PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

PROCEDURAL DEVELOPMENTS
IN THE NATIONAL ASSEMBLY

Fourth Session
Sixth Parliament
January to December 2022

ISSUE: 30

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 30th issue covers the fourth session of the Sixth Parliament from January to December 2022. Where no year appears next to a particular month in the text, the reference is made to 2022.

Compiled by: Staff of the National Assembly Table Division, Parliament of the Republic of South Africa, PO Box 15, Cape Town 8000.

CONTENTS

PRESIDING OFFICERS, OFFICE-BEARERS AND OTHER OFFICE-HOLDERS

1. Resignation of President and election of new President
2. Communication of appointment of Deputy President, Cabinet Members and Deputy Ministers and their assigned powers and functions
3. Appointment of Leader of Government Business
4. Designation of Parliamentary Counsellors

MEMBERS

5. Membership of the Assembly
6. Condolence motions and tributes to former members

PROCEDURAL AND RELATED ISSUES

7. Postponement of State of the Nation Address
8. Granting of leave to members by the House
9. Contract of Director of Parliamentary Budget Office
10. Appointment of Chairpersons for mini-plenaries on budget vote debates
11. Revival of lapsed business
12. Statement by Speaker clarifying procedures to be followed in terms of Questions to Ministers
13. Suspension of rules
14. Motion on amendment of section 25 of the Constitution
15. Establishment of ad hoc committee to amend section 25 of the Constitution

16 (a) Additional information from President to reply to oral question

16 (b) Additional information from President to reply to oral question

17. Request for investigation into alleged unethical conduct of Executive Director of IPID
18. Former President's pension benefits
19. Processing of High-Level Panel report

LEGISLATION AND COMMITTEES

20. Report of Assembly Rules Committee on procedure to give effect to section 89 of Constitution
21. Review of section 25 of the Constitution by Constitutional Review Committee
22. Consideration of requests for permission to inquire into amending other provisions of legislation
23. Establishment of the South African Chapter of the Global TB Caucus
24. Consideration of legislative proposals to amend Acts of Parliament
25. Ad Hoc Joint Committee on Parliamentary and Provincial Medical Aid Scheme
26. Review of Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act
27. Re-establishment of Ad Hoc Committee on Political Party Funding and referral of Bill to Committee
28. Referral of matters to Powers and Privileges Committee
29. Referral of matters to Disciplinary Committee

STATUTORY FUNCTIONS

30. Request for initiation of removal proceedings against Icasa councillor
31. Dispatch of transcripts of meetings of portfolio committees investigating allegations of state capture
32. Establishment of Ad Hoc Committee to Identify Suitable Candidates for Appointment to Commission for Gender Equality
33. Filling of vacancies in Electoral Commission
34. Designation of commissioner to the Magistrates' Commission

35 (a) Implementation of Public Protector Report on Alleged Violation of Executive Ethics Code by Minister

35 (b) Implementation of Public Protector Report on Alleged Violation of Executive Ethics Code by Minister

36. Request to expedite procedures to remove Public Protector
37. Request for filling of vacancies on PanSALB
38. Request for filling of vacancies on MDDA Board
39. Request for nomination of Land Bank Board members
40. SABC Board resignations and request for filling of vacancies
41. Request for recommendation of candidates to serve in the Central Drug Authority
42. Request for allocation of additional funds for Office of Public Protector

PRESIDING OFFICERS, OFFICE-BEARERS AND OTHER OFFICE-HOLDERS

[1] RESIGNATION OF PRESIDENT AND ELECTION OF NEW PRESIDENT

On 14 February, the President, Mr J G Zuma, addressed the nation on national television and announced his resignation as President of the Republic. He subsequently communicated this decision to the Speaker indicating that his resignation was effective immediately (ATC, 15 February 2018, p.3).

In terms of section 86 of the Constitution, the President is elected by the National Assembly (NA) from amongst its members. The Constitution further provides that if a vacancy occurs in the office of the President, the NA must elect a new President within 30 days of the vacancy arising, and that this election must be held at a time and on a date determined by the Chief Justice, or another judge designated by the Chief Justice. The Chief Justice was notified of the vacancy and accordingly called a meeting of the NA for 15 February at 14:00 for the purpose of electing a President.

Item 9 of Part A of Schedule 3 to the Constitution provides that the Chief Justice must make rules prescribing, amongst others, the procedure for the election of a President. The Chief Justice presented detailed rules to the NA with a request that they be distributed to members before the relevant sitting. The rules prescribed the procedures for the meeting, duties of the presiding officer and those assisting the presiding officer, nomination of candidates, procedures for voting and announcing the results of the election.

On 15 February, the NA was convened with the Speaker taking the Chair. The Speaker announced that the meeting was convened for the purpose of electing the President of the Republic and that Chief Justice Mogoeng Mogoeng would preside over the election.

