



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA



**PROCEDURAL  
DEVELOPMENTS**  
IN THE NATIONAL ASSEMBLY

Fourth Session  
Fifth Parliament  
January to December 2017

**ISSUE: 24**



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**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

# PROCEDURAL DEVELOPMENTS IN THE NATIONAL ASSEMBLY

A record of recent events and developments of a procedural nature in the National Assembly of the Parliament of the Republic of South Africa. The 24<sup>th</sup> issue covers the fourth session of the Fifth Parliament from January to December 2017. Where a year is not reflected next to a particular month in the text, the reference is to 2017.

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## **PRESIDING OFFICERS, OFFICE-BEARERS AND OTHER OFFICE-HOLDERS**

### **[1] TEMPORARY CHAIRPERSON**

When it became known that the Deputy Speaker and two House Chairpersons would not be available to preside over the plenary sitting on 9 November, the Assembly at its sitting on that day, agreed by motion to elect Ms Y N Phosa to preside during that day's sitting of the House when so requested by the presiding officer. The member elected as temporary presiding officer duly presided over parts of proceedings on the day in question.

While there is no specific rule which makes provision for the election of a temporary chairperson in situations such as the above, in practice, the National Assembly (NA) elects temporary chairpersons to assist with presiding duties as and when the need arises (See Issue 12, Item 1). In terms of Assembly Rule 2, such practices and conventions form part of the sources of authority of the NA given that they have been established by agreement and usage over a period of time.

### **[2] APPOINTMENT OF CHAIRPERSONS OF MINI-PLENARIES**

Assembly Rule 54 provides that the Chair of a mini-plenary session must be taken by an elected presiding officer, or any other member appointed by the Speaker for that purpose.

On 15 May, the Speaker announced in the Announcements, Tablings and Committee Reports (ATC) that Mr M R Mdakane, Ms Y N Phosa, Mr B L Mashile, Ms L M Maseko, Mr N A Masondo, Ms N Gina and Mr A F Mahlalela had been appointed in terms of Rule 54 to chair mini-plenaries on budget votes.

On 19 May, the Speaker made a further announcement in the ATC that Ms C C September, Ms N W Magadla, Ms J L Fubbs and Ms E M Coleman had been appointed in terms of Rule 54 as additional members to chair mini-plenaries on budget votes.

### **[3] APPOINTMENT OF MINISTERS AND DEPUTY MINISTERS**

In terms of Rule 352, the Leader of Government Business (LOGB) must inform the Speaker in writing without delay of the appointment, by the President, of the Deputy President, other Cabinet members and Deputy Ministers in terms of sections 91 and 93 of the Constitution when such appointments are made or changed, and the details of the powers and functions formally assigned, or delegated, to each at the time of appointment or subsequently.

On 31 March, the President informed the NA of appointments made to Cabinet in terms of sections 91(2), 91(3) and 93(1) of the Constitution. In terms of these sections, the President appoints the Deputy President and Ministers, assigns their powers and functions, and may dismiss them; the President must select the Deputy President from among the members of the NA, may select any number of Ministers from among the members of the NA, and may select no more than two Ministers from outside the NA; the President may appoint any number of Deputy Ministers from among the members of the NA, and no more than two Deputy Ministers from outside the NA, to assist the members of the Cabinet, and may dismiss them. The appointments were announced by the Speaker in terms of Rule 352 in the ATC on 6 April.

The following appointments were announced by the President:

## **MINISTERS**

Ms M T Kubayi was appointed as Minister of Energy;

Mr M J Maswanganyi was appointed as Minister of Transport;

Mr K M N Gigaba was appointed as Minister of Finance;

Mr F A Mbalula was appointed as Minister of Police;

Mr T W Nxesi was appointed as Minister of Sports and Recreation;

Ms T Xasa was appointed as Minister of Tourism;

Ms A F Muthambi was appointed as Minister of Public Service and Administration;

Prof H B Mkhize was appointed as Minister of Home Affairs;

Ms A Dlodlo was appointed as Minister of Communications; and

Mr N P T Nhleko was appointed as Minister of Public Works in terms of section 91(2) read with section 91(3) (c) of the Constitution, 1996 (selected from outside the NA).

## DEPUTY MINISTERS

Ms D B Letsatsi-Duba was appointed as Deputy Minister of Public Service and Administration;

Mr S N Buthelezi was appointed as Deputy Minister of Finance;

Mr B A D Martins was appointed as Deputy Minister of Public Enterprises;

Ms M M Sotyru was appointed as Deputy Minister of Arts and Culture;

Ms T Mahambehlala was appointed as Deputy Minister of Communications;

Ms E Thabethe was appointed as Deputy Minister of Tourism;

Mr B M Mkongi was appointed as Deputy Minister of Police;

Ms S T Ndabeni-Abrahams was appointed as Deputy Minister of Telecommunications and Postal Services;

Ms N T November was appointed as Deputy Minister of Small Business Development; and

Mr G Magwanishe was appointed as Deputy Minister of Trade and Industry.

On 19 October, the President further informed the NA of appointments he had made to Cabinet in terms of sections 91(2), 91(3) and 93(1) of the Constitution. An announcement in this regard by the Speaker in terms of

Rule 352 was published in the ATC of 23 October.

The following appointments by the President were announced:

Dr H B Mkhize was appointed as Minister of Higher Education and Training;

Ms A Dlodlo was appointed as Minister of Home Affairs;

Ms M T Kubayi was appointed as Minister of Communications;

Mr M D Mahlobo was appointed as Minister of Energy;

Adv B T Bongo was appointed as Minister of State Security; and

Mr K B Manamela was appointed as Deputy Minister of Higher Education and Training.

## MEMBERS

### [4] MEMBERSHIP OF THE ASSEMBLY

See Annexure 1.

### [5] CONDOLENCE MOTIONS AND TRIBUTES TO FORMER MEMBERS

See Annexure 2.

### [6] FAREWELL TRIBUTE TO DR P W A MULDER

It is common practice that political parties be given an opportunity to make farewell speeches at the end of annual parliamentary sessions and at the end of a parliamentary term. This practice has recently also been extended, on occasion, to members who are leaving the House after long service. Accordingly, at a sitting of the House on 30 November parties were afforded an opportunity to make farewell tributes to Dr P W A Mulder, the outgoing leader of the Freedom Front Plus (FF Plus), upon his resignation, whereafter the member was afforded an opportunity to respond and bid farewell to the members of the NA.

## PROCEDURAL AND RELATED ISSUES

### [7] MOTION FOR THE DISSOLUTION OF THE NATIONAL ASSEMBLY

On 10 August, the Chief Whip of the Opposition gave written notice of the following motion in terms of Rule 124(6)(b): “That the House –

1. notes that the National Assembly no longer represents the will of the people, having failed to hold President Jacob Zuma accountable;
2. further notes that the National Assembly has similarly failed in its duty to uphold the Constitution of the Republic of South Africa; and
3. resolves to dissolve the Assembly in terms of section 50(1) of the Constitution.”

In terms of section 50(1) of the Constitution, the President must dissolve the NA if (a) the Assembly has adopted a resolution to dissolve with a supporting vote of a majority of its members; and (b) three years have passed since the NA was elected.

The motion by the Chief Whip of the Opposition complied with the requirements for notices of motion as provided for in Rule 124, other rules, guidelines and practices of the NA. The motion was published on the Order Paper under “Further Business” on 22 August and was programmed for debate on 5 September. After the debate, the question that the motion be agreed to was put to the House. A division was demanded, and the result of the division was as follows: Ayes: 83, Noes: 229, and Abstain: 7. The question was not agreed to, and the motion was accordingly negatived.

### [8] SUSPENSION OF RULES

- a) Rule 108(2)

Rule 108(2) provides that the time allocated to a member

from each party for making a declaration of vote must be determined by the Rules Committee and must consider the proportional strength of the party in the House. The breakdown of time allocated to parties as agreed to by the Rules Committee was: ANC 7, DA 5, EFF 4 and other parties 3 minutes. On 24 October, the House resolved that, for the remainder of the annual session, members could make declarations of vote on Budgetary Review and Recommendation Reports (BRRRs) for not more than two minutes.

- b) Rule 290(2)(a)

Rule 290(2)(a)(i) provides that if a Bill has been referred to an NA or joint committee, the debate on the Second Reading of the Bill may not commence before at least three working days have elapsed since the committee’s report was tabled. Rule 290(2)(a) was suspended for the purposes of conducting second reading debates on the following Bills (dates reflected in brackets):

- Division of Revenue Bill [B 4 – 2017] (15 March)
- Criminal Procedure Amendment Bill [B 2B – 2017] (11 May)
- Appropriation Bill [B 5 – 2017] (8 June)
- International Arbitration Bill [B 10B – 2017] (24 October)
- Division of Revenue Amendment Bill [B 24 – 2017] (14 November)
- Adjustments Appropriation Bill [B 25B – 2017] (30 November)

- c) Rule 139(1) and (6)

Rule 139(1) and (6) provides that Questions to the Deputy President must be scheduled by the Programme Committee in accordance with Rule 210 for a question day once per month during session time and that the questions must be submitted to the Speaker for approval at least 16 calendar days before the question day on which they are to be answered. It was agreed that Questions to the Deputy President should be scheduled for 1 and 9 March, as a result of the questions session not being scheduled in February. The Programme

Committee resolved at its meeting of 23 February that, although there was no questions session in respect of the Deputy President scheduled in February, it could not in terms of the rules schedule two questions sessions for the Deputy President in March, unless the relevant rule was suspended. Accordingly, on 28 February, the House resolved to suspend Rule 139(1) and (6) in order to schedule a second questions session for the Deputy President on 9 March.

