

**STANDING COMMITTEE ON REMUNERATION (MEMBERS OF THE  
NATIONAL ASSEMBLY, COUNCILLORS, *NTLO YA DIKGOSI* AND  
SPECIFIED OFFICES) ACT, 2022**

No. 35



of 2022

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**SCHEDULE**

**An Act to establish the standing committee for the remuneration of Members of the National Assembly, Councillors, specified offices, members of *Ntlo ya Dikgosi* and for matters connected therewith.**

*Date of Assent:* 29.09.2022

*Date of Commencement:* ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Standing Committee on Remuneration (Members of the National Assembly, Councillors, *Ntlo ya Dikgosi* and Specified Offices) Act, 2022, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires —

Interpretation

“Committee” means the Standing Committee on Remuneration for Members of the National Assembly, Councillors, *Ntlo ya Dikgosi* and Specified Offices established under section 3;

“member” means a member of the Committee under section 3;  
and

“remuneration” includes salary, allowances and other benefits.

Establishment  
of Committee

3. (1) There is hereby established a committee to be known as the Standing Committee on Remuneration for Members of the National Assembly, Councillors, *Ntlo ya Dikgosi* and Specified Offices.

(2) The Committee shall be composed of the following members appointed by the Minister —

- (a) a Chairperson, who shall be a retired judge or a legal practitioner with at least 10 years of experience;
- (b) a person with experience in political matters;
- (c) a person with experience relating to *Bogosi*;
- (d) a person with experience in public administration or human resources;
- (e) a person with experience in law; and
- (f) a person with experience in financial matters.

(3) The following shall be *ex-officio* members of the Committee and shall have the right to vote —

- (a) a representative of the Ministry responsible for presidential affairs, appointed by the Minister;
- (b) a representative of the Ministry responsible for local government, appointed by the Minister; and
- (c) a representative of the Ministry responsible for finance, appointed by the Minister.

(4) The Minister responsible for presidential affairs shall appoint the secretary to the Committee.

Functions of  
Committee

4. (1) The functions of the Committee shall be to assess the remuneration and conditions of service of Members of the National Assembly, Councillors, specified offices and members of *Ntlo ya Dikgosi* and make recommendations to the Minister from time to time.

(2) The Committee shall forward its report containing recommendations to the Minister and to the Minister responsible for finance within 30 days after any assessment under subsection (1) has been made.

(3) The Committee may, in the exercise of its functions, order any public officer or any Government entity to provide any information in the possession or under the control of such officer or entity.

Meetings of  
Committee

5. (1) Subject to the provisions of this Act, the Committee shall regulate its own procedure for meetings.

(2) The Committee shall have at least two meetings in a year for the discharge of its functions, and such meetings shall be held at such places and times as the Chairperson may determine.

(3) A quorum for a meeting of the Committee shall be a simple majority of its members.

(4) At any meeting of the Committee, the Chairperson shall preside, and in his or her absence, the members present shall elect from among their number, a Chairperson for the purposes of that meeting.

(5) Minutes of each meeting of the Committee shall be kept by the secretary appointed under section 3 (4), and shall be confirmed at a subsequent meeting of the Committee.

6. (1) The Minister may give the Committee written directions, of a general or specific nature, regarding the exercise of its powers, which directions shall not be inconsistent with this Act or with other legal obligations of the Committee.

Direction by  
Minister

(2) The Committee shall give effect to the Minister's directions given in accordance with subsection (1).

7. A member who was appointed under section 3 (2) shall hold office for a period of three years and shall be eligible for re-appointment for one further term on the expiry of his or her term of office.

Tenure of  
office

8. A person shall not be appointed as a member, nor shall any person be qualified to hold office as a member who —

Disqualification  
and removal  
from  
Committee

- (a) has, in terms of any law in force in any country —
  - (i) been adjudged or otherwise declared bankrupt or insolvent and has not been rehabilitated or discharged, or
  - (ii) made an assignment to, or arrangement or composition with, his or her creditors, which has not been rescinded or set aside;
- (b) has, within a period of 10 years immediately preceding the date of his or her proposed appointment, been convicted —
  - (i) in Botswana, of a criminal offence, or
  - (ii) outside Botswana, of an offence, which in Botswana, would have been a criminal offence,

and sentenced by a court of competent jurisdiction to imprisonment for six months or more without the option of a fine, whether that sentence has been suspended or not, and for which he or she has not received a free pardon;

- (c) is a specified officer, a member of *Ntlo ya Dikgosi*, the National Assembly, or any District, Town or City Council;
- (d) is a serving member of the judiciary within Botswana; or
- (e) is not a citizen of Botswana.

