillor                    | R250  |
| Member of Executive Committee          | R300  |
| Chairperson of the Executive Committee | R400" |

2. Section 9 is hereby deleted.

3. The following section is hereby substituted for section 11.

#### "Special provisions

11 (1) Where the existing remuneration plus benefits exceed the above remuneration, the councillors concerned retain such higher level of payment, on condition that no further adjustments be made until the normal adjustments contained in this Proclamation is equal to the allowance currently being paid to those councillors, whereafter further adjustments will again be applicable to them provided that: In the case of municipalities meeting approved increases in councillor remuneration between 1 January to 30 June 1997, such increases be reversed should they exceed the applicable levels of remuneration in Table 3.

(2) The system of pension benefits for councillors pertaining on 30 June 1997 is retained pending the investigation of those benefits but on condition that no new members be allowed to join the existing funds where the permission of a government or provincial government functionary is required in order to join the fund.

(3) The present arrangements for travelling expenses in respect of councillors travelling on council business and councillors in rural areas attending council meetings pertaining on 30 June 1997 are retained on condition that—

(a) councillors ordinarily do not receive compensation for travelling expenses within the area of jurisdiction of the council concerned;

(b) councillors who travel outside the area of jurisdiction of their council, and members of district councils who travel outside the area of jurisdiction of the primary local authority, on the business of the district council, on official visits such as conferences and meetings, receive reasonable compensation for out of pocket expenses such as travelling expenses, meals and hotel costs, and

(c) in the case of councillors serving the rural areas, councillors required to travel in excess of 30 kilometers to attend council meetings, be compensated for expenses relating to transport to and from meetings of the council.

(4) In exceptional cases where the payment of remuneration for councillors serving on council committees are in operation, those arrangements be retained: Provided that such arrangements not be further extended until a new dispensation for local governments comes into existence.

(5) A council shall by resolution institute fines payable by

deur raadslede betaalbaar is vir versuim om vergaderings by te woon sonder die vooraf goedkeuring van die raad vir verlof vir afwesigheid."

4. Dat die volgende Tabelle vervang Tabelle 1, 2, 3 en 4:

TABEL 1

| <i>Belastinginkomste</i>      | <i>Getal punte</i> |
|-------------------------------|--------------------|
| R250,000 en minder            | 3.125              |
| R250,001 tot R423,454         | 6.250              |
| R423,455 tot R717,251         | 9.275              |
| R717,252 tot R1,214,891       | 12.500             |
| R1,214,892 tot R2,057,799     | 15.625             |
| R2,057,800 tot R3,485,528     | 18.750             |
| R3,485,529 tot R5,903,836     | 21.875             |
| R5,903,837 tot R10,000,001    | 25.000             |
| R10,000,002 tot R16,938,141   | 28.125             |
| R16,938,142 tot R28,690,061   | 31.250             |
| R28,690,062 tot R48,595,627   | 34.375             |
| R48,595,628 tot R82,311,953   | 37.500             |
| R82,311,954 tot R139,421,139  | 40.625             |
| R139,421,140 tot R236,153,477 | 43.750             |
| R236,153,478 tot R400,000,000 | 46.875             |
| groter as R400,000,000        | 50.000             |

TABEL 2

| <i>Aantal Kiesers</i> | <i>Punte</i> |
|-----------------------|--------------|
| 700 en minder         | 3.125        |
| 701 tot 1 119         | 6.250        |
| 1 120 tot 1 790       | 9.375        |
| 1 791 tot 2 862       | 12.500       |
| 2 863 tot 4 576       | 15.625       |
| 4 577 tot 7 317       | 18.750       |
| 7 318 tot 11 700      | 21.875       |
| 11 701 tot 18 708     | 25.000       |
| 18 709 tot 29 915     | 28.125       |
| 29 916 tot 47 833     | 31.250       |
| 47 834 tot 76 485     | 34.375       |
| 76 486 tot 122 300    | 37.500       |
| 122 301 tot 195 557   | 40.625       |
| 195 558 tot 312 696   | 43.750       |
| 312 697 tot 500 000   | 46.875       |
| groter as 500 000     | 50.000       |

TABEL 3

| KATEGORIE | PUNTE           | VLAK 1                                                                       | VLAK 2                                                                          | VLAK 3              |
|-----------|-----------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------|
|           |                 | Burgemeester/<br>Voorsitter en<br>Voorsitter<br>van Uitvoe-<br>rende Komitee | Onder-burge-<br>meester/Voor-<br>sitter en Lede<br>van Uitvoe-<br>rende Komitee | Gewone<br>Raadslede |
|           |                 | Per Jaar                                                                     | Per Jaar                                                                        | Per Jaar            |
|           |                 | R                                                                            | R                                                                               | R                   |
| 1         | 0.00 tot 6.25   | 24,000                                                                       | 6,000                                                                           | 6,000               |
| 2         | 6.26 tot 12.50  | 29,460                                                                       | 7,368                                                                           | 7,368               |
| 3         | 12.51 tot 18.75 | 33,312                                                                       | 8,328                                                                           | 8,328               |
| 4         | 18.76 tot 25.00 | 37,669                                                                       | 9,420                                                                           | 9,420               |
| 5         | 25.01 tot 31.25 | 42,588                                                                       | 10,644                                                                          | 10,644              |
| 6         | 31.26 tot 37.50 | 48,156                                                                       | 36,120                                                                          | 12,036              |
| 7         | 37.51 tot 43.75 | 54,456                                                                       | 40,836                                                                          | 13,608              |
| 8         | 43.76 tot 50.00 | 61,572                                                                       | 46,176                                                                          | 15,396              |
| 9         | 50.01 tot 56.25 | 69,612                                                                       | 52,212                                                                          | 17,400              |
| 10        | 56.26 tot 62.50 | 78,708                                                                       | 59,028                                                                          | 19,680              |
| 11        | 62.51 tot 68.75 | 88,992                                                                       | 66,744                                                                          | 22,248              |
| 12        | 68.76 tot 75.00 | 100,632                                                                      | 75,468                                                                          | 25,152              |
| 13        | 75.01 tot 81.25 | 113,784                                                                      | 85,331                                                                          | 28,440              |
| 14        | 81.26 tot 87.50 | 128,652                                                                      | 96,492                                                                          | 32,160              |
| 15        | 87.51 tot 93.75 | 145,464                                                                      | 109,092                                                                         | 36,360              |
| 16        | 93.76 en bo     | 162,000                                                                      | 121,500                                                                         | 40,500              |