## **[9] REVIVAL OF LAPSED BUSINESS**

Rule 351 provides that all motions and all other business, other than Bills, on the Order Paper lapses at the end of the last sitting day of an annual session of the NA. In addition, the rule states that all business before the NA or any NA committee lapses at the end of the last sitting day of a term of the NA or when the NA is dissolved. Although there is no specific rule which makes provision for the revival of lapsed business, the NA has the power, in terms of section 57 of the Constitution, to determine and control its own internal procedures. It may vary such procedures as it deems necessary and in light of compelling circumstances. It is common practice therefore, for the NA to revive Bills and other business by way of a House resolution. Accordingly, on 7 March, the NA resolved to revive several items that were on the Order Paper and that had lapsed on the last sitting day of the 2016 annual session.

## **[10] GRANTING OF LEAVE TO MEMBERS BY HOUSE**

In terms of Rule 36(2), leave may be requested of the House by motion for a member's absence in excess of 15 consecutive sitting days; such leave to be requested not later than the close of the fifteenth consecutive sitting day of the member's absence.

On 14 March, the NA, in terms of Rule 36, read with Item 7

of Appendix A to the Assembly Rules, which deals with the attendance policy for members in respect of plenary and committee meetings, and notwithstanding any provisions to the contrary, granted Ms N W Madikizela-Mandela leave from the House due to ill health until 30 June.

On 15 March, the House, in terms of Rule 36, read with Item 7 of Appendix A, and notwithstanding any provisions to the contrary, granted Mr T J Bonhomme leave from the House due to ill health until 30 June.

On 24 October, the NA, in terms of Rule 36, read with Item 7 of Appendix A, and notwithstanding any provisions to the contrary, granted Ms N W Madikizela-Mandela and Ms S J Nkomo leave from the House due to ill health until 31 December and 30 November, respectively.

## **[11] DECISION OF QUESTIONS POSTPONED**

Rule 96(a) provides that except where the Constitution provides otherwise, a majority of the members of the NA must be present before a vote may be taken on a Bill or an amendment to a Bill. Rule 98(1) provides that if the attention of the presiding officer is called to the absence of the prescribed quorum when a question is put for decision, the presiding officer may suspend the proceedings, postpone the decision of the question or direct that the bells be rung for five minutes, or such longer time as the presiding officer may direct, not exceeding 15 minutes.

On 11 May, a debate was conducted on the Border Management Authority Bill [B 9B - 2016]. Rule 99 provides that when the debate on a question has been concluded in the House, the presiding officer may postpone the decision of the question. The presiding officer ruled, in terms of Rule 99, that the House would postpone the decision on the Bill as the House was not quorate at that stage of the proceedings.

In a subsequent sitting on 6 June, the Decision of Question on the Second Reading of the Border Management Authority Bill was postponed again, because the results of the division showed that a majority of the members of the NA were not present for a vote to be taken on the Bill as required by Rule 96(a). The question was put to the House again on 8 June and the Bill was read a second time.

On 15 June, during the consideration of the Protected Disclosures Amendment Bill [B 40 – 2015] and the Report of the Portfolio Committee on Justice and Correctional Services on amendments proposed by the NCOP, the attention of the presiding officer being drawn to the requirement for a quorum in terms of Rule 98(1), the decision of question on the Bill, as amended, was postponed.

Subsequently on 22 June, the Question that the Bill, as amended, be passed was put before the House and agreed to.

On 31 October, a debate was conducted on the Protection, Promotion, Development and Management of Indigenous Knowledge Systems Bill [B 6B – 2016]. The decision was postponed because the results of the division showed that a majority of the members of the NA were not present for a vote to be taken on the Bill as required by Rule 96(a). The question was put to the House again on 14 November and the Bill was read a second time.

## **[12] REMOVAL OF MEMBERS FROM CHAMBER**

On 25 October, after having disregarded the authority of the Chair, Dr M Q Ndlozi, Mr N F Shivambu and Ms H O Mkhalihi were ordered, in terms of Rule 70, to leave the Chamber. The members refused to leave the Chamber, whereupon the Speaker called upon the Serjeant-at-Arms to remove the members in terms of Rule 73(1).

The intervention by the Serjeant-at-Arms did not lead to the members leaving as they still would not leave the Chamber. The Speaker then called upon the Parliamentary Protection Services to assist in removing the members from the Chamber in terms of Rule 73(2). In terms of Rule 70(2), a member ordered to leave the Chamber must immediately withdraw from the precincts of Parliament. In this particular case, the three members were physically removed from the Chamber.

Rule 74 provides that the suspension of a member on the first occasion during a session continues for five parliamentary working days, on the second occasion for 10 parliamentary working days, and on any subsequent occasion for 20 parliamentary working days. The rule, however, could not be implemented following the judgment by the Western Cape High Court on 14 December 2016, in the matter of

the Economic Freedom Fighters v Speaker of the National Assembly; Malema and Another v Speaker of the National Assembly (14667/2015; 17666/2015) [2016] ZAWCHC 210 (14 December 2016), in which the Court ruled that Rule 73(3) which allowed for the automatic suspension of a member pursuant to Rule 74, was unlawful and unconstitutional, and fell to be set aside (para 89 of the judgment). The Court held that not affording a member the opportunity to state his or her case before suspension takes place, would be procedurally unfair (para 85). The Court stated that “the sanction comes into operation almost immediately, which is an immediate punishment as a result of a member being forcibly removed from the chamber” and accordingly was of the view that this “is arbitrary and irrational” (para 86). In compliance with this judgment, Rule 73(3) was subsequently not implemented, and the members were not suspended.

## **[13] VOTING ON MOTION OF NO CONFIDENCE IN PRESIDENT BY SECRET BALLOT**

Subsequent to the removal of the Minister of Finance by President Zuma on 30 March, the United Democratic Movement (UDM), the Democratic Alliance (DA) and the Economic Freedom Fighters (EFF) requested the Speaker to schedule a motion of no confidence in the President. In terms of Rule 129, a member may propose that a motion of no confidence in the Cabinet or the President in terms of section 102 of the Constitution be placed on the Order Paper. Rule 129 provides that the Speaker must accord such motion of no confidence due priority and before scheduling it, must consult with the LOGB and the Chief Whip of the Majority Party. Following these consultations, the Speaker agreed to schedule the motion for 18 April.

Section 102 of the Constitution provides that if the NA, by a vote supported by a majority of its members, passes a motion of no confidence in the Cabinet excluding the President, the President has to reconstitute the Cabinet. It further states that if the NA, by a vote supported by a majority of its members, passes a motion of no confidence in the President, the President and the other members of the Cabinet and any Deputy Ministers must resign.

However, before the date of the scheduled motion, the UDM on 6 April wrote to the Speaker, requesting that she prescribe a secret ballot as the voting procedure for

the scheduled motion. In substantiation, the party cited what it termed the obvious importance of the matter, the public interest imperative that a truly democratic outcome be guaranteed and the high likelihood that an open vote would be tainted by the perceived fear of adverse and career-limiting consequences, instead of being the free will of members. The UDM conceded that the rules did not expressly provide for a secret ballot in respect of such a motion but took the view that guidance could be found in sections 57 and 86(2) of the Constitution, read with Item 6(a), Part A of Schedule 3 to the Constitution and Assembly Rule 2.

Section 57(1) of the Constitution provides that the NA may (a) determine and control its internal arrangements, proceedings and procedures; and (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement. Further, section 86(2) of the Constitution directs that the election of the President must be presided over by the Chief Justice, or another judge designated by the Chief Justice to do so. Item 6(a), Part A of Schedule 3 to the Constitution sets out the procedure applicable to the election of the constitutional office-bearers and provides for a vote by way of a secret ballot where more than one candidate is nominated. Assembly Rule 2 deals with the sources of authority of the Assembly, which include directives and guidelines of the Rules Committee, orders or any other binding decision of the NA, rulings by the Speaker and other presiding officers, and any conventions or practices that have been established in the NA by agreement and usage over a period of time.

In her response, the Speaker stated that the voting procedures in the NA were outlined in the Constitution and the Rules of the Assembly. Neither the Constitution nor the Assembly Rules provide for a vote of no confidence to be conducted by secret ballot, and the Speaker has no authority in law to alter such provisions. The Speaker concluded that the Constitution and Assembly Rules did not empower her to prescribe a secret ballot for the no confidence motion, and accordingly did not accede to the UDM's request.

Following the response from the Speaker, the UDM, supported by some other political parties in the NA, sought the intervention of the Constitutional Court to determine whether or not the Constitution and the Assembly Rules prohibited the Speaker from permitting a secret ballot in

respect of a motion of no confidence. This necessitated the Speaker to postpone and reschedule the motion to a later date after the Constitutional Court had ruled on the matter.

The reasoning proffered by the UDM in favour of a secret ballot was that if such voting were allowed, political parties, and particularly the ruling party, of which Mr Zuma was President, would not be able to force their members to vote in a particular way. Other reasons advanced were that threats of physical violence and removal from their positions were allegedly made against members who would have been found to have voted for the removal of the President. It was argued that an open vote would expose members' identities, and that these factors would prevent members from voting according to their individual conscience without undue influence, intimidation or fear of disapproval by others.

