



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



**PROCEDURAL
DEVELOPMENTS**
IN THE NATIONAL ASSEMBLY

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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 27th issue covers the first session of the Sixth Parliament from May to December 2019. Where no year appears next to a particular month in the text, the reference is to 2019.

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PRESIDING OFFICERS, OFFICE-BEARERS AND OTHER OFFICE-HOLDERS

[1] FIRST SITTING OF ASSEMBLY AFTER ELECTIONS

Section 51(1) of the Constitution determines that, after an election, the first sitting of the National Assembly (NA) must take place on a date determined by the Chief Justice but not more than 14 days after the election result has been declared by the Electoral Commission. Chief Justice Mogoeng Mogoeng, by general notice published in the Government Gazette of 16 May, announced that the first sitting of the NA, at which the President of the Republic of South Africa, Speaker and Deputy Speaker of the National Assembly were to be elected, would take place on 22 May, at 10h30.

Swearing-in of members of the National Assembly

Section 48 of the Constitution provides that before members of the NA begin to perform their functions in the Assembly, they must swear or affirm faithfulness to the Republic and obedience to the Constitution. The Chief Justice or another judge designated by the Chief Justice presides over the swearing in of members.

Members were sworn in in groups of up to 10 and took the oath or solemn affirmation simultaneously in a language of their choice, after which they returned to their seats to sign their swearing-in certificates. These certificates were counter-signed by the Chief Justice. Once members had been sworn in, they were eligible to participate and vote in the Assembly.

Election of Speaker and Deputy Speaker

The Constitution provides that the NA must elect a Speaker and Deputy Speaker from among its members at the first sitting after an election, or when necessary to fill a vacancy.

Item 9 of Part A of Schedule 3, which deals with election procedures for constitutional office-bearers, prescribes that the Chief Justice must make rules

prescribing the procedure for such elections, the duties of any person presiding at a meeting, and of any person assisting the person presiding, the form on which nominations must be submitted and the manner in which voting is to be conducted. It further requires that these rules must be made known in the way the Chief Justice determines.

The Chief Justice announced that the rules had been made available to members and further announced the appointment of the Acting Secretary to Parliament as Returning Officer and other procedural staff as Assistant Returning Officers.

The Chief Justice, who presides over the election of the Speaker, called for nominations for the position of Speaker. Dr Nkosazana Clarice Dlamini-Zuma, seconded by Mr Derek André Hanekom, nominated Ms Thandi Ruth Modise while Mr John Henry Steenhuisen, seconded by Mr Michael Waters, nominated Mr Thembekile Richard Majola for election as Speaker of the Assembly. As there was more than one nomination, the Chief Justice announced that voting would take place by secret ballot in terms of item 6 of Part A of Schedule 3 to the Constitution.

Proceedings were suspended at 12:19 to prepare the ballot papers for the election of the Speaker, and at 14:01, the House proceeded to the secret ballot for the election of the Speaker. At 15:57, the Chief Justice took the Chair and announced the results of the ballot as follows: Ms Thandi Ruth Modise received 250 votes and Mr Thembekile Richard Majola received 83 votes. Ms Modise was accordingly elected Speaker of the Assembly. The Chief Justice congratulated Ms Modise on behalf of all present and invited her to take the Chair. The Serjeant-at-Arms conducted the Speaker to the Chair and placed the mace in its position, at which point the Speaker expressed her appreciation of the honour conferred upon her.

In terms of the Constitution, the Speaker presides over the election of the Deputy Speaker. With the Speaker presiding, the House proceeded to elect the Deputy Speaker. Mr Alvin Botes, seconded by Ms Hlengiwe Buhle Mkhize, nominated Mr Solomon Lechesa Tsenoli for election as Deputy Speaker. As there were no further nominations, the Speaker declared Mr Tsenoli duly elected as Deputy Speaker.

The Speaker congratulated Mr Tsenoli on behalf of all present and afforded him the opportunity to express his appreciation of the honour conferred upon him. Following the election of the Deputy Speaker, religious leaders were afforded an opportunity to bless the House as had become practice.

Election of the President

The Speaker then took the Chair and announced that the House would proceed to the election of the President. The Speaker then invited the Chief Justice to take the Chair as required by section 86(2) of the Constitution.

The Chief Justice called for nominations for the position of President. Ms Pemmy Castelina Pamela Majodina, seconded by Mr Madala Louis David Ntombela, nominated Mr Matamela Cyril Ramaphosa for election as President of the Republic. As there were no further nominations, the Chief Justice declared Mr Ramaphosa duly elected as President of the Republic of South Africa and congratulated him on his election as President.

The Speaker then took the Chair, thanked the Chief Justice for conducting the proceedings and gave parties and the President-elect an opportunity to address the House (*Minutes of Proceedings of the National Assembly, 22 May 2019, p.1*).

[2] ANNOUNCEMENT OF PARLIAMENTARY OFFICE-BEARERS

At a sitting of the House on 27 June, the Speaker announced that Mr M A Maimane had been elected by the Democratic Alliance (DA) as its parliamentary leader and was therefore the recognised Leader of the Opposition in terms of Assembly Rule 32(1). Section 57(2)(d) of the Constitution provides that the leader of the largest opposition party in the Assembly must be recognised as the Leader of the Opposition.

The Speaker also announced the appointment of Ms P C P Majodina as Chief Whip of the Majority Party, Ms D E Dlakude as Deputy Chief Whip of the Majority Party and Mr J H Steenhuisen as Chief Whip of the Opposition.

[3] DESIGNATION OF NEW LEADER OF THE OPPOSITION AND CHIEF WHIP OF THE OPPOSITION

On 20 October, the Chairperson, Mr Q R Dyantyi, announced in the House that Mr M A Maimane, the Leader of the Opposition, had resigned from the NA. On 29 October, the Deputy Speaker announced at a sitting of the House, that Mr J H Steenhuisen had been designated by the DA as its parliamentary leader and was therefore recognised as Leader of the Opposition in terms of Assembly Rule 32(1). Mr Steenhuisen had previously been the Chief Whip of the Opposition.

On 31 October, the Deputy Speaker announced that Ms N W A Mazzone had been designated by the DA as the Chief Whip of the Opposition.

[4] APPOINTMENT OF LEADER OF GOVERNMENT BUSINESS

In a letter dated 5 June and published in the Announcements, Tablings and Committee Reports (ATC) on 12 June, the President of the Republic informed the Assembly that he had appointed the Deputy President of the Republic, Mr D D Mabuza, as the Leader of Government Business (LoGB) in the NA in terms of section 91(4) of the Constitution.

The Speaker announced the appointment at a sitting of the House on 27 June.

[5] DESIGNATION OF PARLIAMENTARY COUNSELLORS

Assembly Rule 34 provides that the Speaker may, on the recommendation of the President and the Deputy President, designate two members as Parliamentary Counsellors to the President and the Deputy President, respectively. The Parliamentary Counsellors must facilitate communication between the Assembly and the offices of the President and Deputy President, respectively. The Rule also provides that the names of the designated parliamentary counsellors must be published in the ATC.

On 27 June, the Speaker announced in the House that, in terms of Rule 34, Dr G W Koornhof had

been designated as Parliamentary Counsellor to the President. Dr Koornhof's designation came into effect on 3 June. At a subsequent sitting on 22 August, the Speaker announced that, in terms of Rule 34, Mr A H M Papo had been designated as Parliamentary Counsellor to the Deputy President, with effect from 25 July. The names of the designated Parliamentary Counsellors were published in the ATC as required by the Rule (*ATC, 12 June, p. 2 and ATC 1 August, p. 1*).

MEMBERS

[6] MEMBERSHIP OF THE NATIONAL ASSEMBLY

See Annexure 1.

[7] CONDOLENCE MOTION

See Annexure 2.