Upon taking the Chair, the Chief Justice announced that the rules contemplated in Item 9 of Part A of Schedule 3 to the Constitution had been made available to members prior to the sitting. He further announced that the Acting Secretary to Parliament, Ms P N Tyawa, had been appointed as the Returning Officer and also read out the names of the assistant Returning Officers. The Returning Officer and assistant Returning Officers had taken the oath or affirmation before the Chief Justice prior to the sitting.

The Chief Justice called for nominations of candidates for election as President of the Republic. Dr P Maesela nominated Mr M C Ramaphosa for President of the Republic. The nomination was seconded by Ms J L Fubbs. The Returning Officer reported to the Chief Justice that the nomination form had been properly completed.

As there were no further nominations, Mr M C Ramaphosa was accordingly elected President of the Republic. The Speaker again took the Chair and afforded parties and the President-elect an opportunity to address the House.

The President-elect was sworn in later that afternoon at a separate ceremony at Tuynhuys, the Cape Town office of the Presidency.

[2] COMMUNICATION OF APPOINTMENT OF DEPUTY PRESIDENT, CABINET MEMBERS AND DEPUTY MINISTERS AND THEIR ASSIGNED POWERS AND FUNCTIONS

Rule 352 provides that the Leader of Government Business (LOGB) must without delay inform the Speaker about the details of the powers and functions formally assigned, or delegated, to the Deputy President, other Cabinet members and Deputy Ministers at the time of appointment or subsequently. The Rule further provides that upon receipt of this communication, the Speaker must table it immediately. On 6 March, the Speaker announced in the House that a letter had been received from the LOGB informing the NA of the appointment of the Deputy President, Cabinet members and Deputy Ministers by the President of the Republic, as well as the portfolios assigned to each of the Ministers and Deputy Ministers. The letter did not specify the powers and functions assigned to the Deputy President by the President. The Speaker tabled the letter in the Announcements, Tablings and Committee Reports (ATC) on 5 March.

On 28 August, the Speaker announced in the ATC that a letter was received from the office of the LOGB, informing members of the NA, in terms of Rule 352, about the details of the powers and functions formally assigned to the Deputy President at the time of his appointment by the President.

[3] APPOINTMENT OF LEADER OF GOVERNMENT BUSINESS (LOGB)

In terms of section 91(4) of the Constitution, the President of the Republic must appoint a member of the Cabinet as the Leader of Government Business (LOGB) in the NA. The LOGB is responsible for the affairs of the national executive in Parliament.

Following the election of Mr M C Ramaphosa as President of the Republic on 15 February (see item 1 above), the position of LOGB which he previously occupied as the Deputy President of the Republic, became vacant.

On 5 March, the Speaker announced in the ATC that a letter dated 1 March had been received from the President informing the NA that he had appointed the Deputy President, Mr David Dabede Mabuza, as the LOGB. The Speaker also announced the appointment in the House on 6 March.

[4] 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.

On 14 March, the Speaker announced the designation of Mr E I Ebrahim as the Parliamentary Counsellor to the Deputy President, and that Mr Ebrahim would be responsible for facilitating communication between the NA and the office of the Deputy President in his capacity as the LOGB.

On 15 March, the Speaker announced the designation of Dr G W Koornhof as Parliamentary Counsellor to the President in terms of Rule 34, effective from 8 March. In terms of Rule 34(2), Dr Koornhof would be responsible for facilitating communication between the NA and the office of the President.

MEMBERS

[5] MEMBERSHIP OF THE ASSEMBLY

See Annexure 1.

[6] CONDOLENCE MOTIONS AND TRIBUTES TO FORMER MEMBERS

See Annexure 2.

PROCEDURAL AND RELATED ISSUES

[7] POSTPONEMENT OF STATE OF THE NATION ADDRESS (SONA)

On 22 November 2017, the President, Mr J G Zuma, wrote to the Speaker and the Chairperson of the National Council of Provinces (NCOP), calling for a joint sitting of the two Houses in terms of section 84(2)(d) of the Constitution, read with Rule 7(1) (a) of the Joint Rules of Parliament, for Thursday, 8 February, in order to deliver the State of the Nation Address (SONA) (ATC, 22 November 2017, p.2).

Following threats of disruption and calls for the postponement of the SONA, on Tuesday, 6 February, in a statement issued by Parliament, the Speaker and the Chairperson of the Council indicated that the threats of disruption and the calls for postponement of the joint sitting had caused them great concern. They further indicated that they had taken a decision to approach the President and propose the postponement of the joint sitting in order to create room for a more conducive political atmosphere. On the same day, the President wrote to the presiding officers of Parliament to request a postponement of the event. The President cited that the postponement was necessitated due to certain developments which made it not conducive to successfully hold the sitting and deliver the SONA. He indicated that a new

date would be communicated in due course (ATC, 6 February 2018, p.2).

In light of the postponement, the presiding officers undertook to announce a new date as soon as possible and indicated that cognisance would be taken of the scheduled tabling of the national budget later that month. As reported in item 1 above, Mr Zuma tendered his resignation as President of the Republic on 14 February with immediate effect, and the following day Mr M C Ramaphosa was elected President of the Republic. On 15 February, it was announced that, in terms of section 84(2)(d) of the Constitution, the President, Mr M C Ramaphosa had called a joint sitting of the NA and the NCOP for Friday, 16 February at 19:00 to deliver his SONA (ATC, 15 February 2018, p.2).