councillors for failure to attend a meeting without prior approval of the council for leave of absence."

4. That the following Tables be substituted for Tables 1, 2, 3 and 4:

TABLE 1

| <i>Rates income</i>          | <i>Number of points</i> |
|------------------------------|-------------------------|
| R250,000 and less            | 3.125                   |
| R250,001 to R423,454         | 6.250                   |
| R423,455 to R717,251         | 9.275                   |
| R717,252 to R1,214,891       | 12.500                  |
| R1,214,892 to R2,057,799     | 15.625                  |
| R2,057,800 to R3,485,528     | 18.750                  |
| R3,485,529 to R5,903,836     | 21.875                  |
| R5,903,837 to R10,000,001    | 25.000                  |
| R10,000,002 to R16,938,141   | 28.125                  |
| R16,938,142 to R28,690,061   | 31.250                  |
| R28,690,062 to R48,595,627   | 34.375                  |
| R48,595,628 to R82,311,953   | 37.500                  |
| R82,311,954 to R139,421,139  | 40.625                  |
| R139,421,140 to R236,153,477 | 43.750                  |
| R236,153,478 to R400,000,000 | 46.875                  |
| greater than R400,000,000    | 50.000                  |

TABLE 2

| <i>Number of Voters</i> | <i>Points</i> |
|-------------------------|---------------|
| 700 and less            | 3.125         |
| 701 to 1 119            | 6.250         |
| 1 120 to 1 790          | 9.375         |
| 1 791 to 2 862          | 12.500        |
| 2 863 to 4 576          | 15.625        |
| 4 577 to 7 317          | 18.750        |
| 7 318 to 11 700         | 21.875        |
| 11 701 to 18 708        | 25.000        |
| 18 709 to 29 915        | 28.125        |
| 29 916 to 47 833        | 31.250        |
| 47 834 to 76 485        | 34.375        |
| 76 486 to 122 300       | 37.500        |
| 122 301 to 195 557      | 40.625        |
| 195 558 to 312 696      | 43.750        |
| 312 697 to 500 000      | 46.875        |
| greater than 500 000    | 50.000        |

TABLE 3

| CATEGORY | POINTS          | LEVEL 1                                                                | LEVEL 2                                                 | LEVEL 3                 |
|----------|-----------------|------------------------------------------------------------------------|---------------------------------------------------------|-------------------------|
|          |                 | Mayor/Chair-<br>person and<br>Chairperson<br>of Executive<br>Committee | Deputy<br>Mayor/<br>Member of<br>Executive<br>Committee | Ordinary<br>Councillors |
|          |                 | Per Annum                                                              | Per Annum                                               | Per Annum               |
|          |                 | R                                                                      | R                                                       | R                       |
| 1        | 0.00 to 6.25    | 24,000                                                                 | 6,000                                                   | 6,000                   |
| 2        | 6.26 to 12.50   | 29,460                                                                 | 7,368                                                   | 7,368                   |
| 3        | 12.51 to 18.75  | 33,312                                                                 | 8,328                                                   | 8,328                   |
| 4        | 18.76 to 25.00  | 37,669                                                                 | 9,420                                                   | 9,420                   |
| 5        | 25.01 to 31.25  | 42,588                                                                 | 10,644                                                  | 10,644                  |
| 6        | 31.26 to 37.50  | 48,156                                                                 | 36,120                                                  | 12,036                  |
| 7        | 37.51 to 43.75  | 54,456                                                                 | 40,836                                                  | 13,608                  |
| 8        | 43.76 to 50.00  | 61,572                                                                 | 46,176                                                  | 15,396                  |
| 9        | 50.01 to 56.25  | 69,612                                                                 | 52,212                                                  | 17,400                  |
| 10       | 56.26 to 62.50  | 78,708                                                                 | 59,028                                                  | 19,680                  |
| 11       | 62.51 to 68.75  | 88,992                                                                 | 66,744                                                  | 22,248                  |
| 12       | 68.76 to 75.00  | 100,632                                                                | 75,468                                                  | 25,152                  |
| 13       | 75.01 to 81.25  | 113,784                                                                | 85,331                                                  | 28,440                  |
| 14       | 81.26 to 87.50  | 128,652                                                                | 96,492                                                  | 32,160                  |
| 15       | 87.51 to 93.75  | 145,464                                                                | 109,092                                                 | 36,360                  |
| 16       | 93.76 and above | 162,000                                                                | 121,500                                                 | 40,500                  |