[8] COMMUNICATION OF APPOINTMENT OF CABINET MEMBERS AND DEPUTY MINISTERS

Assembly Rule 352 requires that the 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. The rule also requires that upon receipt of such a communication, the Speaker must table it without delay.

A letter from The Presidency, informing the Speaker of the appointment of Cabinet members and Deputy Ministers and their assigned powers and functions in terms of Rule 352, was published in the ATC of 12 June.

PROCEDURAL AND RELATED ISSUES

[9] REVIVAL OF APPROPRIATION BILL

Assembly Rule 351(2) provides that all business before the Assembly or any Assembly committee on the last sitting day of a term of the Assembly or when the Assembly is dissolved, lapse at the end of that day. The Appropriation Bill was introduced on 20 February during the Fifth Parliament and lapsed at the end of the Fifth Parliament. On 27 June (Sixth Parliament), the Assembly passed a resolution to revive the Bill and resume proceedings from the stage it had reached on the last day of the sixth session of the Fifth Parliament, taking into account the relevant provisions of the *Money Bills Amendment Procedure and Related Matters Act (No 9 of 2009)* (*Minutes of Proceedings of the National Assembly, 27 June 2019, pp.7-8*).

[10] SUBSTANTIVE AND TECHNICAL CORRECTIONS TO THE APPROPRIATION BILL [B6-2019]

On 25 June 2019, the Minister of Finance, Mr T Mboweni, wrote to the Speaker requesting the Assembly to amend the Appropriation Bill [B6-2019]. These amendments included –

- (1) An amount of R17.6 billion allocated to Eskom, which Parliament had to authorise; and
- (2) Technical corrections to the vote structure arising from the reconfiguration of the Cabinet after the elections.

In his correspondence, the Minister explained that he had authorised an amount of R17.6 billion to Eskom on 2 April 2019, but that Parliament had to approve this allocation within 120 days in terms of section 16 of the *Public Finance Management Act (No 1 of 1999)*. In light of the timeframes concerned, the Minister requested that Parliament amend Vote 9 of the Bill (Public Enterprises) to this effect in terms of the *Money Bills Amendment Procedure and Related Matters Act (No 9 of 2009)*.

In addition, the Minister noted that the vote structure and allocations in the Bill, as introduced and revived, were arranged according to the previous administration, but that the President had restructured the Executive after the elections. In this regard, the Minister proposed technical corrections to the Bill to provide for new votes but explained that no funding would be allocated to these votes at that stage.

Section 10 of the Money Bills Amendment Procedure and Related Matters Act envisages that the NA may amend the Appropriation Bill. Section 14 of the Act also declares that a House or committee may consider an amendment to a money Bill proposed by the Minister in order to make technical corrections to such a Bill.

The Minister's letter and supporting documents were tabled on 3 July and referred to the Standing Committee on Appropriations and the Portfolio Committee on Public Enterprises (*ATC, 3 July 2019*).

In the past, technical amendments to the Appropriation Bill (arising from a change in the structure of the Cabinet) were put to the House before the Second Reading of the Bill. The House then adopted the Bill, as amended. In this instance, the Standing Committee on Appropriations produced an amended Bill (a "B" version) to include the substantive and technical amendments. The Assembly considered the B version of the Bill, as tabled by the committee. On 23 July, the Assembly considered and passed the Appropriation Bill [B 6B – 2019] (*Minutes of Proceedings of the National Assembly, 23 July 2019*).

[11] REVIVAL OF LAPSED BILLS AFTER ELECTIONS

Assembly Rule 333(2) provides that all Bills before the Assembly or Assembly committees on the last sitting day of a term of the Assembly or when the Assembly is dissolved, lapse at the end of that day. Rule 351(2) deals with the lapsing of all business before the Assembly or its committees on the last sitting day of a term of the Assembly or when the Assembly dissolves.

On 21 February, the Assembly, in its resolution to dissolve, suspended these rules. Since the Assembly remained competent to function from the time it was dissolved until the day before the first day of polling, all business that was before it at the end of the first polling day lapsed.

A request from the LoGB to revive certain Bills which had lapsed at the end of the Fifth Parliament was received by the Speaker on 3 September. It was agreed within the Chief Whips' Forum that private members' Bills would be revived on request of the member in charge of the Bill.

The Assembly revives Bills by way of a House resolution. It has been established practice that the House revives a Bill from the stage it reached before lapsing, however this is a matter that requires political consideration as Bills can be revived from any stage, but no step in the process can be accelerated. After political consultation, it was agreed that Bills would be revived from the stage where they were before the relevant committee.

On 29 October, the House agreed that proceedings on 15 Bills, which had, in terms of Rules 333 and 351, lapsed on the last sitting day of the Fifth Parliament, be revived and resumed from the stage that they were referred to the relevant committees of the Assembly for consideration and report (*Minutes of Proceedings of the National Assembly, 29 October 2019*). On the same day, the Assembly passed a further resolution noting the resolution of the National Council of Provinces (NCOP) on 17 October and concurring that eight Bills be revived and consideration thereof be resumed from the stage they had reached in the Fifth Parliament before lapsing. At the time of their lapsing, the Bills had been passed by the NA and were before committees of the NCOP (*Minutes of Proceedings of the National Assembly, 29 October 2019*).

On 26 November, the House revived a further two Bills from the respective stages they had reached on the last day of the Fifth Parliament (*Minutes of Proceedings of the National Assembly, 26 November 2019*).

[12] APPOINTMENT OF AD HOC COMMITTEE TO BE BRIEFED ON VOTE 7

On 10 July, the Assembly, pending the appointment of the Joint Standing Committee on Intelligence (JSCI) upon the finalisation of all statutory prescripts, resolved to establish an ad hoc committee in terms of Rule 253, to allow members of the Assembly to be briefed prior to the debate on Vote 7: National Treasury (State Security). The ad hoc committee consisted of 11 members with top-secret security clearance as follows: ANC 6, DA 2, EFF 1 and other parties 2. The committee was mandated to exercise those powers in Rule 167 that it deemed necessary for the performance of its task and would cease to exist upon the completion of the debate on Vote 7 (*Minutes of Proceedings of the National Assembly, 10 July 2019, p. 12*).

The debate on Vote 7 was held on 18 July and the ad hoc committee ceased to exist thereafter (*Minutes of Proceedings of Mini-Plenary Session of the National Assembly, 18 July 2019, p.36*). On 23 July, the Assembly considered and adopted the report of the ad hoc committee (*Minutes of Proceedings of the National Assembly, 23 July 2019, p.32*).

[13] SUSPENSION OF RULES

From July to November, the House suspended Rule 290 (which provides inter alia that the debate on the Second Reading of a Bill may not commence before at least three working days have elapsed since the committee's report was tabled) on three occasions, namely:

- Second Reading debate on the *Appropriation Bill [B6-2019]*, 23 July.
- Second Reading debate on the *Division of Revenue Amendment Bill [B15-2019]*, 20 November.
- Second Reading debate on the *Adjustment Appropriation Bill [B16-2019]*, 4 December.

Notwithstanding Assembly Rule 138(2), which provides for the rotation of clusters for Questions to Ministers on a weekly basis, the House agreed on 26

November to conduct a question session for Cluster 5: Economics on Tuesday, 3 December.

Notwithstanding Assembly Rule 108(2), which provides that the time allocated to a member of each party for making a declaration of vote must be determined by the Rules Committee taking into account the proportional strength of the parties, the House agreed to:

- limit the time allocated to a member of each party for making a declaration of vote on any Budgetary Review and Recommendation Report (BRRR) to not more than two minutes for the remainder of the annual session (*Minutes of Proceedings of the National Assembly, 24 October 2019, p.119*).