On the same day, the Speaker and the Chairperson of the Council, in terms of Joint Rule 7(2), further announced that they had called a joint sitting of the Houses of Parliament to conduct a debate on the President's SONA on 19 February at 10:00, and the President's reply to the debate on 20 February at 14:00 (ATC, 15 February 2018, p.2).

[8] GRANTING OF LEAVE TO MEMBERS BY THE HOUSE

Assembly Rule 36 provides that leave of absence may be requested of the House by motion for a member's absence in excess of 15 consecutive sitting days, the leave to be requested not later than by the close of the fifteenth consecutive sitting day of the member's absence.

On 20 March, the House agreed to grant Ms S J Nkomo and Ms N W Madikizela-Mandela leave of absence from the House due to ill-health until 30 March and 31 December, respectively.

[9] CONTRACT OF DIRECTOR OF PARLIAMENTARY BUDGET OFFICE (PBO)

Section 15 of the Money Bills Amendment Procedure and Related Matters Act, 2009 (Act 9 of 2009) (the Act) establishes the Parliamentary Budget Office (PBO). In terms of the Act, the PBO must provide independent, objective and professional advice and analysis to Parliament on matters related to the budget and other money Bills. The Act stipulates that a Director must manage the PBO and must be appointed by resolution of both Houses of Parliament, following a recommendation of the Finance and Appropriations Committees of both Houses. In addition, these Committees must also recommend to the Houses the conditions of service in respect of the appointee.

Since May 2012, Professor M I Jahed was seconded from the Development Bank of Southern Africa (DBSA) to assist Parliament with setting up the PBO. During his secondment, he was able to outline and clarify the functions and scope of the PBO, design an operational structure, establish networks and engage political parties and relevant committees. On 4 June 2013, the Assembly and Council resolved that Professor Jahed be appointed Director of the PBO as of that date for a period of five years.

On 16 May, the Speaker and Chairperson of the Council made an announcement in the ATC with regard to the expiry of the contract of Professor Jahed. In terms of the announcement, the matter was referred to the Standing and Select Committees on Finance and Appropriations of both Houses for consideration and report by 28 May. On 24 May, the Committees tabled reports on the matter in the ATC. In accordance with section 15(5)(a) - (b) of the Act, the Committees recommended that Professor Jahed be re-appointed until three months after the 2019 general elections, and that the re-appointment be subject to an agreement that the conditions of service (including salary and allowance) would remain substantially the same as those of the top rank of the public service as per section 15(5)(b) of the Act, as agreed with Prof Jahed.

On 29 May, following the introduction of the reports of the Standing Committees on Finance and Appropriations in the Assembly, the Chief Whip of the Majority Party moved a motion in terms of Rule 122, that the recommendations contained in the reports be amended to reflect that Professor Jahed's contract be extended, rather than him being re-appointed. In terms of the Rule, no amendment may be proposed to the content and substance of a committee report tabled for consideration by the Assembly, except in

respect of any recommendation made in such report for adoption by the Assembly. The motion was agreed to, with the DA dissenting. Following declarations of vote made on behalf of the DA, IFP, NFP and ANC, a division was called for. The question that Professor Jahed's contract as Director of the PBO be extended, until three months after the 2019 general elections, and the Reports of the Standing Committees on Finance and Appropriations, as amended, were agreed to. On 30 May, the NCOP moved a similar motion and accordingly adopted the amended reports of the Select Committees on Finance and Appropriations and thereby agreed to the extension of the contract of the Director of the PBO, until three months after the 2019 general elections.

Professor Jahed, however, tendered his resignation from Parliament with effect from 30 September. The post remained vacant at the end of the 2018 annual session.

[10] APPOINTMENT OF CHAIRPERSONS FOR MINI-PLENARIES ON BUDGET VOTE DEBATES

Assembly 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 3 May, the Speaker announced in the 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 Ms X S Tom had been appointed in terms of Rule 54 to Chair mini-plenary sessions on budget vote debates.

On 16 May, the Speaker further announced in the ATC that Mr A F Mahlalela, Ms J L Fubbs, Ms E M Coleman and Ms N W Magadla had been appointed on 15 May in terms of Rule 54 to Chair mini-plenary sessions on budget vote debates.

[11] REVIVAL OF LAPSED BUSINESS

Assembly Rule 333(2) provides that all Bills before the Assembly or an 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. Rule 351(2) is an identical rule that deals with the lapsing of all business before the Assembly or Assembly committees. Lapsed business can only be revived by resolution of the House.