In support of the secret ballot, it was argued that sections 86 and 102(2) of the Constitution, read with Item 6 of Part A of Schedule 3 to the Constitution and Rules 6, 103, 104 and 129, require that seeing as the President was elected via secret ballot, the same practice should apply when seeking his or her removal from office. It was argued further that at the very least, the Speaker retained a discretion to allow a secret ballot to decide the fate of the President.

In his court papers, the President contended that members were required to carry out the decisions of their respective political parties, and that party discipline had been mischaracterised as intimidation. The President argued that the constitutional values of accountability and transparency should trump all other issues raised by the parties in support of voting by secret ballot, and that to compel a secret ballot would tread upon the separation of powers.

In its judgment delivered on 22 June in *United Democratic Movement v Speaker of the National Assembly and Others* (CCT89/17) [2017] ZACC 21 at paras 83-88), the Constitutional Court held that a motion of no confidence fundamentally served the purpose of enhancing the effectiveness of regular accountability mechanisms and of safeguarding the best interests of the South African people. It also held that the Speaker did have the power to prescribe that a motion of no confidence in the President be conducted by secret ballot under appropriate circumstances. This was so because although the Constitution prescribed voting

by secret ballot in the general elections and the elections of the Speaker, Deputy Speaker and the President, it was silent on the voting procedure for their removal. The Court held that the decision therefore remains with the Speaker to determine the voting procedure in conducting a motion of no confidence in terms of its constitutional powers under section 57 of the Constitution.

The Constitutional Court further held that Rules 102, 103 and 104 of the NA also empowered the Speaker, on behalf of the NA, to prescribe an open or secret ballot in a motion of no confidence in the President, and that such determination was situation specific. The Court ruled that when the Speaker exercised the power to determine the appropriate voting procedure in the motion under particular circumstances, several factors (Guidelines) would have to be considered. These included but were not limited to:

- (a) whether the chosen voting procedure would allow Members of the Assembly to vote according to their conscience and in the furtherance of the best interests of the people;
- (b) whether the prevailing circumstances were either peaceful, or toxified and potentially hazardous;
- (c) the imperative of the Speaker's impartiality had to be consciously factored into the decision-making process;
- (d) the effectiveness of a motion of no confidence as an accountability and consequence-management tool had to be enhanced by the chosen voting procedure;
- (e) the possibility of corruption or bribes in the event of a secret ballot had to be considered;
- (f) the need for the value of transparency to find expression in the passing of the motion must be taken into account; and
- (g) the decision must be rationally connected to the purpose of a motion of no confidence and should not be made arbitrarily.

On 7 August, following the Constitutional Court ruling, the Speaker determined that voting on the motion of no confidence in the President which was scheduled for 8 August would be by secret ballot. Before this determination was made, the Speaker sought views from all political parties represented in the Assembly regarding the appropriate voting procedure to be followed. Parties were given until 14 July to make their submissions to the Speaker, as part of a wide range of factors she would consider when determining whether voting on the motion would be conducted by way of a secret or open ballot.

Nine of the 13 parties represented in the NA forwarded their views to the Speaker. Of these, the ANC and DA indicated that they would abide by the Speaker's decision. The EFF, IFP, NFP, UDM, FF Plus, ACDP and Cope preferred a secret ballot. The Speaker expressed her appreciation to the parties for their submissions which, considered together with a host of other factors, would assist her in making her decision on the appropriate voting procedure.

On 8 August, after a full debate, the motion of no confidence in President Zuma was defeated by 198 votes to 177, with nine abstentions. To be carried, the motion needed 201 votes in favour of it and the effect would have been for the President and the other members of his Cabinet and any Deputy Ministers to resign.

#### **[14] AMENDMENT OF TITLE OF COMMITTEE REPORT BY HOUSE**

On 13 March, the report of the Portfolio Committee on Trade and Industry was published in the ATC as "Report of the Portfolio Committee on Trade an [sic] 8 March 2017". On 15 March, a replacement report was published in the ATC titled "Report of the Portfolio Committee on their oversight visit to Gauteng, dated 8 March 2017". Only the title of the report and not its contents was amended.

On 24 October, the House considered and adopted the report of the Committee. However, the title of the report as reflected in the Assembly Minutes of that day was "Report of the Portfolio Committee on Oversight visit to National Regulator for Compulsory Specifications". It was captured in this manner in line with the Order Paper entry

for that day. Following the adoption of the report by the NA, the chairperson of the Committee requested that the title of the report as it appeared in the Assembly Minutes be amended in line with the replacement ATC entry of 15 March. Her concern was that the Committee had conducted oversight visits to more than one entity in Gauteng province and therefore it would not be correct to reflect only one entity in the title of the report.

Assembly Rule 120(2) provides, *inter alia*, that the House may amend or rescind a previous resolution approved or rejected by it during the same annual session. On 30 November, the NA agreed to a motion moved by the Chief Whip of the Majority Party that the House, in terms of Rule 120(2), amend the title of the report as it appeared in the Minutes of Proceedings of 24 October, to "Report of Portfolio Committee on Trade and Industry on Oversight visit to Gauteng".

### **[15] INQUIRY INTO SABC AND APPOINTMENT OF INTERIM BOARD**

In (Issue 23, Item 17), it was reported that on 3 November 2016, the NA established an ad hoc committee (the Committee) to inquire, in terms of section 15A(1)(b) of the Broadcasting Act (No 4 of 1999) (the Act), into the ability of the South African Broadcasting Corporation (SABC) Board to discharge its duties as prescribed by the Act, and any applicable law. This followed widespread concern from the public about the SABC's ability to exercise its mandate as the public broadcaster. In addition, the board could no longer convene meetings that were quorate as several non-executive board members had been removed or had resigned.

The House resolution prescribed that the Committee had to report to the House by no later than 28 February. In its report to the House on 27 February, the Committee recommended that the SABC Board be dissolved, and an interim Board be appointed. On 7 March, the NA adopted the Committee's report.

Following the adoption of the Committee's report, the Portfolio Committee on Communications began the process of appointing the interim Board, and on 14 March, recommended Mr J Matisonn, Mr M Tsedu, Mrs R Potgieter-

Gqubule, Ms K Kweyama and Mr K Naidoo for appointment. Furthermore, the Committee recommended that Ms K Kweyama be appointed as Chairperson and Mr M Tsedu as Deputy Chairperson of the interim Board.

The House adopted the report of the Committee on the matter on 15 March.

### **[16] INVESTIGATION INTO IPID HEAD**

The Minister of Police, Mr N P T Nhleko, wrote to the Speaker on 1 February, referring her to his earlier correspondence of 7 September and 10 November 2016, regarding the inquiry into the fitness or otherwise of the head of the Independent Police Investigative Directorate (IPID), Mr Robert McBride, to hold office. In his letter, the Minister indicated that the Constitutional Court had ruled that a different process should be followed in instituting disciplinary action against the head of IPID. The Speaker had, on 12 October and 28 November 2016, tabled and referred both the Minister's letters to the Portfolio Committee on Police (the Committee) for consideration. The Minister further indicated that he had since obtained a report from the Public Service Commission (PSC), which recommended that a disciplinary inquiry be instituted against Mr McBride for failure to comply with section 38(1)(a)(3) of the Public Finance Management Act (No 1 of 1999) (the Act). The Minister requested that the recommendations in the report be processed as directed by the PSC and that he be updated accordingly so that he could further update the PSC.

In a further letter dated 7 March, the Minister gave details of what the court judgment entailed and requested that Parliament process the matter in order to comply with the judgment. According to the Minister, after this matter was referred to the Committee in 2016, no decision was taken. The Minister requested to be given a progress report on the matter and indicated that if none was forthcoming within five days of receipt of his letter, he would be obliged to consider advice on what remedies were available to him under the prevailing circumstances. The matter was not finalised during the 2017 parliamentary session.

## [17] PERMISSION FOR PARLIAMENTARY BUDGET OFFICE TO GIVE EVIDENCE BEFORE COMMISSION OF INQUIRY

A letter addressed to the Director of the Parliamentary Budget Office (PBO), Prof M Jahed, dated 28 February, was received from Ms G Ncongwane, the Secretary to the Commission of Inquiry into Higher Education and Training (the Commission). Ms Ncongwane indicated that the Commission was holding public hearings into, inter alia, the question of whether or not it was feasible to provide fee-free higher education and training, and that in a Report of the Standing Committee on Appropriations which had come to the attention of the Commission, the PBO had been identified as a crucial witness to give testimony on the fiscal analysis of the costs of Higher Education in South Africa. The Commission requested the PBO to prepare a presentation based on the above report.

In terms of section 10(1) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (No 4 of 2004) (the Act), no member or staff member may give evidence in any court or place outside Parliament regarding the contents of the journals or the evidence given before, or any document submitted to, Parliament or a House or committee, without first having obtained the leave of the Houses or the House concerned. During recess or the adjournment of a House, the Speaker or the Chairperson of the National Council of Provinces (NCOP) or a person designated by the Speaker or Chairperson may give such leave (section 10(2) of the Act).

In light of an earlier request from the Commission for certain committee chairpersons to appear before it, the House on 23 February resolved, in terms of section 10(1) of the Act, to grant Ms C C September, Mr Y I Carrim and Ms Y N Phosa, as chairpersons of the Portfolio Committees on Higher Education and Training; Standing Committee on Finance; and Standing Committee on Appropriations, respectively, leave to provide testimony before the Commission. The chairpersons made a joint presentation to the Commission on 3 April.