Notwithstanding Assembly Rule 53(1), which provides inter alia that a mini-plenary session does not make use of a speakers' list, except in the event of a debate on a budget vote when a speakers' list must be used, the House agreed to allow speakers' lists to be used for debates in mini-plenaries for the duration of the Sixth Parliament (*Minutes of Proceedings of the National Assembly, 5 November 2019, p.145*).

[14] DECISION OF QUESTION POSTPONED – RECOMMENDATION OF A CANDIDATE FOR APPOINTMENT TO THE PUBLIC SERVICE COMMISSION (PSC)

Rule 97 provides that, except where the Constitution provides otherwise, all questions before the Assembly are decided by a majority of the votes cast.

On 26 November, the House considered the nomination of Ms Zanele Isabella Hlatshwayo for appointment to the Public Service Commission (PSC). The results of the voting process indicated that the House did not have the requisite majority required in terms of section 196(8)(a)(ii) of the Constitution, namely, the supporting vote of a majority of its members. The decision of question on the matter was therefore postponed. On 4 December, the decision of question on the matter was again put to the House and, on realising that the requisite majority was not

obtained, the decision of question was postponed. The matter was not finalised by the end of the annual parliamentary session.

[15] APPOINTMENT OF MEMBERS TO CHAIR MINI-PLENARIES ON BUDGET VOTE DEBATES

Rule 54 provides that the Chair of a mini-plenary session must be taken by either an elected presiding officer or any other member appointed by the Speaker for that purpose. On 4 July, the Speaker announced in the ATC that Ms M C Dikgale, Ms J Manganye, Ms V S Siwela, Mr F D Xasa, Ms L S Makhubela-Mashele, Ms R M M Lesoma and Mr Q R Dyantyi had been appointed to chair mini-plenary sessions on budget vote debates.

[16] ROLES AND RESPONSIBILITIES OF THE DEPUTY SPEAKER

On 5 July, the Speaker announced in the ATC that in addition to the duties assigned to the Deputy Speaker in terms of any legislation and the rules and orders of the NA, in so far as they pertain to the Office of the Speaker, the Deputy Speaker was assigned responsibility for the following areas:

- Members' training and capacity building;
- PARMED medical aid;
- Sectoral Parliaments;
- Implementation of Parliament's language policy; and
- E-Parliament Strategy, including projects related to the Fourth Industrial Revolution.

In addition to the above, any other responsibility and functions could subsequently be delegated as and when such a need arose.

[17] ELECTION AND ALLOCATION OF ROLES AND RESPONSIBILITIES OF HOUSE CHAIRPERSONS

The Constitution provides for the NA to elect members

as presiding officers to assist the Speaker and Deputy Speaker. Rule 22 elaborates on the Constitution and states that the House must elect three members as House Chairpersons for the duration of the House. The rule also provides that the Speaker must allocate functions and responsibilities to the House Chairpersons and announce such allocations in the ATC. On 27 June, shortly after the commencement of the Sixth Parliament, the Assembly elected Ms M G Boroto, Mr C T Frolick and Mr M L D Ntombela as House Chairpersons. Their functions and responsibilities below were announced in the ATC of 5 July.

A. House Chairperson: Internal Arrangements – Boroto M G

1. Ensuring the well-being and interests of members, including –
 - a) Monitoring policies on travel privileges on behalf of members;
 - b) Monitoring and reporting on the implementation of members' facilities;
 - c) Monitoring the implementation of policies in respect of members' leave, artworks management, exhibitions and the library;
 - d) Ensuring the implementation of policy in regard to the needs of members with disabilities; and
 - e) Parliamentary Villages.
2. Overseeing and ensuring alignment of structures dealing with members' interests and facilities, including –
 - a) Overseeing the implementation of internal household services to members; and
 - b) Fostering and facilitating a working relationship between political representatives (Members of Parliament) and the parliamentary administration.
3. Receiving and providing reports on issues of members' interests, including –
 - a) Alerting the Office of the Speaker to potential problems emanating

- or developments within internal arrangements; and
 - b) Presiding over the Members' Support Forum (MSF) which deals with matters under the broad category of Members' Interests.
4. In collaboration with the Deputy Speaker, ensuring the enhancement of capacity of members, including –
 - a) Co-ordinating the implementation of strategy dealing with members' training; and
 - b) Ensuring that approved training programmes are implemented.
 5. Ensuring the development and implementation of policy in respect of former members, including –
 - a) Proposing and monitoring the implementation of policy on benefits and facilities for former members; and
 - b) Ensuring that the members' support office implements the approved policies.
 6. Co-ordinating the Board of the Parliamentary Villages Committee, including –
 - a) Ensuring that there is co-ordination of transport for members to and from Parliamentary Villages; and
 - b) Ensuring that concerns of members as residents of Parliamentary Villages are addressed.
 7. Participating in various parliamentary committees as determined in the rules of the NA, for example, National Assembly Programme Committee, Chief Whips' Forum, National Assembly Rules Committee and Joint Rules Committee.

B. House Chairperson: International Relations – Ntombela M L D

1. Responsible for international relations, including –
 - a) Monitoring the development and

- implementation of Parliament's International Relations Strategy;
 - b) Driving the formulation, implementation and monitoring of travel policy for parliamentary delegations; and
 - c) Co-chairing and co-ordinating the Parliamentary Group on International Relations (PGIR).
2. Responsible for bilateral relations, including –
 - a) Ensuring the establishment of parliamentary groups in relation to South Africa's bilateral agreements;
 - b) Facilitating the establishment and/or co-ordination of friendship groups, where applicable;
 - c) Advising on bilateral engagements with incoming and outgoing delegations; and
 - d) Co-ordinating the schedule for incoming and outgoing bilateral engagements.
 3. Participating in various parliamentary committees as provided for in the rules of the NA, for example, National Assembly Programme Committee, Chief Whips' Forum, National Assembly Rules Committee and Joint Rules Committee.

C. House Chairperson: Committees – Frolick C T

1. Broadly responsible for monitoring any policy, directive or guideline on the scheduling and co-ordination of committee meetings, as well as the general management of all National Assembly committees and subcommittees, including –
 - a) Overseeing reporting to the Programme Committee on progress with Bills;
 - b) Overseeing the tabling in the Programme Committee of committee programmes;
 - c) Ensuring that input/concerns from the public, which are referred to committees, are attended to;

- d) Assessing committee reports with a view to their consideration by the House;
- e) Ensuring the provision of administrative and political support to committees;
- f) Assisting with and co-ordinating committee budgets and business plans;
- g) Monitoring committee expenditure;
- h) Authorising proposed committee expenditure after political approval has been obtained for any proposed activity;
- i) Co-ordinating and facilitating committee training;
- j) Providing guidance on best practice in respect of committee reports and oversight functions and assisting in developing an effective oversight model for this purpose;
- k) Chairing the Committee of Chairpersons which, in terms of the Assembly rules, may make recommendations regarding any matter that affects the scheduling or functioning of any committee; and
- l) Leading the formulation, implementation and monitoring of travel policy for Parliament in relation to committee visits internationally and nationally as well as planning and coordination of oversight visits.

2. Responsible for oversight and public participation, including –

- a) Responsibility for the implementation and co-ordination of the Parliamentary Oversight Model;
- b) Facilitating the implementation of a Public Participation Model for Parliament; and
- c) Overseeing parliamentary public participation services.

3. Under the leadership of the Deputy Speaker, responsible for Information and Communication Technology, including –

- a) Monitoring the implementation of the Information and Communication

Technology policy; and

- b) Collaborating with other Parliaments and relevant bodies in the pursuit of an e-Parliament strategy on how to utilise Information and Communication Technology to help members fulfil their responsibilities.

- 4. Participating in various parliamentary committees as provided for in the Rules of the NA, for example, National Assembly Programme Committee, Chief Whips' Forum, National Assembly Rules Committee and Joint Rules Committee.