On 27 February, on a motion moved by the Deputy Chief Whip of the Majority Party, the House resolved to revive the following items that were on the Order Paper and which had, in terms of Rules 333 and 351, lapsed at the end of the last sitting day of the 2017 annual session:

- Consideration of Report of Portfolio Committee on Environmental Affairs on Marine Spatial Planning Bill [B 9 – 2017] (National Assembly – sec 76);
- Second Reading debate – Marine Spatial Planning Bill [B 9B – 2017];
- Second Reading debate – Political Party Funding Bill [B 33 – 2017];
- Consideration of Report of Portfolio Committee on Communications on Films and Publications Amendment Bill [B 37 – 2015];
- Second Reading debate – Films and Publications Amendment Bill [B 37B – 2015] (National Assembly – sec 75);
- Consideration of Report of Standing Committee on Finance on Special Report of Public Protector on implementation of remedial action contained in Public Protector Report No 18 of 2011-12 on Maladministration during privatization of Venda Pension Fund: Report No 15 of 2016-17;
- Consideration of Report of Portfolio Committee on Water and Sanitation on Oversight visit to Limpopo Province;
- Consideration of Report of Portfolio Committee on Tourism on Oversight visit to Limpopo Province;
- Consideration of Report of Portfolio Committee on Tourism on Oversight visit to Western Cape Province;
- Consideration of Report of Portfolio Committee on Economic Development on Oversight visits to Mpumalanga and Gauteng; and
- Consideration of Report of Portfolio Committee on Mineral Resources on Oversight visit to Gauteng.

On 27 March, on a motion moved by the Chief Whip

of the Majority Party, the House revived the Report of the Portfolio Committee on Environmental Affairs on Donations of high-value wildlife species to private individuals by North West Provincial Government Department of Rural, Environmental and Agricultural Development. The Report was also on the Order Paper and lapsed at the end of the last sitting day of the 2017 annual session in terms of Rule 351. On the same day, the House further resolved to refer the Report back to the Portfolio Committee on Environmental Affairs for further consideration.

[12] STATEMENT BY SPEAKER CLARIFYING PROCEDURES TO BE FOLLOWED IN TERMS OF QUESTIONS TO MINISTERS

On 7 March, Ministers in the Peace and Security Cluster were due to answer questions in the House. When it became apparent that certain Ministers were not present in the House to answer questions, members raised concerns and their dissatisfaction regarding the absence of these Ministers. Some parties withdrew the questions they had posed to the absent Ministers as they wanted those Ministers to respond to the questions. The question session continued as scheduled in the parliamentary programme.

On 8 March, the Speaker made a statement in the House on the concerns raised by members the previous day in respect of the unavailability of certain Ministers to answer questions in the House. The statement read as follows:

Hon members, during questions to Cluster 1, Peace and Security, on 7 March, a number of issues arose that I believe require clarification so that all members are clear on the procedures to be followed in terms of questions to Ministers.

I firstly wish to state that I share the concerns raised by members about the availability of Ministers to answer questions in the House. Ministers may be unable to appear before the House for a particular Question Session due to either compelling official responsibilities or personal circumstances. However, the House must be properly notified of this. Rules 138(3) and 138(4) provide for a Minister to authorise his or her Deputy Minister to reply to a question directed at that Minister, or if a Minister and his or her Deputy are absent, for another Cabinet Minister to respond to the question. Rule 144(1)(b) provides that a question for oral reply stands over if the Minister to whom it is addressed is not present in the Assembly when the question is called for a reply and it is not replied to by the relevant Deputy Minister or another Cabinet member on his or her behalf. So, Deputy Ministers and acting Ministers are authorised by the rules to respond to questions.

However, in light of the conflicting information as to the availability of certain Ministers, as well as the heightened tensions in the House, on request of the Whips I ruled that Questions 18, 41 and 8 stand over. These questions will be placed on the Question Paper for reply at the next Question Day when the relevant Ministers are scheduled to reply to questions.

To this end I have written to the Leader of Government Business to appeal to him to ensure that Ministers are available to carry out their obligations in the Assembly.

[13] SUSPENSION OF RULES

From March to November, 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) was suspended by the House on four occasions, namely:

- Second Reading debate on the Division of Revenue Amendment Bill [B2-2018], 15 March;
- Second Reading debate on the Division of Revenue Amendment Bill [B34-2018], 13 November;
- Second Reading debate on the Adjustment Appropriation Bill [B35-2018], 28 November; and
- Second Reading debate on the Special Appropriation Bill [B36-2018], 28 November.

Notwithstanding Assembly Rule 130(7), which provides inter alia that there may only be one discussion of

urgent matters of national public importance on a sitting day, the House agreed on 11 September to suspend the Rule in order to have two debates on 12 September, in terms of the Rule, namely:

- Ideas for economic revival following recession – (The Leader of the Opposition); and
- Escalating fuel prices – (Mr M Hlengwa).

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 to not more than two minutes for the remainder of the annual session.

[14] MOTION ON AMENDMENT OF SECTION 25 OF THE CONSTITUTION

On 27 February, the leader of the EFF, Mr J S Malema, brought a draft resolution before the Assembly for decision proposing, amongst others, that an ad hoc committee be established to review and amend section 25 of the Constitution to make it possible for the state to expropriate land in the public interest without compensation, and in the process conduct public hearings to get the views of ordinary South Africans, policy-makers, civil society organisations and academics, about the necessity of, and mechanisms for expropriating land without compensation. The draft resolution further stated that the ad hoc committee should propose the necessary constitutional amendments with regards to the kind of future land tenure regime needed, taking into account the necessity of the state being a custodian of all South African land.