The PBO required permission from the presiding officers in order to give evidence to the Commission as Parliament was in recess. On 29 March, the Speaker and the Chairperson of the Council announced in the ATC that in terms of section 10(2) of the Act, Prof Jahed and his officials had been granted leave to give evidence before the Commission. The PBO gave a presentation to the Commission on 4 April.

## LEGISLATION AND COMMITTEES

### [18] LEGISLATIVE PROPOSALS BY ASSEMBLY COMMITTEES

Rule 268 provides that the NA initiates or prepares legislation through its committees acting with the permission of the NA, or through its members. In terms of Rule 273, a committee intending to introduce a Bill in the NA must, for purposes of obtaining the Assembly's permission in terms of Rule 268, table in the NA a memorandum which sets out the particulars of the proposed legislation; explain the objects of the proposed legislation; state whether the proposed legislation will have financial implications for the state and, if so, give an account of those implications; and set out the views of the executive on the objects of the proposed legislation. During the period under review, the following legislative proposals were proposed by Assembly committees:

- a) Proposal to amend the National Credit Act, 2005 [Assembly Minutes, 2 March]

On 8 December 2016, the Portfolio Committee on Trade and Industry published a legislative proposal to amend the National Credit Act (No 34 of 2005) in the ATC. The Committee sought to amend the Act to provide, inter alia, for simpler and more rigorous enforcement of the Act, criminal prosecution of lenders who contravene the Act and an effective debt-counselling framework for low-income workers. On 2 March, the NA granted permission to the Committee to proceed with the legislative proposal.

- b) Proposal to amend the Public Audit Act, 2004 [Assembly Minutes, 23 November]

The Standing Committee on the Auditor-General published a legislative proposal to amend the Public Audit Act (No 25 of 2004) so as to provide for additional powers and functions for the Auditor-General (AG), to clarify the mandate of the AG to perform international audit work and conduct performance audits, to limit the amount of audit fees that can be defrayed from the National Treasury and to align the AG's governance arrangements to current best practice. On 23 November, the NA granted permis-

sion to the Committee to proceed with the legislative proposal.

### **[19] PERMISSION TO INQUIRE INTO AMENDING OTHER PROVISIONS OF LEGISLATION**

Assembly Rule 286(4)(c) provides that permission of the House is required, if a committee considering a Bill amending provisions of legislation, intends to propose amendments to other provisions of that legislation. During the period under review, the NA gave permission to five committees to enquire into amending other provisions of legislation.

On 15 March, the NA considered the request for permission in terms of this rule submitted by the Portfolio Committee on Justice and Correctional Services in its interim report, (ATC of 1 December 2016, p 25) on Courts of Law Amendment Bill [B8 - 2016]. The Committee motivated its request for permission, in terms of the rule to amend other provisions of the Magistrates' Courts Act (No 32 of 1994). On 6 June, the NA considered the request for permission in terms of this rule submitted by the Portfolio Committee on Communications in its interim report (ATC of 24 May 2017, p 31) on Films and Publications Amendment Bill [B 37 - 2015]. The Committee motivated its request for permission in terms of the rule to amend other provisions of the Films and Publications Act (No 65 of 1996).

On 15 June, the NA considered the request for permission in terms of this rule submitted by the Portfolio Committee on Cooperative Governance and Traditional Affairs in its interim report (published in the ATC of 14 June 2017, p 3) on the Traditional Leadership and Governance Framework Amendment Bill [B8 - 2017]. The Committee motivated its request for permission in terms of the rule to amend other provisions of the Traditional Leadership and Governance Framework Act (No 41 of 2003).

On 22 August, the NA considered the request for permission in terms of this rule submitted by the Portfolio Committee on Labour in its interim report (published in the ATC of 30 November 2016, p 14) on the Labour Laws Amendment Bill [PMB 5 - 2015]. The Committee motivated its request for permission in terms of the rule to amend other provisions of the Unemployment Insurance Act (No 63 of 2001).

On 17 October, the NA considered the request for permission in terms of this rule submitted by the Portfolio Committee on Transport in its interim report (published in the ATC of 5 September 2017, p 28) on the National Land Transport Amendment Bill [B 7 - 2016]. The Committee motivated its request for permission in terms of the rule to amend other provisions of the National Land Transport Act (No 5 of 2009).

### **[20] RE-ESTABLISHMENT OF AD HOC JOINT COMMITTEE ON ETHICS AND MEMBERS' INTERESTS**

In (Issue 23, Item 19), it was reported that on 13 September 2016, the NA agreed to a motion to re-establish the Ad Hoc Joint Committee on Ethics and Members' Interests (the Committee) into the alleged non-disclosure by the Leader of the Opposition of sponsorships he had received for his campaign to become the Leader of the Democratic Alliance (DA), and set the initial deadline by which the Committee had to report as 10 November 2016. On 9 November 2016, the NA passed a motion to extend the date by which the Committee had to report to the House to 31 March.

Joint Rule 138(5)(b) provides that an ad hoc joint committee ceases to exist when the date for completion of its task had expired. The Committee had ceased to exist after 31 March without having completed its task and reported to the Houses.

On 10 May, the NA resolved, subject to the concurrence of the NCOP, to re-establish the Committee with the same composition, membership, mandate and powers as its predecessor. The Committee was further instructed to incorporate in its work the proceedings and all the work of the previous Committee. The NA agreed to a motion which set the deadline by which the Committee had to report as 31 August. The Committee did not report its findings by the end of the 2017 annual session.

### **[21] ESTABLISHMENT OF AD HOC COMMITTEE INTO POLITICAL PARTY FUNDING**

On 6 June, the NA resolved to establish the Ad Hoc

Committee on the Funding of Political Parties in terms of Assembly Rule 253(1)(a) (the Committee). The Committee was to –

- (a) inquire into and make recommendations on funding of political parties represented in national and provincial legislatures in South Africa with a view to introducing amending legislation if necessary and, in so doing, consider –
  - (i) the model of public and private funding for political parties; and
  - (ii) the need for, and possible means of, regulating private funding in all its forms as well as investment entities owned by political parties;
- (b) consist of 11 members, as follows: ANC 6, DA 2, EFF 1 and other parties 2;
- (c) exercise those powers in terms of Rule 167 that may assist it in carrying out its task; and
- (d) report to the National Assembly by no later than 30 November.

The Committee consisted of 11 permanent and seven alternate members of the NA, of which seven members represented the ANC, four members represented the DA, two members represented the EFF, and five represented other political parties (ATC, 28 November 2017, p 27).

The Committee tabled the Political Party Funding Bill on 28 November (ATC, 28 November 2017, pp 27-34), and the NA adopted it on 30 November (Minutes of the National Assembly, 30 November 2017, p 411). The Bill was referred to the NCOP for concurrence but lapsed at the end of the 2017 annual session.

## **[22] ESTABLISHMENT OF AD HOC JOINT COMMITTEE INTO PARMED**

The Parliamentary and Provincial Medical Aid Scheme Act (No 28 of 1975) (Parmed) is the com-

pulsory medical aid for members, retired members of Parliament and Judges. On several occasions, the whips and party representatives voiced their concerns in the Chief Whips' Forum that they were paying high tariffs to Parmed; and that a statutory amendment should be investigated to address the compulsory membership for members.

On 23 November, subject to the concurrence of the NCOP, the NA resolved to establish an Ad Hoc Joint Committee on Parmed (the Committee) to inquire into and make recommendations on:

- (i) the tariffs members pay to the Parmed medical aid scheme;
- (ii) the need for, and possible options with regard to, Parmed and other competitive medical aids for members of Parliament;
- (iii) the necessity of introducing amending legislation; and
- (iv) the impact this will have on retired members of Parmed.

The Committee consisted of 11 members of the NA, as follows: ANC 6, DA 2, EFF 1 and other parties 2; and 9 members of the NCOP. The deadline for the Committee to report was 30 March 2018. At the time of writing, the NCOP had not yet concurred with the NA resolution.

## **[23] REFERRAL OF MATTER TO DISCIPLINARY COMMITTEE**

During the proceedings of the House on 10 November 2016, a member refused to abide by the ruling of the Deputy Speaker to withdraw unparliamentary remarks he had made regarding the appointment of Ministers and contending that the President had nothing to lose and would kill his political opponents.

Although the Deputy Speaker had the power to order the member to leave the Chamber immediately and not to participate further in the proceedings of the House, he thought it prudent at the time to rather restore order, to continue with the business at hand, and to deal with the matter at a later stage.

The Deputy Speaker reported the incident to the Speaker and requested that she refer the matter to the Disciplinary Committee (the Committee) for investigation and report. After she had studied the unrevised Hansard and considered the matter, the Speaker referred the member's conduct to the Committee on 30 November 2016 for investigation in terms of Assembly Rule 219. The referral was announced in the ATC of 13 April 2017.

The matter was not finalised by the Committee during the 2017 parliamentary session.

## **[24] REFERRAL OF MATTERS TO POWERS AND PRIVILEGES COMMITTEE**

Between 13 April and 4 September, the Speaker referred four matters relating to allegations of contempt of Parliament, breach of privilege, deliberately misleading the House and a request to have a response recorded in terms of section 25 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (No 4 of 2004) (the Act) to the Powers and Privileges Committee (the Committee) for consideration and report to the House.

In terms of Assembly Rule 214, the Committee must consider any matter referred to it by the Speaker relating to allegations of contempt of Parliament or misconduct by a member or a request to have a response recorded in terms of section 25 of the Act, except a breach of the Code of Ethical Conduct and Disclosure of Members' Interests for Assembly and Permanent Council Members contained in the Schedule to the Joint Rules of Parliament. After completing its inquiry, the Committee is required to report to the House.