[18] COMMUNICATION OF POWERS AND FUNCTIONS OF DEPUTY PRESIDENT

Rule 352 provides that the 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 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. The rule also provides that the Speaker must, upon receipt of such communication, table it without delay.

On 15 July, the Speaker announced in the ATC the powers and functions formally assigned to the Deputy President by the President as follows:

- a) LoGB in Parliament;
- b) Leading Government efforts to fast-track Land Reform and the co-ordination of Government programmes to accelerate Land Reform and agricultural support;
- c) Assist the President to stimulate and support Rural and Township economies through implementing empowerment models. Assist the President in the implementation of Rapid Response interventions on Service Delivery and Trouble-shooting in service delivery hotspots;
- d) Co-ordinate Anti-poverty initiatives through,

- amongst others, Public Employment Programmes, Integrated Service Delivery and Enterprise Development;
- e) Leading the South African National AIDS Council and the country's integrated response to the challenges of HIV and AIDS;
 - f) Assist the President in efforts towards building a better Africa;
 - g) Support in investment Facilitation and Trade Promotion;
 - h) Leading the National Human Resource Development Council and fostering collaboration between government and social partners towards addressing the shortage of skills in critical sectors of the economy; and
 - i) Promoting Social Cohesion Initiatives including being patron of the Moral Regeneration Movement.

[19] REFERRAL OF MATTER TO SUBCOMMITTEE ON PHYSICAL REMOVAL OF MEMBER FROM CHAMBER

Rule 73(12) provides that whenever a member is physically removed from the Chamber in terms of this rule, the circumstances of such removal must be referred by the Speaker, within 24 hours, to a subcommittee of the Rules Committee appointed for that purpose. On 15 July, the Speaker announced in the ATC that the circumstances of the physical removal of members of the Economic Freedom Fighters (EFF) from the mini-plenary on Vote 9 – Public Enterprises on Thursday, 11 July, together with the unrevised Hansard, minutes and a video recording of the proceedings in question, had been referred to the Subcommittee on Physical Removal of Member from Chamber for consideration, in terms of Assembly Rule 73(12).

Having considered the Hansard and the report of the presiding officer, and having viewed the video footage of the incident, the subcommittee concluded that the presiding officer had no choice but to order the removal of the members from the Chamber. The subcommittee further concluded that the manner in which the members were removed was in line with the rules that pertain to the removal of a member

and did not result in any harm to person or property. The subcommittee made several recommendations, one of which was that the movement of members of the EFF onto the floor space of the Chamber, to prevent the Minister from delivering his speech and/or to intimidate him constituted a breach of the *Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (No 4 of 2004)* and that the Speaker should refer the matter to the Powers and Privileges Committee, as it amounted to a violation of parliamentary privileges.

In terms of Rule 203(4), the subcommittee must report its findings to the Rules Committee within 10 working days, including any recommendations it may make based on its findings. On 22 August, the Deputy Speaker, as chairperson of the subcommittee, submitted the report of the subcommittee to the Speaker. On 10 September, the Rules Committee considered the report of the subcommittee and agreed that the report be accepted and referred to the Powers and Privileges Committee for consideration.

The Powers and Privileges Committee had not finalised its deliberations on the report at the end of the 2019 annual session.

[20] PERMISSION TO INQUIRE INTO AMENDING OTHER PROVISIONS OF LEGISLATION

Rule 286(4)(c) provides that a committee, if it is dealing with a Bill that amends provisions of legislation, must, if it intends to propose amendments to other provisions of that legislation, seek the permission of the Assembly to do so.

On 3 December, the Assembly considered and approved a request from the Portfolio Committee on Defence and Military Veterans to inquire into amending other provisions of the *Defence Act (No 42 of 2002)*.

[21] RETIREMENT OF SERJEANT-AT-ARMS

At the plenary sitting on 21 November, the House debated and agreed to a motion moved by the Chief

Whip of the Majority Party on the retirement of Ms Maite Regina Mohlomi with effect from 1 January 2020.

Ms Mohlomi, the first woman Serjeant-at-Arms in the NA, had been in the position since 10 February 2011. During the debate, parties had an opportunity to express themselves on the services rendered by Ms Mohlomi and to bid her farewell.

[22] ESTABLISHMENT OF SOUTH AFRICAN CHAPTER OF GLOBAL TB CAUCUS

On 4 September 2018, the Fifth Parliament, by resolution in both Houses, established the South African Chapter of the Global TB Caucus.

The South African Chapter of the Global TB Caucus was intended to -

- (1) raise awareness and profile the TB epidemic and support efforts to accelerate the elimination of the disease by 2030 in line with targets set by the United Nations (UN) Sustainable Development Goals (SDGs); and
- (2) provide a platform to members of Parliament and members of Provincial Legislatures to champion the response to TB in the country and in their constituencies and drive political action to end the disease.

On 24 October, the Assembly with the concurrence of the Council, resolved to establish a joint committee in terms of Joint Rule 142, to be the coordinating body for the duration of the Sixth Parliament of the South African Chapter of the Global TB Caucus. The joint committee would consist of 11 members of the Assembly and nine Members of the Council and would be co-chaired by the Chairpersons of the Portfolio Committee on Health and the Select Committee on Health and Social Services (*Minutes of Proceedings of the National Assembly, 24 October 2019*).

[23] FIRST REPORT OF RULES COMMITTEE

Assembly Rule 7, which deals with the directives and

guidelines of the National Assembly Rules Committee (NARC), provides that the NARC may, in terms of Rule 193, issue directives and lay down guidelines to assist with the implementation of the rules and orders of the House. It further provides that members must comply with any such directives and guidelines.

The NARC agreed to its First Report of 2019 at a meeting on 5 June. The report, which was published in the ATC of 11 June, contained guidelines and determinations on the sequence of questions, clustering of government portfolios, members' statements, motions without notice, formula for appointment of whips, and the establishment and composition of portfolio and standing committees (*ATC, 11 June 2019, pp 3-9*).

See Annexure 3 for full report.

[24] SECOND REPORT OF RULES COMMITTEE

[See Item 28 for transfer of oversight responsibility]

The NARC agreed to its Second Report of 2019 at a meeting on 10 September. The report, which was published in the ATC of 16 October, contained inter alia determinations on the alignment of the sequence for members' statements and motions without notice with the agreed sequence for questions. The report also dealt with the transfer of oversight responsibility over the Media Development and Diversity Agency (MDDA) and Government Communications and Information Services (GCIS) from the Portfolio Committee on Public Service and Administration to the Portfolio Committee on Communications.

In its First Report, the NARC had agreed to the sequence for questions, members' statements and motions without notice. However, on implementation it became apparent that the order of party rotation should reflect party strength in the Assembly. Thus, with regard to members' statements, it was agreed that the 17 statements be taken in the following sequence for the duration of the Sixth Parliament: ANC, DA, EFF, ANC, IFP, FF Plus, ANC, DA, Group 1, ANC, Group 2, ANC, DA, EFF, ANC, Group 3 and ANC. As regards motions without notice, it was agreed

that the 23 motions without notice be taken in the following sequence for the duration of the Sixth Parliament: ANC, DA, EFF, ANC, IFP, FF Plus, ANC, ACDP, UDM, ATM, DA, EFF, ANC, Good, NFP, ANC, AIC, COPE, ANC, DA, PAC, Al Jamah-ah and ANC.

Rule 225 provides that the Speaker, acting with the concurrence of the NARC, must establish a range of portfolio committees, assign a portfolio of government affairs to each committee and determine a name for each committee. The NARC concurred with the Speaker to accede to the request of the Minister in The Presidency, allowing the oversight responsibility over the MDDA and GCIS to be transferred from the Portfolio Committee on Public Service and Administration to the Portfolio Committee on Communications (ATC, 16 October 2019, pp 1-3).