In terms of Assembly Rule 121, a member may propose an amendment in writing to a draft resolution, provided the amendment does not extend the scope of the draft resolution or is ruled out of order for any other reason by the presiding officer. The Rule further provides that when an amendment is moved, a signed copy of the proposed amendment must be delivered to the Secretary at the Table without delay. Before the motion could be moved in the House, the Deputy Chief Whip of the Majority Party moved an amendment to the motion, proposing that the matter be referred, with the concurrence of the National Council of Provinces, to the Constitutional Review Committee to review section 25 of the Constitution to make it possible for the state to expropriate land in the public interest without compensation, and propose the necessary constitutional amendments, where possible, and report to the Assembly by no later than 30 August. The full text of the proposed amendment was appended to the Minutes of Proceedings of the House.

Declarations of vote were allowed on the proposed amendment and made on behalf of the DA, EFF, IFP, NFP, UDM, FF Plus, Cope, ACDP, APC, AgangSA and the ANC. A division was demanded and the result of the division was as follows: Ayes – 241, Noes – 83 and there were no abstentions. The amendment to the motion was therefore adopted by the House. The second question was put to the House, namely, that the motion, as amended, be agreed to. A division was again demanded and the House divided as follows: Ayes – 241, Noes – 83 and there were no abstentions. The motion, as amended, was accordingly agreed to.

On 7 March, the NCOP concurred with the resolution adopted by the NA.

[15] ESTABLISHMENT OF AD HOC COMMITTEE TO AMEND SECTION 25 OF THE CONSTITUTION

On 6 December, the Chief Whip of the Majority Party moved a motion in the Assembly, noting the adoption of the Report of the Constitutional Review Committee by the Assembly and Council on 4 and 5 December, respectively, recommending that Parliament amend section 25 of the Constitution to make explicit that which was implicit in the Constitution with regards to expropriation of land without compensation as a legitimate option for land reform, so as to address the historic wrongs caused by the arbitrary dispossession of land, and in so doing, ensure equitable access to land and further empower the majority of South

Africans to be productive participants in ownership, food security and agricultural reform programmes. The motion further noted that the Report also recommended that Parliament urgently establish a mechanism to effect the necessary amendment to the relevant part of section 25 of the Constitution, as well as table, process and pass a Constitutional Amendment Bill before the end of the Fifth Democratic Parliament in order to allow for expropriation without compensation.

The motion moved by the Chief Whip called for the House to establish an ad hoc committee to initiate and introduce legislation amending section 25 of the Constitution, have regard to the recommendations as contained in the Constitutional Review Committee Report; and set the deadline by which the ad hoc committee was to report to 31 March 2019.

Declarations of vote were made on behalf of the DA, EFF, IFP, NFP, UDM, ACDP, FF Plus, Cope, AIC, APC and the ANC.

The House divided as follows: Ayes -183, Noes -77 and there were no abstentions. The motion calling for the establishment of an ad hoc committee to amend section 25 of the Constitution was accordingly agreed to by the House.

[16a] ADDITIONAL INFORMATION FROM PRESIDENT TO REPLY TO ORAL QUESTION

On 14 March, in his reply to an oral question regarding the total amount spent by the state since 2006 on the legal costs of the former President, Mr J G Zuma, the President stated that according to information obtained from the Department of Justice and Correctional Services, government had contributed R15, 3 million towards the legal fees of the former President.

On 6 September, the Speaker announced in the ATC that a letter, dated 28 August, had been received from the President, informing members of the Assembly about the additional information subsequently obtained and that required the revision of the total amount spent by the state towards the legal fees of the former President, as provided in his reply to an oral question in March. The revised total spent by the state on the legal fees of the former President was R16 788 781 14.

[16b] ADDITIONAL INFORMATION FROM PRESIDENT TO REPLY TO ORAL QUESTION

Assembly Rule 141 provides that a member may request the Speaker in writing to allow an urgent question for oral reply to be put to the relevant Minister at the next question session for Ministers in the House, regardless of whether that Minister falls within the ministerial cluster for that day. In terms of the Rule, an urgent question can also be put to the President or Deputy President on the next applicable question day. The Rule further provides that an approved urgent question takes precedence over all other questions on the relevant question day.

On 6 November, at the commencement of Questions to the President, the Speaker reminded members that question 19, asked by the Leader of the Opposition, was approved as an urgent question for that day's question session and that as a result, the question would take precedence over all other questions.