The matter of the alleged breach of privilege was in relation to the questions session of the Deputy President held on 9 March, in which the Chief Whip of the Opposition raised a question regarding an alleged breach of parliamentary privilege by President J G Zuma. The Chief Whip of the Opposition alleged that President Zuma had failed to inform Parliament about the deployment of the South African National Defence Force (SANDF) during 2016 in accordance with the Constitution and the Defence Act (No 42 of 2002). On 13 April the Speaker referred the allegation against the President to the Committee for investigation and report.

A request, to have a response recorded in terms of section 25 of the Act, was received from the Secretary to Parliament, Mr G M Mgidlana, who at the time was on precautionary leave following allegations of misconduct and maladministration against him. Mr Mgidlana wrote to the Speaker to complain about remarks made about him by the Chief Whip of the EFF during the debate on Budget Vote 2 (Parliament) on 30 May. Mr Mgidlana requested to have his response to the remarks published in terms of section 25 of the Act. On 24 July, the Speaker referred Mr Mgidlana's complaint and request to the Committee for consideration.

An allegation of contempt of Parliament was made against the Minister of State Security, Mr M D Mahlobo by the EFF. The party submitted a complaint to the Speaker on 18 November, alleging that the Minister was guilty of a breach and abuse of privilege in terms of section 13 of the Act by allegedly being dishonest in the House on 16 November. The party alleged that the Minister's statement in the House on that day contradicted a statement he had previously made in public regarding meetings he was alleged to have had at his house with a student activist and leader of the "Fees must fall" campaign. The Speaker referred the matter to the Committee on 28 November for consideration and report.

The last matter to be referred to the Committee during the period under review was an incident involving Mr M A Dirks. On 31 August, Mr Dirks was alleged to have made an inappropriate gesture (showing the middle finger) in the House to members of the opposition. After being asked by the presiding officer whether he had made the inappropriate gesture, the member denied that he had done so. The video-footage, however, showed that the member had indeed made the inappropriate gesture. By denying that he had shown the middle finger, the member had deliberately misled the House. On 4 September the Speaker referred the matter and the fact that the member had deliberately misled the House to the Committee for consideration and report.

The matters were not finalised by the Committee during the 2017 parliamentary session.

**[25] REFERRAL OF MATTER TO JOINT RULES COMMITTEE**

On 9 February, before the President could commence with his state of the nation address (SONA) in a joint sitting of Parliament, several points of order were raised and requests made to the presiding officers. The points of order and requests included: allegations that 21 members of the South African Police Service (SAPS) had joined the Parliamentary Protection Services with the intention of arresting members of the EFF; that the SAPS members had injections containing biological contents which they intended to use to “deactivate” the EFF members; a request by the DA for members to stand in order to observe a moment of silence in memory of the 143 patients who had died at the psychiatric facilities in the Gauteng province from causes including starvation and neglect after being removed by the state from a private healthcare facility (Life Esidimeni) and placed in government facilities; claims that two members of the security force were stationed in the House; and statements by EFF members that the President had violated his oath of office and therefore would not be allowed to address the joint sitting.

Having engaged members with regard to their points of order and requests for more than one hour, the presiding officers appealed to members to stop raising spurious points of order so that the House could proceed with its business. A member of COPE and members of the EFF continued to ignore the directives of the presiding officers and were asked to leave the Chamber. After refusing to leave the Chamber, and following instructions from the presiding officers, the members were physically removed from the Chamber by the Parliamentary Protection Services. The members of the DA soon thereafter left the Chamber before the President took the podium to address the nation. Once order had been restored, the President was able to address the nation.

On 10 February, the matter of the circumstances of the physical removal of the members was referred to the Joint Rules Committee (JRC) in terms of Joint Rule 14GA(13) for consideration. In terms of the rule, whenever a member is physically removed from the Chamber, the circumstances of such removal must be referred by the Speaker or the Chairperson of the NCOP, within 24 hours, to a multiparty committee for consideration. At the end of the 2017 annual session of Parliament, the JRC had not yet finalised the matter.

**[26] REVIEW OF POWERS, PRIVILEGES AND IMMUNITIES OF PARLIAMENT AND PROVINCIAL LEGISLATURES ACT**

In (Issue 23, Item 18), following the Constitutional Court judgment regarding its finding of the constitutional invalidity of section 11 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (No 4 of 2004) (the Act), it was reported that Parliament established an Ad Hoc Committee on the Review of the Powers and Privileges Act (the Committee) to review the Act in line with the court judgment. The Committee could not complete its task by the initial deadline of 28 October 2016, hence on 25 October 2016 the House resolved to extend its deadline to 30 June 2017.

To ensure an effective review of the Act, the Chairperson, on behalf of the Committee, made a formal call for submissions from political parties within Parliament on sections of the Act that they felt needed to be reviewed and any other proposals they wished to make related to the Act. Although no formal responses were received from political parties, many of them conveyed their inputs regarding the review of the Act through their representatives on the Committee.

In the period under review, the Committee received a presentation on a comparative study on international best practices and conventions relating to parliamentary powers and privileges which it commissioned. The study looked at the experiences of Kenya, the United Kingdom, Canada, Australia, and New Zealand.

Due to the congested parliamentary programme, the Committee was unable to schedule meetings in the first two terms of 2017. When it became apparent that the Committee would not meet its deadline of 30 June, it applied for and was granted a further extension to 30 November. However, a further extension was requested and was granted by the House to 29 June 2018 as the Committee was unable to finalise its work within the previous timeframe.

## **[27] BILL RETURNED TO ASSEMBLY FOR CONSIDERATION OF PRESIDENT'S RESERVATIONS**

- Financial Intelligence Centre Amendment Bill

In (Issue 23, Item 9), it was reported that the President, in terms of section 79(1) of the Constitution, returned the Financial Intelligence Centre Amendment Bill [B33B – 2015] (the Bill) to the NA for reconsideration as he had reservations about the constitutionality of the Bill. The Bill was passed by the NA and NCOP on 18 and 25 May 2016, respectively, and sent to the President for assent.

In terms of Joint Rule 203, on receipt of a remitted Bill, the Speaker must refer the Bill and the President's reservations to an NA committee. The committee must –

- consider, and confine itself to, the President's reservations;
- confer with the corresponding NCOP committee if,
  - the reservations relate to a procedural matter that involves the Council; or
  - the Bill concerned is a constitution amendment Bill that was also passed by the Council, or a section 76 Bill or a mixed section 75/76 Bill; and
- report to the Assembly on the President's reservations.

The rule further provides that if the committee agrees with the President's reservations, the committee must present with its report an amended Bill correcting any constitutional defect in the substance of the Bill. However, if the committee regards the Bill as being procedurally or substantively so defective that it cannot be corrected, then it must recommend that the NA rescind its decision to pass the Bill and reject the Bill. Joint Rule 206(1) provides that a remitted Bill, which according to the President's reservations is defective because of its substance, must be returned to the President if the NA after having considered the President's reservations decides not to accommodate the President's reservations. The rule furthermore provides that if the NA accommodates the President's reservations and passes an amendment Bill, the amendment Bill must be submitted to the President for assent if the amended

Bill is a section 75 Bill. In terms of Joint Rule 208(1), if a remitted Bill is either procedurally or substantively so defective that it cannot be corrected, the NA must consider rejection of the Bill.

The Committee report dated 21 February was tabled in the ATC of 23 February. The Committee, having considered the reservations of the President, reported an amended Bill. The report of the Committee and the amended Bill were adopted by the NA on 28 February and referred to the President for assent. The President assented to and signed the amended Bill on 26 April.

## **INTERNATIONAL RELATIONS**

### **[28] ELECTION OF MEMBERS TO PAN-AFRICAN PARLIAMENT**

(See Issue 21, Item 37)

In terms of Article 4(2) and (3) of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, member states shall be represented in the Pan-African Parliament (PAP) by five members of Parliament, at least one of whom must be a woman; and the representation of each member state must reflect the diversity of political opinions in each national Parliament or other deliberative organ. Members of the PAP are drawn from both Houses of Parliament with the majority party nominating three members and the opposition parties nominating two representatives.

On 23 and 28 October 2014, Mr C Nqakula, Ms T C Memela, Dr H Mateme, Ms S V Kalyan and Mr N F Shivambu were elected by resolutions of the two Houses to serve in the PAP. On 24 October 2017, the NCOP amended the motion that it had adopted on 28 October 2014, regarding the designation of members, and resolved that Ms T R Modise, Chairperson of the NCOP, replace Dr H Mateme; Mr Z M D Mandela replace Mr C Nqakula; and Ms T A Didiza replace Ms T C Memela.

On 23 November, the NA, by resolution, elected Ms T R Modise (ANC), Mr Z M D Mandela (ANC), Ms A T Didiza (ANC), and Mr J S Malema (EFF) to replace Mr C Nqakula (ANC), Ms T C Memela (ANC), Dr H Mateme (ANC) and Mr N F Shivambu (EFF) as members of the PAP.