[25] THIRD REPORT OF RULES COMMITTEE

The NARC met on 10 September and 26 November, respectively, to deliberate on various rule amendments and determinations as required by the rules. The meeting of 26 November considered proposals and recommendations from the Subcommittee on Review of Assembly Rules on the following matters referred to it by the NARC, namely, statements by members, sequence of proceedings, and new rules in respect of the removal of office-bearers in institutions supporting constitutional democracy (including a consequential amendment to Rule 88 dealing with reflections upon judges and certain other holders of public office). The Third Report of the NARC was published in the ATC on 28 November.

Statements by members

Rule 132(5) provides that at the conclusion of statements by members, a Minister or Deputy Minister present, may be given an opportunity to respond, for not more than two minutes, to any statement. The NARC agreed that the time allocated to Ministers or Deputy Ministers to respond to members' statements be increased to three minutes.

Rule 132(6) provides that the NARC determines the

number of permissible ministerial responses to members' statements. In accordance with this rule, the NARC determined the number of permissible ministerial responses to members' statement to be seven.

Sequence of proceedings

The business on each sitting day of the House must follow the sequence of events as determined by the rules. In terms of Rule 47, which deals with the sequence of proceedings, members' statements are scheduled after motions without notice. However, a concern was raised that to facilitate sufficient opportunity for ministerial responses to members' statements the sequence of proceedings should be amended to ensure that members' statements are taken towards the start of proceedings on the days they are scheduled. In this regard, the NARC recommended that the House agree to amend Assembly Rule 47 so that when scheduled by the Programme Committee, statements by members and responses to statements by Cabinet members would follow formal motions moved by the Chief Whip of the Majority Party.

New rules – removal of office-bearers in Institutions Supporting Constitutional Democracy

Section 194(1) of the Constitution states that the office-bearers and commissioners in Institutions Supporting Constitutional Democracy (Chapter 9 of the Constitution) may be removed from office on specific grounds. Although the Constitution and the rules do set out a broad framework for Parliament to exercise its functions in terms of section 194, it was felt that, to ensure clarity and uniformity, specific rules were required with regard to the removal of these office-bearers and commissioners. To this end, the NARC recommended the insertion of Rules 129R – 129AF dealing with the removal from office of a holder of a public office in a state Institution Supporting Constitutional Democracy in the rules of the NA. The rules covered the initiation of a section 194 enquiry; compliance with criteria of the notice of motion to initiate a section 194 enquiry; referral of the motion; establishment, composition, functions and powers of an Independent Panel to conduct a preliminary assessment into the section 194

enquiry; consideration of panel's recommendations; establishment, composition, functions and powers of committee for section 194 enquiry; and report to the Assembly.

Amendment to Rule 88 – reflections upon judges and certain other holders of public office

In light of the proposed Rules 129R – 129AF, the NARC recommended that the following consequential amendment to Rule 88 be made as follows:

No member may reflect on the competence or integrity of a judge of a superior court, the holder of a public office in a state Institution Supporting Constitutional Democracy referred to in section 194 of the Constitution or any other holder of an office (other than a member of the government), whose removal from office is dependent upon a decision of the House, except upon a separate substantive motion in the House presenting clearly formulated and properly substantiated charges.

On 3 December, the Assembly agreed to the report (*Minutes of Proceedings of the National Assembly, 3 December 2019, p. 220; ATC, 28 November 2019, pp. 4-11*).

LEGISLATION AND COMMITTEES

[26] ESTABLISHMENT OF AD HOC COMMITTEE TO INITIATE AND INTRODUCE LEGISLATION AMENDING SECTION 25 OF THE CONSTITUTION

In (Issue 26, Item 12), it was reported that on 6 December 2018, the Assembly resolved to establish an ad hoc committee in terms of Rule 253 to initiate and introduce legislation amending section 25 of the Constitution; have regard to the recommendations as contained in the Constitutional Review Committee report; consist of 11 voting members of the Assembly, as follows: African National Congress 6, Democratic Alliance 2, Economic Freedom Fighters 1 and other parties 2; consist of 14 non-voting members of the

Assembly, as follows: African National Congress 2, Democratic Alliance 1, Economic Freedom Fighters 1 and other parties 10; exercise those powers as set out in Rule 167 that may assist it in carrying out its task; and set the deadline by which the Committee was to report to 31 March 2019. As the ad hoc committee could not complete its task by the end of the Fifth Parliament, it recommended on 19 March that the matter be concluded in the Sixth Parliament.

On 25 July, the Assembly resolved to establish an ad hoc committee to complete the work of the previous *ad hoc* committee and report by 31 March 2020 (*Minutes of Proceedings of the National Assembly, 25 July 2019, p.68*).

[27] CONSIDERATION OF LEGISLATIVE PROPOSAL TO AMEND THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)

Rule 273(3) provides that an Assembly committee intending to introduce a Bill in the Assembly must first obtain the Assembly's permission in order to do so. The committee must, in terms of Assembly Rule 273(1), table in the Assembly a memorandum which sets out the particulars of the proposed legislation, explains the objects of the proposed legislation, states whether the proposed legislation will have financial implications for the state and, if so, gives an account of those implications.

On 24 July, the Portfolio Committee on Justice and Correctional Services tabled a memorandum in terms of Rule 273 requesting the permission of the House to introduce the Promotion of Access to Information Amendment Bill to amend the Promotion of Access to Information Act (No 1 of 2011) (the Act). The purpose of the Bill was to revise and align provisions of the Act with section 32 of the Constitution as well as the judgment of the Constitutional Court in *My Vote Counts NPC v Minister of Justice and Correctional Services and Another* [2018] ZACC 17, confirming an order of constitutional invalidity made by the High Court of South Africa, Western Cape Division, which declared the Act to be constitutionally deficient for failure to provide for recordal, preservation and disclosure of information on private funding of political parties and independent candidates. Section 32 deals with

the public's right to access information held by the state or another person and that is required for the exercise or protection of any rights. The section further requires that national legislation must be enacted to give effect to this right.

The court ordered that Parliament must amend the Act and take any other measures it deemed appropriate to remedy the defects in the Act within a period of 18 months, that is, by 20 December. The House in terms of Rule 273(3) considered the legislative proposal on 25 July and granted the Committee permission to proceed with the proposed legislation. The Joint Tagging Mechanism (JTM) in terms of Joint Rule 160(6) classified the Bill as a section 75 Bill.

The defect in the Act was remedied by the insertion of a new section 52A in the Act as follows: "Recording, preservation and disclosure of records on the private funding of political parties" in the principal Act, to regulate the recordal, preservation and availability of information in respect of private funding to political parties and independent candidates and to provide for matters connected therewith.

The Assembly adopted the report of the Committee on 6 November.

[28] TRANSFER OF OVERSIGHT RESPONSIBILITY

Assembly Rule 225 provides that the Speaker, acting with the concurrence of the Rules Committee, must establish a range of portfolio committees, assign a portfolio of government affairs to each committee, and determine a name for each committee.

On 8 August, the Minister in The Presidency wrote to the House Chairperson: Committees, Oversight and ICT, requesting that the oversight responsibility over the Media Development and Diversity Agency (MDDA) and Government Communications and Information Services (GCIS) be transferred from the Portfolio Committee on Public Service and Administration to the Portfolio Committee on Communications. The Minister's request was made in light of the

announcement by the President of the Republic on 29 May of a reconfigured Executive following the general elections. In terms of the reconfiguration of government portfolios, the Minister in The Presidency was entrusted with the responsibility for the Department of Planning, Monitoring and Evaluation (DPME) including the National Planning Commission (NPC), Statistics South Africa (Stats SA), the GCIS and the MDDA. The Minister's letter was referred to the Portfolio Committee on Public Service and Administration and the Portfolio Committee on Communications for information.