The President replied to the original question and mentioned, amongst others, that shortly after becoming President, he received briefings on various matters by different government departments. One of these briefings was from National Treasury, where he was alerted to alleged corruption at the VBS Mutual Bank. Responding to the supplementary questions thereafter, including a supplementary question regarding a payment of R500 000 that was made to his son by a private entity alleged to have engaged in corrupt business practices with state entities, the President replied as follows:

... It was brought to my attention some time ago. I proceeded to ask my son what this was all about. He runs a financial consultancy business, and he consults for a number of companies, and one of those companies is Bosasa where he provides services on entrepreneurship, particularly on the procurement process. He advises both local and international companies.

Regarding this payment, I can assure you, Mr

Maimane that I asked him at close range whether this was money obtained illegally, unlawfully - and he said this was a service that was provided. To this end, he actually even showed me a contract that he signed with Bosasa. [Interjections.] The contract also deals with issues of integrity, issues of anticorruption, and all that.

On 16 November, the Speaker announced in the ATC that a letter, dated 14 November, had been received from the President, informing members of the Assembly about the additional information that he had obtained and that clarified his reply with regard to the payment allegedly made to his son. In the letter, the President clarified that the payment from the private entity was actually a donation towards his ANC presidential campaign which he stated was made without his knowledge. The President clarified that his earlier response to the question in the House was based on the information that was at his disposal at the time, regarding a business relationship that his son's company had with the private entity.

[17] REQUEST FOR INVESTIGATION INTO ALLEGED UNETHICAL CONDUCT OF EXECUTIVE DIRECTOR OF IPID

The Minister of Police, Mr B Cele, wrote to the Speaker on 6 July, informing the Assembly of allegations of misconduct against the Director of the Independent Police Investigative Directorate (IPID) and requesting that the Assembly inquire into the allegations. The Minister, in his request, made reference to a judgment of the Constitutional Court in McBride v the Minister of Police [2016] [ZACC 30], which purportedly declared that the Assembly was the competent body to remove a Director of IPID.

On 11 July, the Speaker referred the Minister's letter to the Portfolio Committee on Police for consideration and report. The Committee did not conclude the matter by the end of the 2018 parliamentary session.

[18] FORMER PRESIDENT'S PENSION BENEFITS

On 12 September, the Chief Whip of the Majority Party moved a motion that the House, inter alia, resolves that (a) in terms of section 2(5)(a) of the Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998) (the Act), upon the President's retirement from office with effect from the day following the day that he vacated office, a taxable pension benefit be paid to him equal to 100% of the total annual remuneration (salary and allowance) payable to him the day prior to his retirement; (b) in terms of section 2(5)(b) of the said Act, upon the death of the former President, with effect from the day of his death, a taxable pension benefit be paid to his widow or widows, dependent or nominee, including his or her estate, as he may elect, equal to 50% of the pension benefit payable to the former President at the time of his death; (c) the increase to the above benefits should be linked to the increase of the sitting President's salary; and (d) in terms of section 2(6) of the said Act, the state shall contribute the full amount payable to a medical aid scheme of which the former President or his widow/s or dependent/s is a member.

There was no debate, but declarations of vote were allowed and made on behalf of the DA, EFF, Cope, FF Plus and the ANC. The House divided as follows: Ayes – 197, Noes – 95 and there were no abstentions. The motion was accordingly agreed to.

[19] PROCESSING OF HIGH-LEVEL PANEL REPORT

In December 2015, the Speakers' Forum as the representative body of the South African Legislative Sector, agreed to establish an independent High-Level Panel (HLP) of eminent South Africans to undertake the task of assessing the content and implementation of legislation passed by Parliament since 1994 in relation to its effectiveness and possible unintended consequences. The Panel's mandate was to review legislation, assess its implementation, identify gaps and propose action steps with a view to identifying laws that require strengthening, amending or changing. The Panel was chaired by the former President of the Republic of South Africa, Mr Kgalema Motlanthe.

Following the tabling of the Panel's Report in Parliament on 22 November 2017, the Joint Rules Committee (JRC) on 28 March resolved, in terms of Joint Rule 56(1)(f), to establish a Subcommittee on the Report of the High Level Panel on the Assessment

of Legislation and the Acceleration of Fundamental Change. The Joint Rule provides that the JRC may, apart from the subcommittees mentioned in joint rule 63(1)(a) to (i), appoint any other subcommittees to assist with the performance of any of its functions or the exercise of any of its powers.

The Subcommittee consisted of 8 Assembly members (ANC 3, DA 2, EFF 1; IFP 1 and FF Plus 1) and 5 Council delegates (ANC 3 and Opposition 2), and was established to make recommendations on the processing of the key findings of the Report of the Panel, exercise relevant powers set out in Joint Rule 35 and was to report to the JRC by 15 May.

Although the Subcommittee complied with the above deadline, the JRC could not meet to discuss the Report of the Subcommittee due to the programmes of the Houses. Instead, following political consultations between the co-chairpersons of the JRC and senior whips and party representatives, in terms of Joint Rule 23(2)(a)(iii), the recommendations of the Subcommittee were adopted and implemented. In terms of this Rule, the co-chairpersons or the chairperson of a joint committee, as the case may be, may act in any matter on behalf of and in the best interest of the committee when it is not practical to arrange a meeting of the committee to discuss that matter, if the matter concerns the initiation of any steps, or decision necessary for the committee to perform its functions or exercise its powers.