## STATUTORY FUNCTIONS

### [29] VACANCIES IN COMMISSION FOR GENDER EQUALITY (CGE)

In (Issue 23, Item 31), it was reported that on 27 October 2016, the NA resolved, in accordance with Assembly Rule 253(1), to establish an ad hoc committee (the Committee) to identify suitable candidates to fill vacancies in the Commission for Gender Equality (CGE) in terms of the revised Commission for Gender Equality Act (No 39 of 1996). The composition of the Committee, which comprised 11 members, was announced in the ATC of 16 November 2016. The initial deadline for the Committee to conclude its business and report to the House was 31 January and was later extended to 31 March.

The Committee tabled its report on 22 March and recommended the nominations of Ms Tamara Eugenia Mathebula, Ms Nthabiseng Moleko, Mr Sediko Daniel Rakolote, Ms Nthabiseng Sepanya Mogale, Ms Sethembiso Promise Mthembu and Dr Praveena Sukhraj-Ely. The Committee further recommended that Ms Mathebula and Ms Mogale be appointed as part-time Commissioners, and Ms Moleko and Mr Rakolote as full-time Commissioners.

The Committee also recommended that the NA consider the possibility of establishing a standardised procedure/mechanism to guide committees on how to deal with appointments to statutory bodies/organs of state. To this end, the Committee recommended that Parliament develop a standardised template to guide these processes in future. The template had not been developed by the end of the 5<sup>th</sup> Parliament.

The NA approved the recommendation of the candidates on 6 June in accordance with section 193(5) (b)(ii) of the Constitution.

### [30] DRAFT REGULATIONS MADE IN TERMS OF SECTION 23(1) OF LEGAL AID SOUTH AFRICA ACT (NO 39 OF 2014)

The Portfolio Committee on Justice and Correctional Services (the Committee) considered Draft Regulations

which were made in terms of section 23(1) of the Legal Aid South Africa Act (No 39 of 2014), to replace the Legal Aid Guide which was issued by Legal Aid South Africa under the repealed Legal Aid Act (No 22 of 1969). As a transitional arrangement, the new Act, Legal Aid South Africa Act, provides that the existing Legal Aid Guide would remain in force until it was withdrawn and replaced by regulations and the Legal Aid Manual made in terms of the new Act.

The Assembly approved the Draft Regulations on 6 June.

### [31] FILLING OF VACANCY ON BOARD OF SOUTH AFRICAN BROADCASTING CORPORATION (SABC)

On 9 November, the Speaker received a letter from the Minister of Communications, Ms M T Kuyayi-Ngubane, (i) informing the NA of the formal withdrawal of Ms Nomvuyiso Batyi, who was recommended for appointment to the SABC Board, giving rise to a vacancy in the Board; and (ii) requesting the NA to commence with the process of filling the vacant position on the Board of the SABC in line with section 13(1) of the Broadcasting Act (No 4 of 1999). The Minister's letter was referred to the Portfolio Committee on Communications for consideration and report.

The Committee did not finalise this matter in the 2017 parliamentary session.

### [32] VACANCIES IN MEDIA DEVELOPMENT AND DIVERSITY AGENCY (MDDA) BOARD

In (Issue 23, Item 29), it was reported that the Speaker received two letters from the President, dated 5 December 2015 and 20 June 2016, informing the NA firstly, that Mr Thamsanqa Ntentsi, who had been appointed to the MDDA Board, was not eligible for appointment in terms of section 5(f) of the Media Development and Diversity Agency Act (No 14 of 2002), and requested that the NA commence with his removal from office in accordance with section 6(2) of the Act and, secondly, that in terms of section 8(2) of the Act, the term of office of MDDA Board members Mr Jabulani Blose and Mr Roland Williams expired on 31

January 2016 and 31 December 2016, respectively; and requested the NA to commence with the process of recommending suitable candidates to fill these vacancies. In terms of section 5(f) of the Act, a person may not be appointed as a member of the board after the Constitution, 1993, came into effect, if he or she has been convicted of a crime and has been sentenced to a period of imprisonment of not less than one year without the option of a fine. On 23 May, the Committee resolved that Mr Ntentei was not eligible for appointment to the MDDA Board after having considered a legal opinion from the Constitutional and Legal Services Office (CLSO) of Parliament.

On 25 August, the Committee shortlisted and interviewed the following nine candidates: Mr Michael Bauer; Ms Sibongile Gangxa; Mr Ronald Lamola; Adv Makondelele Mathivha; Mr Hubert Matlou; Prof Sheila Ofentse Mmusi; Ms Nombeko Mbava; Adv Lufuno Nevondwe; and Ms Martina Della Togna.

The candidates were interviewed on 5 September, except Mr Michael Bauer who was disqualified in terms of section 5(a) of the Act (not a South African citizen and ordinarily resident in the Republic), and Adv Makondelele Mathivha who withdrew from the process. The Committee reported on 5 September.

On 9 September, the NA approved the appointments of Mr Ronald Lamola, Ms Martina Della Togna, and Ms Nombeko Mbava to the board.

### [33] FILLING OF VACANCIES IN ICASA

a) In (Issue 23, Item 27), it was reported that the Minister of Communications informed the NA that the term of office of Ms Nomvuyiso Batyi and Ms Katharina Pillay would expire on 31 January and requested the NA to commence with the process of filling the vacancies. The Minister's request was referred to the Portfolio Committee on Communications for consideration and report. A related request from the Deputy Speaker, dated 28 June, was forwarded to the Committee for its attention. In his letter, the Deputy Speaker advised the

Committee of the upcoming vacancy of Mr Rubben Mohlaloga and requested that the vacancy be filled together with the two vacancies that had been communicated by the Minister as it would be the most cost effective and time efficient manner in which to handle the appointment processes. The Deputy Speaker was writing in his capacity as the parliamentary office-bearer responsible for institutions supporting constitutional democracy, a duty assigned to him by the Speaker for the duration of the Fifth Parliament.

Having considered the requests from the Minister and Deputy Speaker, the Committee reported on 31 October and recommended that three of the five candidates be recommended for appointment in terms of section 5(1A)(a) of the Independent Communications Authority of South Africa Act (No 13 of 2000), namely: Mrs Nomonde Gongxeka, Mr Rubben Mohlaloga, Ms Kate Skinner, Ms Thembeke Semane and Ms Lulama Mokhobo. The House approved the recommendations on 15 November.

b) Section 5(1A)(a) of the Independent Communications Authority of South Africa Act (No 13 of 2000) requires the NA to submit to the Minister of Communications a shortlist of suitable candidates at least one and a half times the number of councillors to be appointed. In terms of section 5(1B)(a) of the Act, the Minister must recommend to the NA, from the list contemplated in subsection (1A), persons whom he or she proposes to appoint to serve on the Council of the Independent Communications Authority of South Africa (Icasa). The Minister, in a letter dated 27 March, requested the NA to approve the appointment of Ms Palesa Kadi and Advocate Dimakatso Qhoshha to the Council in terms of section 5(1B)(a) of the Independent Communications Authority of South Africa Act. Having considered the Minister's request, the Portfolio Committee on Communications reported on 5 May and recommended that Ms Palesa Kadi and Advocate Dimakatso Qhoshha be approved for appointment to serve on the Council of Icasa. This recommendation was adopted by the House on 22 August.

c) The Minister of Communications, in a letter dat-

ed 23 November, requested the approval by the NA of the appointment of Ms Nomonde Gongxeka-Seope and Ms Thembeke Semane to the Icasa Council in terms of section 5(1B) of the Independent Communications Authority of South Africa Act, to serve as Councillors for a period of four years. The Minister further requested that the NA approve the appointment of Mr Rubben Mohlaloga as Councillor and Chairperson of the Council for a period of five years.

Having considered the Minister's request, the Portfolio Committee on Communications reported on 28 November and recommended that the NA approve the appointment of Ms Nomonde Gongxeka-Seope and Ms Thembeke Semane as Councillors for a period of four years and Mr Rubben Mohlaloga as Councillor and Chairperson of the Council for a period of five years. The NA accordingly recommended the candidates for appointment to the Council of Icasa on 30 November.

### **[34] DESIGNATION OF MEMBER TO THE MAGISTRATES COMMISSION**

(See Issue 21, Item 40 and Issue 22, Item 27)

Section 3(1)(a)(x) of the Magistrates Act (No 90 of 1993) provides that four persons must be designated to the Magistrates Commission by the NA from among its members, two of whom must be from the opposition parties represented in the NA.

The Magistrates Commission experienced a vacancy as a result of the retirement of a member of the opposition, Prof C T Msimang (IFP) on 1 November, as a member of the NA. On 23 November, the House passed a resolution to designate Inkosi E M Buthelezi (IFP) as his replacement.

### **[35] REQUEST FOR NOMINATION OF BOARD MEMBERS FOR LAND BANK**

A letter dated 6 August was received from the Minister

of Finance, requesting the relevant parliamentary committees, in terms of section 4(2) of the Land and Agricultural Development Bank Act (No 15 of 2002) (the Act), to nominate by 8 September candidates with strong strategic leadership, financial management, auditing, corporate law, corporate treasury, agricultural economics, agricultural research and development, rural development, development finance and or economics in agricultural sector, credit risk and human resource management background, for appointment to the Board of the Land Bank. On 28 August, the Speaker tabled and referred the Minister's letter to the Standing Committee on Finance and the Portfolio Committee on Agriculture, Forestry and Fisheries for consideration.

The procedure for the appointment of members to the board is regulated by section 4 of the Act, which stipulates that, whenever necessary, the Minister must, by notice in the Gazette, as well as in other appropriate media and by written invitation to the relevant parliamentary committees, call for the nomination of persons to serve on the board. The Act does not envisage any further role for the parliamentary committees beyond the invitation to nominate persons to serve on the board. The Committees did not nominate any persons to serve on the board during the 2017 parliamentary session.