After consulting with the Speaker on the matter, the House Chairperson informed the Minister and the chairpersons of the relevant portfolio committees that he and the Speaker were in agreement that the Minister's recommendation seemed reasonable. On 16 October, the Rules Committee tabled its Second Report in which it concurred with the Speaker to allow the transfer of oversight over the MDDA and GCIS from the Portfolio Committee on Public Service and Administration to the Portfolio Committee on Communications (See item 24).

STATUTORY FUNCTIONS

[29] JUDICIAL SERVICE COMMISSION: DESIGNATION OF MEMBERS

Section 178(1)(h) of the Constitution requires the NA to designate six of its members to the Judicial Service Commission (the Commission). The section further requires that at least three of the designated members must be members of the opposition parties represented in the Assembly. Members designated or nominated to the Commission serve until those who designated or nominated them replace them.

On 12 June, political parties were briefed at the meeting of the Chief Whips' Forum and requested to nominate members for designation by the House to serve on the Commission and submit their nominations to the Speaker. They were informed that if opposition parties failed to reach consensus on the nominations, the House would decide on the matter by way of a vote.

On 27 June, the Assembly designated Ms T R Modise (Speaker of the National Assembly) Mr G Magwanishe, Mr V C Xaba, Adv G Breytenbach, Mr J S Malema and Mr N Singh to serve on the Commission.

[30] MAGISTRATES COMMISSION: DESIGNATION OF MEMBERS

Section 3(1)(a)(x) of the *Magistrates Act* (No 90 of 1993) provides for four members of the NA to be designated by the Assembly to serve on the Magistrates Commission (the Commission). Furthermore, the Act requires that at least two of the designated members must be members of the opposition parties represented in the Assembly.

On 12 June, parties were requested at the meeting of the Chief Whips' Forum to nominate members for designation to the Commission, and to submit their nominations to the Speaker. They were informed that if the opposition parties failed to reach consensus on the nominations, the House would decide on the matter by way of a vote.

On 27 June, the Assembly designated Ms D E Dlakude, Mr Q R Dyantyi, Mr W Horn and Mr G A Gardee, to the Commission.

[31] ELECTION OF TRUSTEES TO POLITICAL OFFICE-BEARERS PENSION FUND

Rule 12.3 of the rules of the Political Office-Bearers Pension Fund requires that, after a general election, or otherwise when necessary, members of the Assembly must elect four members as trustees and four as alternates to serve on the Board of Trustees of the Fund, providing that two trustees and two alternates must be from the majority party while the remaining two trustees and two alternates must be from amongst members of the minority parties.

Following consultations amongst the Chief Whips and party representatives, the Assembly nominated, from the majority party, Ms M G Boroto and Ms J Mofokeng as trustees, and Mr I K Morolong and Adv H Mohamed

as alternates on 3 December. It further nominated, from the minority parties, Dr D T George and Dr C P Mulder as trustees and Ms M E Sukers and Mr N Singh as alternates on the same day.

[32] REQUEST FOR FILLING OF VACANCIES IN BOARD OF NATIONAL YOUTH DEVELOPMENT AGENCY (NYDA)

Section 9 of the *National Youth Development Agency Act* (No 54 of 2008) provides that the Board of the NYDA consists of seven members who are appointed by the President on a recommendation of Parliament.

In a letter dated 24 May, the Minister in The Presidency responsible for Planning, Monitoring and Evaluation informed the Assembly that the Board was inquorate after one member had resigned in 2018 and three others were sworn in as members of Parliament. He requested the Assembly to commence with the process of filling the vacancies.

The Minister's request was tabled and referred to the Portfolio Committee on Women, Youth and Persons with Disabilities for consideration and report. The matter was not finalised by the end of the 2019 annual session.

[33] EXPIRY OF TERM OF OFFICE OF DEPUTY PUBLIC PROTECTOR

In correspondence addressed to the President of the Republic, dated 12 June, the Speaker informed the President of the upcoming expiry of the term of office of the Deputy Public Protector on 9 December, and that the Assembly would initiate the process to fill the vacancy in terms of section 2A of the Public Protector Act (No 23 of 1994).

Section 2A provides that the President, on the recommendation of the NA, shall appoint a person as Deputy Public Protector for such period as the President may determine at the time of such appointment, but not exceeding seven years. It further provides that the NA shall recommend a person nominated by the committee; and approved by the NA by a resolution

adopted with a supporting vote of a majority of its members.

The Speaker's letter was referred to the Portfolio Committee on Justice and Correctional Services for consideration and report. The Assembly considered the committee's report on the matter on 8 August. There was no debate on the matter. Declarations of vote were made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, African Christian Democratic Party, United Democratic Movement, National Freedom Party and African National Congress. The decision of question was postponed after it was brought to the attention of the presiding officer that the House was not quorate. On 4 December, the Assembly adopted a resolution recommending for appointment Ms Kholeka Gcaleka as Deputy Public Protector.

[34] REQUEST FOR FILLING OF VACANCY IN INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA) COUNCIL

On 6 August, the Minister of Communications informed the Assembly of the existence of a vacancy in the Council of ICASA, as a result of the removal of Mr Rubben Mohlaloga as a councillor and Chairperson of the Council and requested the Assembly to commence with the process of filling the vacancy in terms of section 5 of the Independent Communications Authority of South Africa Act (No 13 of 2000).

Section 5 of the Act provides that the Council consists of a chairperson and eight other councillors appointed by the Minister upon approval by the NA. The section furthermore provides that the Assembly must submit to the Minister a list of suitable candidates at least one and a half times the number of councillors to be appointed.

The Minister's request was tabled and referred to the Portfolio Committee on Communications for consideration and report. The matter was not concluded by the end of the 2019 annual session.

[35] NOMINATION OF CANDIDATES TO SERVE ON AGRICULTURAL RESEARCH COUNCIL (ARC)

A letter, dated 21 November, was received from the Minister of Agriculture, Land Reform and Rural Development, informing the Assembly that the term of office of members of the ARC would expire on 31 March 2020. The Minister requested the Assembly to submit nominations of candidates to be considered for appointment as members of the Council, in terms of section 9(3)(a)(i) of the *Agricultural Research Act* (No 86 of 1990). The Minister's request was tabled and referred to the Portfolio Committee on Agriculture, Land Reform and Rural Development for consideration and report on 28 November.

The Committee did not finalise this matter in the 2019 parliamentary session.

[36] FILLING OF VACANCY IN INFORMATION REGULATOR

Section 41(2) of the Protection of Personal Information Act (No 4 of 2013) provides that the President on the recommendation of the Assembly must appoint the chairperson and the members of the Information Regulator. The Act further provides that the recommendation must also indicate which ordinary members must be appointed in a full-time and part-time capacity.

On 4 November, the President wrote to the Speaker, informing the Assembly of the resignation of Professor Tana Pistorius as a part-time member of the Information Regulator, and requesting the Assembly to start the process of filling the vacancy created by the resignation, in terms of section 41(2) of the Act. The President's letter was tabled and referred to the Portfolio Committee on Justice and Correctional Services for consideration and report.

The Committee did not finalise this matter in the 2019 parliamentary session.

INTERNATIONAL RELATIONS

[37] ELECTION OF REPRESENTATIVES IN 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 (PAP), member states shall be represented in the PAP by five members, at least one of whom must be a woman; 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.

On 27 June, the Assembly considered the nominations of members of the Assembly to serve in the PAP and elected Ms T R Modise (Speaker), Mr N A Masondo (Chairperson of the Council), Ms P C P Majodina, Mr T R Majola and Mr J S Malema. At its sitting on 9 July, the Council, by resolution, elected Ms T R Modise, Mr N A Masondo, Ms P C P Majodina, Mr T R Majola and Mr J S Malema to serve in the PAP.