With regard to the HLP recommendations, the Subcommittee recommended as follows: (1) that the recommendations, as categorised (short, medium and long-term) be referred by the co-chairpersons of the JRC to portfolio and select committees for consideration and report; (2) recommendations that relate to the efficiency of Parliament should be referred to the JRC for consideration and report; (3) to the extent that certain recommendations may relate to more than one portfolio of government affairs, the relevant committees should confer in dealing with the issues concerned; (4) in their consideration of the recommendations, committees should make a determination with regards to short, medium and long-term issues taking into account the work done by the Subcommittee in this regard; (5) bearing in mind the current heavy legislative programme, committees should have until 28 September to provide progress reports on the matters referred to them; (6) the House Chairpersons responsible for committees should coordinate the work of committees on the recommendations of the HLP and provide the JRC or Rules Committee, as the case may be, with regular reports; and (7) those matters that may not be dealt with or finalised in the Fifth Parliament should form part of the Legacy Report for consideration by the Sixth Parliament.

The HLP Report in its entirety together with the Report of the Subcommittee were referred, for consideration and report on 6 June, to the Portfolio Committees on Trade and Industry; Agriculture, Forestry and Fisheries; Small Business Development; Tourism; Home Affairs; Labour; Higher Education and Training; Basic Education; Health; Rural Development and Land Reform; Police; Justice and Correctional Services; Social Development; Public Works; Co-operative Governance and Traditional Affairs; Women in The Presidency; Human Settlements; Mineral Resources; and Public Service and Administration as well as Performance Monitoring and Evaluation; Standing Committee on Auditor-General, Standing Committee on Finance; Joint Rules Committee and Constitutional Review Committee . These Committees were to report to the JRC by 28 September on which HLP recommendations they could process in the short, medium or long-term. The JRC at its meeting of 24 October received a progress report on Committees' consideration of the HLP recommendations. At the time, seven of the 23 Committees had submitted progress reports. By the end of the 2018 parliamentary session, no further progress reports had been received from Committees.

LEGISLATION AND COMMITTEES

[20] REPORT OF ASSEMBLY RULES COMMITTEE ON PROCEDURE TO GIVE EFFECT TO SECTION 89 OF CONSTITUTION (REMOVAL OF PRESIDENT)

The Constitution provides for the removal from office of the President in two sets of circumstances, namely, if the Assembly passes a motion of no confidence in the President through a vote supported by a majority of its members in terms of section 102(2); or on the specific grounds mentioned in section 89.

For the President to be removed in terms of section 89, the resolution must be passed with a supporting vote of at least two thirds of the members of the National Assembly. Section 89(1) reads:

The National Assembly, by a resolution adopted with a supporting vote of at least two thirds of its members, may remove the President from office only on the grounds of -

(a) a serious violation of the Constitution or the law;

(b) serious misconduct; or

(c) inability to perform the functions of office.

Furthermore, in terms of this provision, anyone who has been removed from the office of President may not receive any benefits of that office, and may not serve in any public office. In terms of the revised Assembly rules adopted by the House on 26 May 2016, there is no specific provision made with which such a process should comply.

On 29 December 2017, the Constitutional Court, in its judgment on the matter of The Economic Freedom Fighters vs the Speaker and Others (CT 76/17), ruled that the National Assembly must put in place procedures to give effect to section 89 of the Constitution (Removal of President). Following the court judgment, the Assembly Rules Committee (the Committee) duly met to consider the matter and initiate a process to finalise the procedures in question. This included soliciting a legal opinion from senior counsel, which served to guide deliberations on the matter. On 28 August, the Committee agreed to the proposed rules, with the addition of a provision reinforcing the independence and impartiality of the independent panel established to conduct preliminary enquiries on section 89 motions.

The proposed rules to remove a President from office spelt out the procedure to give effect to section 89 of the Constitution. In terms of the procedure, any member of the Assembly may, by way of a substantive notice of motion in terms of Rule 124(6), initiate proceedings for a section 89 enquiry, provided that the motion is compliant with the criteria set out in Rule 129A; a motion that is in order must immediately be referred by the Speaker to the independent panel established by the Assembly for the purposes of considering preliminary section 89 matters; the panel must consider any preliminary enquiry relating to a motion proposing a section 89 enquiry and must make a recommendation to the Speaker within 30 days whether sufficient evidence exists to show that the President can be charged on any of the grounds for his/her removal as stipulated in the Constitution; once the Assembly has approved the recommendation from the independent panel to proceed with a section 89 enquiry, the impeachment committee established to consider motions in terms of a section 89 enquiry must proceed to establish the veracity and, where required, the seriousness of the charges and report to the Assembly thereon; if the report of the impeachment committee recommends that the President be removed from office, the question must be put to the Assembly for a decision as the Assembly makes the final and binding decision in this regard.