9. A member shall vacate his or her office and such member's office shall become vacant —

Vacation of  
office

- (a) if he or she becomes disqualified in terms of section 8 to hold office as a member;
- (b) if he or she is adjudged bankrupt or insolvent;
- (c) if he or she is absent from half of the Committee meetings in any one calendar year;
- (d) upon his or her death;
- (e) upon the expiry of three months' notice given in writing to the Chairperson, of his or her intention to resign from office;
- (f) if he or she becomes mentally or physically incapable of performing his or her duties as a member and a registered medical practitioner has issued a medical certificate to that effect;

- (g) if he or she acts in anyway so as to bring the name of the Committee into disrepute;
- (h) if his or her term of office comes to an end, and, being eligible for re-appointment for a further term of office, he or she is not re-appointed for such further term of office;
- (i) if he or she fails to disclose any material fact that would have disqualified him or her from appointment as a member; or
- (j) if he or she ceases to be a citizen of Botswana.

Filling of  
vacancy

10. (1) When a member vacates office pursuant to section 9, the Chairperson shall inform the Minister in writing and another member shall be appointed.

(2) This section shall not apply where the remainder of the period for which the member whose office has been vacated would otherwise have held office is less than six months.

Remuneration  
of members

11. A member shall be paid such allowances and such travelling, accommodation and subsistence expenses incurred during his or her service on the Committee as shall be determined by the Minister.

Conflict of  
interest

12. (1) If a member appointed under section 3 (2) is present at a meeting of the Committee at which any matter in which the member or immediate family member of the member is directly or indirectly interested in a private capacity is the subject of consideration, the member shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Committee, otherwise directs, take part in any consideration or discussion of, or vote on, any question touching on the matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Where a member fails to disclose his or her interest in accordance with subsection (1) and a decision by the Committee is made benefitting such member, or an immediate family member of the member, such decision shall be null and void to the extent that it benefits such member or family member.

(4) A member who fails to comply with the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding one year, or to both.

Confidentiality

13. (1) A member appointed under section 3 (2) shall observe and preserve the confidentiality of all matters coming before the Committee, and such confidentiality shall subsist even after the termination of their terms of office or their mandates.

(2) Any member or any person to whom confidential information is revealed through working with the Committee shall not disclose that information to any other person unless he or she is required to do so in terms of any written law or for purposes of any judicial proceedings.

(3) Any member or any other person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding one year, or to both.

**14.** (1) A member, in the execution of any duty under this Act shall, before entering upon his or her duties, make and subscribe to the oath or affirmation set out in the Schedule before a Commissioner of Oaths.

Oath of  
secrecy

(2) The requirements of this section shall continue to apply even where a person ceases to be a member.

**15.** No matter or thing done or omitted by a member shall, if the matter or thing is done *bona fide* in the course of the functions and operations of the Committee, render that member personally liable to an action, claim or demand.

Indemnity

**16.** (1) The Committee may, for the purpose of performing its functions, establish such subcommittees comprising officers at Permanent Secretary level as it considers appropriate.

Establishment of  
subcommittees

(2) The subcommittees constituted under subsection (1), shall hold office for such period as the Committee shall determine.

(3) Subject to any specific or general directions given by the Committee, a subcommittee may regulate its own procedure.

(4) Meetings of a subcommittee shall be held at such times and places as the subcommittee may determine, or as the Committee may direct.

(5) Each subcommittee shall keep minutes of its meetings and shall keep the Committee informed of its activities in writing.

(6) The members of a subcommittee shall appoint a chairperson from among their number who shall chair subcommittee meetings.

**17.** The Minister may make regulations for the better carrying out of the provisions of this Act.

Regulations

**SCHEDULE**  
*(section 14 (1))*

Oath or affirmation to be made or subscribed to by a member of the Standing Committee on Remuneration for Members of the National Assembly, Councillors, *Ntlo ya Dikgosi* and Specified Offices

I ..... \*do swear/do solemnly affirm that I will faithfully  
*(Full names)*

and honestly fulfil my duties as ..... in conformity with the  
*(designation)*

requirements of the Standing Committee on Remuneration (Members of the National Assembly, Councillors, *Ntlo ya Dikgosi* and Specified Offices) Act and that I will not otherwise than in the ordinary course of my membership as such, without the written authority of the Committee, disclose or make known any matter or thing which comes to my knowledge by reason of my said membership.

SO HELP ME GOD.

\*Sworn or affirmed and subscribed to this ..... day of ..... 20 .....

.....  
Member of the Committee

.....  
Commissioner of Oaths

\*Delete whichever is not applicable

PASSED by the National Assembly this 20th day of July, 2022.

BARBARA N. DITHAPO,  
*Clerk of the National Assembly.*