On 3 September, the Assembly replaced Ms T R Modise with the nomination of Dr M S Motshekga. At its sitting on 5 September, the Council concurred with the Assembly and replaced Ms T R Modise with Dr M S Motshekga.

[38] ELECTION OF REPRESENTATIVES IN SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PARLIAMENTARY FORUM (SADC-PF)

See Issue 21, Item 36

In terms of Article 6(3) of the Constitution of the Southern African Development Community Parliamentary Forum (SADC-PF), the SADC-PF consists of the presiding officers and up to a maximum of five representatives elected by each national Parliament. In electing the five representatives, each Parliament must ensure equitable representation of women and political parties and include the chairperson of the

Women's Parliamentary Caucus. A representative of the SADC-PF serves for a period of five years, unless he/ she ceases to be a member of or is replaced by his/ her Parliament. The designation of members to the SADC-PF requires the approval of both Houses.

After political consultations in the Chief Whips' Forum regarding the nominations to the SADC-PF, the Assembly, on 27 June, designated Ms T R Modise (Speaker), Mr D L Moela, Mr T B Matibe, Mr D Bergman, Ms H O Mkhalihi and the Chairperson of the Multiparty Women's Caucus, to the SADC-PF. On 9 July, the Council, by resolution, also elected these members to serve in the SADC-PF.

ABBREVIATIONS

ARC	Agricultural Research Council
ATC	Announcements, Tablings and Committee reports
CRC	Constitutional Review Committee
GCIS	Government Communication and Information System
ICASA	Independent Communications Authority of South Africa
LoGB	Leader of Government Business
MDDA	Media Diversity and Development Agency
MSF	Members' Support Forum
PAP	Pan-African Parliament
PSC	Public Service Commission
SADC-PF	Southern African Development Community Parliamentary Forum

POLITICAL PARTIES

ANNEXURE 1

African National Congress	ANC
Democratic Alliance	DA
Economic Freedom Fighters	EFF
Inkatha Freedom Party	IFP
Freedom Front Plus	FF Plus
African Christian Democratic Party	ACDP
United Democratic Movement	UDM
African Transformation Movement	ATM
GOOD	GOOD
National Freedom Party	NFP
African Independent Congress	AIC
Congress of the People	COPE
Pan Africanist Congress	PAC
Al Jama-ah	Al Jama-ah

MEMBERSHIP OF THE NATIONAL ASSEMBLY

In the first session of the Sixth 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 2019:

- Mr L B Gaehler (UDM – EC) was not available to take up his seat. Replaced by Mr N L S Kwankwa with effect from 16 May.
- Ms G S A Ngwenya (DA – National) was not available to take up her seat. Replaced by Mr T W Mhlongo with effect from 8 May.
- Adv D C Mpofu (EFF – NC) was not available to take up his seat. Replaced by Ms R N Komane with effect from 16 May.
- Ms L A Mathys (EFF – NW) was not available to take up her seat. Replaced by Mr K Ceza with effect from 16 May.
- Dr M L Matsetela (EFF – KZN) was not available to take up his seat. Replaced by Ms L H Arries with effect from 17 May.
- Mr E P Du Plessis (DA – GP) was not available to take up his seat. Replaced by Mr A C Roos with effect from 8 May.
- Mr S Mokgalapa (DA – GP) was not available to take up his seat. Replaced by Mr M S F de Freitas with effect from 8 May.
- Mr K M N Gigaba (ANC – National) was not available to take up his seat. Replaced by Ms R N Capa with effect from 8 May.

- Ms B Mbete (ANC – National) was not available to take up her seat. Replaced by Mr S P Makwetla with effect from 8 May.
- Ms S E Lucas (ANC – National) was not available to take up her seat. Replaced by Ms N L Hermans with effect from 8 May.
- Mr M C Ramaphosa (ANC – National) was elected as President of the Republic on 22 May 2019. Ceased to be a member of the NA in terms of section 87 of the Constitution. Replaced by Ms M M E Tlhape with effect from 22 May.
- Mr E M Nkosi (ANC – KZN) was not available to take up his seat. Replaced by Ms L N Mjobo with effect from 8 May.
- Ms D B Letsatsi-Duba (ANC – National) resigned with effect from 4 June. Replaced by Ms J Hermans with effect from 6 June.
- Ms N C Mfeketo (ANC – National) resigned with effect from 31 May. Replaced by Ms F A Masiko with effect from 6 June.
- Ms S Shabangu (ANC – National) resigned with effect from 3 June. Replaced by Ms T M A Tongwane with effect from 6 June.
- Ms T Xasa (ANC – National) resigned with effect from 5 June. Replaced by Mr S N Buthelezi with effect from 6 June.
- Dr S C Cwele (ANC – National) resigned with effect from 3 June. Replaced by Ms A J Beukes with effect from 12 June.
- Mr J T Radebe (ANC – National) resigned with effect from 3 June. Replaced by Mr E R K Maphatsoe with effect from 12 June.
- Ms M N Oliphant (ANC – National) resigned with effect from 3 June. Replaced by Mr M J Wolmarans with effect from 19 June.
- Mr D A Hanekom (ANC – National) resigned with effect from 10 June. Replaced by Ms W S Newhoudt-Druchen with effect from 12 June.
- Ms B O Dlamini (ANC – National) resigned with effect from 10 June. Replaced by Ms Z Nkomo with effect from 12 June.
- Ms V Z Msibi (NFP – National) resigned with effect from 20 June. Replaced by Mr A M Shaik-Emam with effect from 25 June.
- Mr M C Maine (ANC – National) resigned with effect from 5 July. Replaced by Ms S R van Schalkwyk with effect from 5 July.
- Mr S J Besani (ANC – National) resigned with effect from 5 July. Replaced by Ms C Seoposengwe with effect from 9 July.
- Ms Z C Faku (ANC – EC) resigned with effect from 31 July. Replaced by Ms P Faku with effect from 1 August 2019.
- Mrs T J Mokwele (EFF – LP) resigned with effect from 19 August. Replaced by Ms O M C Maotwe with effect from 31 October.
- Ms M O Mokaue (EFF – KZN) resigned with effect from 9 September. Replaced by Ms N Tafeni with effect from 25 October.
- Ms B G Hlongwa (ANC – KZN) passed away on 13 September.
- Mr M A Maimane (DA – National) resigned with effect from 24 October.
- Ms N P Mokonyane (ANC – National) was not available to take up her seat.

ANNEXURE 2**CONDOLENCE MOTION FOR FORMER MEMBER**

- Ms Bavelile Gloria Hlongwa, also known as “Comrade BV”, was appointed Deputy Minister of Mineral Resources and Energy by President Cyril Ramaphosa in May 2019. Prior to her appointment as Deputy Minister, she served as executive deputy chairperson of the NYDA and was also a member of the ANC Youth League National Executive Committee. She studied at the University of KwaZulu-Natal Howard College, where she obtained a Bachelor of Science Degree in Chemical Engineering and was pursuing a Master’s degree in Public Administration at the time of her death. The Assembly on 24 October agreed to her condolence motion, members standing.

ANNEXURE 3**FIRST REPORT OF NATIONAL ASSEMBLY RULES COMMITTEE (NARC), 2019**

In terms of the rules of the NA, the Rules Committee plays a crucial role in the establishment of structures of the Assembly. The Rules Committee may in terms of Rule 7, read with Rule 193, also issue directives and lay down guidelines to assist with the implementation of the rules and orders of the House.