### **[36] APPROVAL OF DRAFT REVISED RULES OF PROCEDURE, IN TERMS OF SECTION 7(5) OF PROMOTION OF ADMINISTRATIVE JUSTICE ACT (NO 3 OF 2000)**

Section 7(3) of the Promotion of Administrative Justice Act (No 3 of 2000) provides that the Rules Board for Courts of Law, subject to the approval of the Minister, makes rules of procedure for judicial review and, in terms of subsection (5), any rule made under subsection (3) must, before publication in the Gazette, be approved by Parliament.

On 7 November, and on the recommendation of the Portfolio Committee on Justice and Correctional Services, the NA approved the Draft Revised Rules of Procedure for Application to Court in terms of section 7(5) of the Act.

**[37] APPROVAL OF DRAFT REVISED RULES OF PROCEDURE FOR APPLICATION TO COURT IN TERMS OF SECTION 79(3) OF PROMOTION OF ACCESS TO INFORMATION ACT (NO 2 OF 2000)**

Section 79(1) of the Promotion of Access to Information Act (No 2 of 2000) provides that the Rules Board for Courts of Law must, subject to the approval of the Minister, make rules of procedure for a Court in respect of certain applications, subsection (3) requires that any rule made in terms of subsection (1) must, before publication in the Gazette, be approved by Parliament.

On 7 November and on the recommendation of the Portfolio Committee on Justice and Correctional Services, the NA approved the Draft Revised Rules of Procedure, 2015, made in terms of section 79(3) of the Act.

**[38] REMEDIAL ACTION IN PUBLIC PROTECTOR'S STATE OF CAPTURE REPORT NO 6 OF 2016-17**

The former Public Protector, Adv Thuli Madonsela, compiled a report dated 14 October 2016, titled "State of Capture". The report investigated allegations of improper and unethical conduct by the President and other state functionaries relating to alleged improper relationships and involvement of the Gupta family in the removal and appointment of Ministers and Directors of State-Owned Enterprises (SOEs) resulting in improper and possibly corrupt award of state contracts and benefits to the Gupta family's businesses.

Among other things, the report contained a remedial action (paragraph 8.9) which required Parliament to review, within 180 days, the Executive Members' Ethics Act (No 82 of 1998) to provide better guidance regarding integrity, including avoidance and management of conflicts of interest, and that the reviewed Act should clearly define responsibilities of those in authority regarding a proper response to whistleblowing and whistle-blowers. The report also required that consideration be given to a transversal code of

conduct for all employees of the State. The matter was referred to the Portfolio Committee on Justice and Correctional Services (the Committee) on 16 February, for consideration and report.

The Committee was unable to meet the 180-day timeframe and resolved to request the Speaker to write to the Public Protector, requesting an extension of the timeframe. On 25 October, the Speaker wrote to the new Public Protector, Adv B Mkhwebane, requesting her indulgence in granting an extension until the end of the first term of 2018 for the Committee to process the matter. The Public Protector granted the request and the deadline by which the Committee had to report was extended to 31 March 2018.

On 6 November, the President announced in Government Gazette No 41230 that he had transferred the administration of the Executive Members' Ethics Act to the Cabinet member responsible for the justice portfolio. Prior to this announcement, no Cabinet member had been assigned to administer the Act (the Act was not introduced in Parliament by the Executive, but by the Ad Hoc Joint Committee on the Executive Members' Ethics Bill to give effect to sections 96 and 126 of the Constitution, 1996).

At its meeting of 8 November, the Committee noted the President's announcement transferring the administration of the Act to the Cabinet member responsible for the justice portfolio. In light of this announcement, the Committee recommended that the NA request the Minister of Justice and Correctional Services to investigate possible shortcomings in the legal framework regulating the ethical conduct applicable to Members of the Executive, including the specific aspects of the remedial action in paragraph 8.9 of the Public Protector's State of Capture Report as it related to the Executive Members' Ethics Act, that might require legislative amendment; and to introduce these to Parliament as a matter of urgency. The Committee's report was adopted by the NA on 29 November and was brought to the attention of the Minister of Justice and Correctional Services shortly thereafter by the Speaker. By the end of the 2017 annual session, the Minister had not responded to the recommendations in the report.

### **[39] REQUEST TO INSTITUTE REMOVAL PROCEEDINGS AGAINST PUBLIC PROTECTOR**

On 13 September, the Chief Whip of the Opposition, Mr J H Steenhuisen, wrote to the Speaker to request that Parliament initiate proceedings to remove the Public Protector from office in terms of section 194 of the Constitution. In terms of this section, the Public Protector, the Auditor-General or a member of a Commission established in terms of Chapter 9 of the Constitution, may be removed from office only on the ground of misconduct, incapacity or incompetence, based on a finding to that effect by a Committee of the NA. In the case of the Public Protector and the Auditor-General, the NA resolution calling for their removal must be adopted with a supporting vote of at least two thirds of the members of the NA. In his letter, Mr Steenhuisen contended that the conduct of the Public Protector over the past ten months had amply demonstrated that she was not fit to hold office. He cited various examples of misconduct on the part of the Public Protector, which included that she grossly over-reached her powers by recommending that the Constitution be amended to change the mandate of the Reserve Bank, that she grossly over-reached her powers by dictating to Parliament how and when legislation should be amended in the ABSA/Bankorp report, and that her actions in these cases showed a poor understanding of the law and her powers.

The letter from the Chief Whip of the Opposition was referred to the Portfolio Committee on Justice and Correctional Services for consideration and report on 28 September, in terms of Assembly Rule 337(b). In terms of this rule, the Speaker must table without delay all requests, applications and other written submissions made to the NA in terms of legislation to activate a parliamentary process prescribed by such legislation. On 15 November, the Committee published its report in the ATC (pp 126-128) for consideration by the NA. The Committee concluded that there was no basis to institute an inquiry; the Public Protector had made a mistake which she had acknowledged; and that there was not enough prima facie evidence contained in the documents that had accompanied the referral for the Committee to come to this conclusion. In addition, the Committee expressed the view that the request to institute removal proceedings was motivated by political considerations and had nothing to do with the Public Protector's fitness to hold office. The Committee recommended that there was no basis for

Parliament to institute removal proceedings against the Public Protector in terms of section 194 of the Constitution.

On 29 November, following declarations of vote by the DA, EFF, IFP, NFP, ACDP and ANC, and a division having been called, the NA adopted the Committee's report.

### **[40] INQUIRY INTO ALLEGED MISCONDUCT OF DEPUTY PUBLIC PROTECTOR**

In a letter dated 13 September, Mr M Waters wrote to the Speaker requesting an inquiry into the alleged misconduct of Adv K Malunga, the Deputy Public Protector, in terms of sections 2 and 9 of the Public Protector Act (No 23 of 1994). Mr Waters alleged in his letter that the Deputy Public Protector had unlawfully terminated an investigation into fraud and irregular expenditure by the former Executive Mayor and the Municipal Manager of the Ekurhuleni Municipality. The letter was referred to the Portfolio Committee on Justice and Correctional Services for consideration and report on 28 September.

On 13 September, the Deputy Speaker wrote to the Public Protector, informing her about Mr Waters' request, and seeking clarity from her office on the matter, especially whether her office had handled the matter in accordance with prescripts governing investigations. In her reply dated 14 September, the Public Protector indicated that an investigation into the original complaint regarding the alleged fraud and irregular expenditure by the former Executive Mayor and the Municipal Manager was on-going. Her letter was referred to the Committee on 28 September.

Following the response and clarification of the matter by the Public Protector, the Committee resolved that there was no basis for the Assembly to conduct an inquiry into the alleged misconduct of the Deputy Public Protector. The NA considered and adopted the Committee's report on 29 November.

**[41] INQUIRY INTO STATE CAPTURE**

Public Protector Report No 6 of 2016-17 on an investigation into alleged improper and unethical conduct by the President of the Republic and other state functionaries relating to alleged improper relationships and the involvement of the Gupta family in the removal and appointment of Ministers and Directors of State-Owned Enterprises resulting in improper and possibly corrupt award of state contracts and benefits to the Gupta family's businesses, was completed by the former Public Protector, Adv Thuli Madonsela, on Friday, 14 October 2016, the day on which her seven year term of office as Public Protector expired. On the same day, the Speaker received a letter from the Public Protector indicating that two of the parties involved in the investigation - the President and the Minister of Cooperative Governance and Traditional Affairs - had lodged urgent applications to interdict her from releasing the report. She further indicated that while she was not obliged by law not to release the report because of the applications lodged, she decided to agree thereto out of respect for the judiciary. She wrote that it was agreed that the report would not be released to the public but would be preserved and kept safe. She further wrote that as her tenure was coming to an end that day, and seeing as she was accountable to the NA, she had decided to request the Speaker to preserve and keep the report safe until her successor assumed office. The report was received, and arrangements were made with the office of the Public Protector for its safekeeping, until the new Public Protector assumed office.

Some of the remedial actions contained in the report were that the President should appoint, within 30 days, a commission of inquiry headed by a judge solely selected by the Chief Justice who should provide one name to the President, and that Parliament should review, within 180 days, the Executive Members' Ethics Act to provide better guidance regarding integrity, including avoidance and management of conflict of interest. The remedial action pertaining to Parliament was referred to the Portfolio Committee on Justice and Correctional Services on 16 February, for consideration and report (See Item 38).