The Speaker of the NA, as Chairperson of the NARC, presents the First Report of the Rules Committee as follows:

A. GUIDELINES AND DETERMINATIONS**(a) Sequence of questions**

In terms of Rule 137(9), which provides that the sequence of questions on the Question Paper rotates without interruption for the duration of an annual session according to the order in which members of the respective parties may put questions, the Rules Committee determined the sequence for party rotation in respect of oral questions for the duration of the Sixth Parliament as follows:

ANC, DA, EFF, ANC, IFP, FF Plus, ANC, DA, Group 1, ANC, Group 2, ANC, DA, EFF, ANC, Group 3 and ANC.

(b) Clustering of government portfolios

In terms of Rule 138(1), which provides that questions for oral reply by ministers must be dealt with in accordance with a clustered system of government portfolios, the Rules Committee determined the clusters of government portfolios as follows:

Cluster 1 - Peace and Security

- Defence and Military Veterans
- Home Affairs
- International Relations and Co-operation
- Justice and Correctional Services
- Police
- State Security

Cluster 2 - Social Services

- Basic Education
- Health
- Higher Education, Science and Technology
- Human Settlements, Water and Sanitation
- Social Development
- Sport, Arts and Culture

Cluster 3 - Governance

- Co-operative Governance and Traditional Affairs
- Minister in the Presidency
- Minister in the Presidency for Women, Youth and Persons with Disabilities
- Public Service and Administration

Cluster 4 - Economics

- Agriculture, Land Reform and Rural Development
- Communications, Telecommunications and Postal Services
- Employment and Labour
- Environment, Forestry and Fisheries
- Finance
- Mineral Resources and Energy

Cluster 5 - Economics

- Public Enterprises
- Public Works and Infrastructure
- Small Business Development
- Tourism
- Trade and Industry
- Transport

(c) Guidelines**(i) Members' Statements:**

In terms of Rule 132(4), the number of members' statements on any sitting day, the period of time within which such statements must be completed on that day and the sequence of party participation must be determined by the Rules Committee. The number of members' statements for the duration of the Sixth Parliament was determined at 17, in the following sequence:

ANC, DA, EFF, ANC, IFP, Group 1, FF Plus, ANC, Group 2, ANC, DA, FF, ANC, Group 3, ANC, DA and ANC.

(ii) Motions without Notice:

In terms of Rule 123(2)(b), the number of motions without notice on any sitting day, the period of time within which such motions must be completed on that day and the sequence of party participation must be determined by the Rules Committee.

The number of motions without notice on any sitting day for the duration of the Sixth Parliament was determined at 23, in the following sequence: ANC, DA, EFF, ANC, IFP, ACDP, ANC, FF Plus, NFP, UDM, DA, EFF, ANC, Good, COPE, ANC, ATM, AIC, ANC, DA, PAC, Al Jama-ah and ANC.

(d) Formula for appointment of whips

In terms of Rule 33(1), the Rules Committee at its first meeting after an election, or as soon as possible thereafter, must determine the number of Whips to be allocated to parties represented in the House.

The formula used in the Fifth Parliament is retained (i.e. 1 – 6.5), with 62 being the total number of whips for the Sixth Parliament. This excludes the Chief Whip of the Majority Party, Deputy Chief Whip of the Majority Party and Chief Whip of the Opposition. The breakdown of the number of Whips per party for the duration of the Sixth Parliament is as follows:

Party	Seats	Whips per 6.5 members	
Total number	400	61.5	62
ANC	230	35.38	35
DA	84	12.92	13
EFF	44	6.76	7
IFP	14	2.15	2
FF PLUS	10	1.53	2
ACDP	4	0.61	1
Smaller parties	14	2.15	2

B. ESTABLISHMENT AND COMPOSITION OF ASSEMBLY COMMITTEES

(1) Composition of House Committees

(a) Subcommittee on Review of Assembly Rules

In terms of Rule 198, the Subcommittee on Review of Assembly Rules consists of the number of members and party representation as determined by the Rules Committee. The composition of the subcommittee is determined at eight members, with the following party representation: ANC 3, DA 1, EFF 1, IFP 1, FF Plus 1 and other parties 1.

(b) Programme Committee

In terms of Rule 206, the Programme Committee consists of-

- (a) the Speaker;
- (b) the Deputy Speaker;
- (c) the Leader of Government Business or a designated representative;
- (d) the House Chairpersons;
- (e) the Chief Whip;
- (f) the Deputy Chief Whip of the majority party in the Assembly;
- (g) the Whip of the majority party responsible for programming; and
- (h) the number of party representatives that the Speaker may determine with the concurrence of the Rules Committee, provided that each party is entitled to at least one representative on the committee.

In addition to the composition prescribed in Rule 206(a)-(g) the Speaker, with the concurrence of the Rules Committee, determined the number of party representatives on the Programme Committee for the duration of the Sixth Parliament as follows: ANC 2, Chief Whip of the Opposition, DA 2, EFF 2, IFP 2, FF Plus 2 and other parties 1 each.

(2) Establishment and composition of Assembly portfolio and standing committees

(a) Establishment of portfolio committees

In terms of Rule 225, the Speaker, with the concurrence of the Rules Committee, must establish a range of portfolio committees, assign a portfolio of government affairs to each committee and determine a name for each committee.

Based on the composition of Cabinet, the following Portfolio Committees are established:

1. Portfolio Committee on Agriculture, Land Reform and Rural Development
2. Portfolio Committee on Basic Education
3. Portfolio Committee on Communications
4. Portfolio Committee on Cooperative Governance and Traditional Affairs
5. Portfolio Committee on Defence and Military Veterans
6. Portfolio Committee on Environment, Forestry and Fisheries
7. Portfolio Committee on Employment and Labour
8. Portfolio Committee on Health
9. Portfolio Committee on Higher Education, Science and Technology
10. Portfolio Committee on Home Affairs
11. Portfolio Committee on Human Settlements, Water and Sanitation
12. Portfolio Committee on International Relations and Cooperation
13. Portfolio Committee on Justice and Correctional Services
14. Portfolio Committee on Mineral Resources and Energy
15. Portfolio Committee on Police
16. Portfolio Committee on Women, Youth and Persons with Disabilities
17. Portfolio Committee on Public Enterprises
18. Portfolio Committee on Public Service and Administration
19. Portfolio Committee on Public Works and Infrastructure
20. Portfolio Committee on Small Business Development
21. Portfolio Committee on Social Development
22. Portfolio Committee on Sports, Arts and Culture
23. Portfolio Committee on Tourism
24. Portfolio Committee on Trade and Industry
25. Portfolio Committee on Transport

(b) *Composition of portfolio committees*

In terms of Rule 226, the Speaker, with the concurrence of the Rules Committee, determined the composition of portfolio committees at 11 members, as follows: ANC 6, DA 2, EFF 1 and other parties 2.

(c) *Composition of Powers and Privileges Committee*

In terms of Rule 212, the Speaker, with the concurrence of the Rules Committee, determined the composition of the Powers and Privileges Committee to be the same as that of portfolio committees, namely: ANC 6, DA 2, EFF 1 and other parties 2.

(d) *Composition of Standing Committee on Finance and Standing Committee on Appropriations*

Rules 231 and 237 provide for the composition of the Standing Committees on Finance and on Appropriations, respectively. The Speaker, with the concurrence of the Rules Committee, determined the composition of the committees to be the same as that of portfolio committees, namely: ANC 6, DA 2, EFF 1 and other parties 2.

(e) *Composition of Standing Committee on Public Accounts*

In terms of Rule 244, the Speaker, with the concurrence of the Rules Committee, determined the composition of the Standing Committee on Public Accounts to be the same as that of portfolio committees, namely: ANC 6, DA 2, EFF 1 and other parties 2.

(f) *Composition of Standing Committee on the Auditor-General*

In terms of Rule 250, the Speaker, with the concurrence of the Rules Committee, determined the composition of the Standing Committee on the Auditor-General to be the same as that of portfolio committees, namely: ANC 6, DA 2, EFF 1 and other parties 2.



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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