The report of the Public Protector indicated that the Public Protector would monitor the implementation of the remedial actions and required the Secretary to Parliament

and the Director-General in The Presidency to provide periodic implementation reports to her office.

In June, e-mails detailing how the Gupta family was awarded contracts amounting to billions of rand from SOEs and influenced government decisions, including the appointment of Ministers and boards of SOEs, were revealed. In a statement on 19 June, Parliament announced that in the light of the accusations of state capture linked to the emails involving a number of Ministers, parliamentary committees were directed to urgently probe the allegations and report to the NA.

On 15 June, the House Chairperson responsible for Committees, Mr Cedric Frolick, wrote to the chairpersons of the Portfolio Committees on Home Affairs; Mineral Resources; Public Enterprises; and Transport, advising them to ensure immediate engagement with the concerned Ministers, within the parameters of the NA rules governing the business of committees and consistent with the constitutionally-enshrined oversight function of Parliament, to ensure that Parliament got to the bottom of the allegations.

While no specific deadline had been set for the submission of the outcome of those investigations, the Committees were urged to begin with the work and report their recommendations to the House urgently.

None of the Committees reported on their findings during the 2017 parliamentary session.

**[42] APPOINTMENT OF BOARD MEMBERS TO NATIONAL YOUTH DEVELOPMENT AGENCY (NYDA)**

In (Issue 23, Item 32), it was reported that the deadline for the re-established Ad Hoc Joint Committee on Appointment of Board Members to the National Youth Development Agency which was tasked with recommending seven candidates for appointment to the Board, was extended to 31 March. Section 9 of the National Youth Development Agency Act (No 54 of 2008) stipulates that the Board of the NYDA consists of seven members, two of whom are Executive Directors. Members of the board hold office for a period of three years and are appointed by the President,

on the recommendation of Parliament. The term of office of the NYDA Board expired on 31 March 2016.

On 29 February 2016, both Houses announced the nomination of members to serve on the Ad Hoc Joint Committee on Appointment of Board Members to the National Youth Development Agency. The membership was reconfirmed on 10 November 2016 when both Houses re-established the ad hoc joint committee to facilitate the appointment of persons to serve on the board with effect from 2 November 2016.

On 25 January, the Committee interviewed 13 candidates and recommended to both Houses the following seven candidates to be appointed by the President to serve as Board Members in the NYDA for a period of three years:

Mr Ndumiso Thokozani Mokako - Mpumalanga Province

Mr Itiseng Kenneth Morolong - North West Province

Mr Yershen Pillay - KwaZulu-Natal Province

Mr Sifiso John Mtsweni - Western Cape Province

Ms Zandile Majozi - Gauteng Province

Ms Bavelile Gloria Hlongwa - KwaZulu-Natal Province

Ms Khomotjo Joy Maimela - Limpopo Province

On 23 February, the NA approved the recommended candidates for appointment to the Board of the NYDA.

## ABBREVIATIONS

<b>AG</b>	Auditor-General
<b>ATC</b>	Announcements, Tablings and Committee Reports (a daily parliamentary paper which is effectively an appendix to the Minutes of Proceedings)
<b>CGE</b>	Commission for Gender Equality
<b>CLSO</b>	Constitutional and Legal Services Office
<b>Icasa</b>	Independent Communications Authority of South Africa
<b>ICT</b>	Information Communication and Technology
<b>JRC</b>	Joint Rules Committee
<b>MDDA</b>	Media Development and Diversity Agency
<b>Minutes</b>	Minutes of Proceedings of the NA
<b>NA</b>	National Assembly
<b>NCOP</b>	National Council of Provinces
<b>NYDA</b>	National Youth Development Agency
<b>PAP</b>	Pan-African Parliament
<b>PARMED</b>	Parliamentary and Provincial Medical Aid Scheme
<b>PSC</b>	Public Service Commission
<b>SABC</b>	South African Broadcasting Corporation
<b>SAPS</b>	South African Police Service
<b>SOEs</b>	State-Owned Enterprises
<b>SONA</b>	State of the Nation Address

**PARTIES****Annexure 1**

<b>ANC</b>	African National Congress
<b>DA</b>	Democratic Alliance
<b>EFF</b>	Economic Freedom Fighters
<b>IFP</b>	Inkatha Freedom Party
<b>NFP</b>	National Freedom Party
<b>UDM</b>	United Democratic Movement
<b>FF Plus</b>	Freedom Front Plus
<b>Cope</b>	Congress of the People
<b>ACDP</b>	African Christian Democratic Party
<b>AIC</b>	African Independent Congress
<b>Agang SA</b>	Agang SA
<b>PAC</b>	Pan Africanist Congress of Azania
<b>APC</b>	African People's Convention

**MEMBERSHIP OF THE ASSEMBLY**

In the fourth session of the 5<sup>th</sup> Parliament, several vacancies occurred in the NA. Some were due to resignations and others as a result of members passing away or losing their membership in terms of section 47(3)(c) of the Constitution.

In terms of Item 23 of Schedule 1A to the Electoral Act (No 73 of 1998), casual vacancies have to be filled by parties nominating the next qualified and available member from the same candidates' list from which the member vacating the seat had originally been nominated.

The following vacancies occurred and were filled during 2017:

- Dr H Chewane (EFF – GP) resigned wef 1 January. Replaced by Dr S S Thembekwayo wef 4 January.
- Mr N P Khoza (EFF – MP) resigned wef 24 January. Replaced by Mr L S Tlhaole wef 1 February.
- Mr A M Mudau (ANC – NW) resigned wef 30 January. Replaced by Mr B Molefe wef 14 February.
- Ms B P Mabe (ANC – GP) lost her membership in terms of section 47(3)(a) of the Constitution wef 6 August 2016. Ms Mabe returned to Parliament and became a member wef 24 February.
- Dr H C Volmink (DA – GP) resigned wef 14 March. Replaced by Mr G K Y Cachalia wef 18 April.
- Ms E D Peters (ANC – National) resigned wef 31 March. Replaced by Mr J J Dube wef 12 April.
- Mr M H Jonas (ANC – EC) resigned wef 31 March. Replaced by Mr T M Nkonzo wef 12 April.
- Ms T M Joemat-Pettersson (ANC – National) resigned wef 31 March. Replaced by Ms R C Adams wef 12 April.
- Mr N A Ramatlhodi (ANC – National) resigned wef 31 March. Replaced by Mr S H Mbuyane

- wef 18 April.
- Ms A D N Qikani (ANC – National) resigned wef 5 December 2016. Replaced by Mr T S Mpanza wef 24 April.
- Ms T R Mabudafhasi (ANC – National) resigned wef 1 May. Replaced by Ms L C Theko wef 1 May.
- Mr B Molefe (ANC – NW) resigned wef 14 May. Replaced by Mr M J Wolmarans wef 7 September.
- Mr T M Manyoni (ANC – FS) resigned wef 15 May.
- Dr W G James (DA – WP) resigned wef 12 June. Replaced by Mr R T Hugo wef 4 September.
- Mr M A Mncwango (IFP – KZN) retired wef 15 June. Replaced by Mr X Ngwezi wef 15 June.
- Mr M H Redelinghuys (DA – GP) resigned wef 1 July. Replaced by Mr D R Ryder wef 1 July.
- Mr T J Bonhomme (ANC – KZN) passed away on 29 July.
- Mr T Z M Khoza (ANC – National) passed away on 2 August. Replaced by Ms A T Mfulo wef 1 September.
- Mr P P Mabe (ANC – National) resigned wef 31 August. Replaced by Dr N C Dlamini-Zuma wef 7 September.
- Ms J F Terblanche (DA – National) lost her membership in terms of section 47(3)(c) of the Constitution wef 7 September. Replaced by Mrs C Visser wef 1 December.
- Mr E K Siwela (ANC – MP) resigned wef 20 September. Replaced by Mr G J Skosana wef 25 October.
- Dr M B Khoza (ANC – KZN) lost her membership in terms of section 47(3)(c) of the Constitution wef 21 September.
- Ms L E Yengeni (ANC – National) resigned wef 2 October.
- Ms T E Baker (DA – National) passed away on 6 October. Replaced by Ms A T Khanyile wef 1 December.
- Mr S P Mabilo (ANC – NC) resigned wef 17 October.
- Mr L S Tlhaole (EFF – MP) resigned wef 31 October. Replaced by Mr M Tshwaku wef 1 November.
- Prof C T Msimang (IFP – National) retired wef 1 November. Replaced by Inkosi E M Buthelezi wef 1 November.
- Dr P W A Mulder (FF Plus – National) resigned wef 1 December. Replaced by Mr W W Wessels wef 1 December.

## Annexure 2

### LIST OF CONDOLENCE MOTIONS AND TRIBUTES TO FORMER MEMBERS

- Mr A M Kathrada was elected to Parliament in 1994 and served as a Parliamentary Counsellor to the late former President Nelson Mandela. The debate on the condolence motion for Mr Kathrada was held on 13 June. It was agreed to, members standing.
  
- Mr T J Bonhomme was a member of the NA from 2006 to 2017. The motion on his passing away was debated and agreed to by the NA on 22 August, members standing.
  
- Mr T Z N Khoza was a member of the NA representing the ANC from 2014 to 2017. The debate on the condolence motion for Mr Khoza was held on 7 September. It was agreed to, members standing.
  
- Ms T E Baker, was a sitting member of the DA, having joined Parliament in 2014. The motion on her death was debated on 26 October. It was agreed to, members standing.



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

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