On 22 November, the Assembly considered the Report of the Assembly Rules Committee on Procedures to give effect to section 89 of Constitution, 1996. Declarations of vote were made on behalf of the DA, EFF, IFP, ACDP, NFP and ANC. The report was accordingly adopted by the Assembly. The full set of rules in respect of procedures to give effect to section 89 of the Constitution (removal of President) can be accessed in the ATC of 11 September, pp 9-14.

[21] REVIEW OF SECTION 25 OF THE CONSTITUTION BY CONSTITUTIONAL REVIEW COMMITTEE

The resolutions adopted by the Assembly and Council on 27 February and 7 March, respectively, mandated the Constitutional Review Committee (the Committee) to review section 25 of the Constitution and other clauses where necessary to make it possible for the state to expropriate land in the public interest without compensation, and in the process conduct public hearings to get the views of ordinary South Africans, policy-makers, civil society organisations and academics, about the necessity of, and mechanisms for expropriating land without compensation. Furthermore, the Committee was mandated to propose the necessary constitutional amendments, where applicable, with regards to the kind of future land tenure regime needed. The Committee had to report its findings by 30 August.

On 29 May, the Assembly, with the concurrence of the Council, extended the deadline by which the Committee had to report, to 28 September. The Houses later adopted another resolution further extending the deadline by which the Committee had to complete its task to 30 November.

To enable the Committee to conduct its work within the prescribed time and to broaden coverage, members of the Committee were split into two groups of 11 members each. While one group focused on inland provinces, the other focused on coastal provinces. The Committee spent at least three to four days per province visiting about three to four areas/towns per province. It sought to listen to and/or engage members of the public on the necessity of, and mechanisms for expropriating land without compensation.

In its Report which was tabled on 15 November, the Committee acknowledged that sections 59(1)(a) and 72(1)(a) of the Constitution mandate and provide for the two Houses to facilitate public involvement in the legislative and other processes of the Houses and their committees. Thus, in terms of the Constitution and the House resolutions, the Committee embarked on an extensive public participation process by conducting public hearings, calling for written and oral submissions by members of the public. The guiding questions for the Committee were the necessity of, and mechanisms for expropriating land without compensation. In total, 630 609 written submissions were received of which 449 522 were valid.

The Committee made the following recommendations: 1) that section 25 of the Constitution be amended to make explicit that which is implicit in the Constitution, with regards to expropriation of land without compensation, as a legitimate option for land reform, so as to address the historic wrongs caused by the arbitrary dispossession of land, and in so doing ensure equitable access to land and further empower the majority of South Africans to be productive participants in ownership, food security and agricultural reform programmes; 2) that Parliament must urgently establish a mechanism to effect the necessary amendment to the relevant part of section 25 of the Constitution; and 3) Parliament must table, process and pass a Constitutional Amendment Bill before the end of the Fifth Parliament in order to allow for expropriation without compensation.

The Assembly debated the Report on 4 December, after which a division was demanded. The House divided as follows: Ayes - 209, Noes - 91 and there were no abstentions. The Report was accordingly adopted by the Assembly. The Council adopted the Report on 5 December.

[22] CONSIDERATION OF REQUESTS FOR PERMISSION TO INQUIRE INTO AMENDING OTHER PROVISIONS OF LEGISLATION

NA Rule 286(4)(c) provides that a committee may, if it is considering a Bill that amends legislation, seek the permission of the Assembly to inquire into amending other provisions of that legislation not originally included in an amendment Bill. During 2018, the House gave permission to one committee to inquire into amending other provisions of legislation as follows:

- On 11 September, permission was granted to the Portfolio Committee on Trade and Industry in respect of the Copyright Amendment Bill [B 13 - 2017]. The Bill, amongst others, sought to define certain words and expressions; to allow for the reproduction of copyright work; to provide for the protection of copyright in artistic work; to provide for the accreditation of Collecting Societies and to provide for the procedure for settlement of royalties disputes; and

- On 30 October, permission was granted to the Portfolio Committee on Trade and Industry in respect of the Performers' Protection Amendment Bill [B 24 - 2016]. This Bill, inter alia, sought to insert, delete or substitute certain definitions; to provide for performers' economic rights; to extend moral rights to performers in audio-visual fixations; to provide for the transfer of rights where a performer consents to fixation of a performance; and to provide for the protection of rights of producers of sound recordings.

[23] ESTABLISHMENT OF THE SOUTH AFRICAN CHAPTER OF THE GLOBAL TB CAUCUS

The Global TB Caucus, which is a worldwide network of parliamentarians, was established in October 2014. It galvanizes parliamentarians to become champions in the fight against tuberculosis (TB). The Caucus is open to all parliamentarians and legislators and membership is voluntary.

On 4 September, both the NA and NCOP resolved to establish a South African Chapter of the Global TB Caucus. In terms of the motion moved in the Assembly, the South African Chapter would be coordinated by a body comprising five members of the Assembly and nine members of the Council. After the debate on the motion was concluded, the Chief Whip of the Majority Party moved an amendment to the motion, subject to the concurrence of the Council, that the Chapter be coordinated by a body which would be constituted in consultation with the whips of each party and provincial legislatures. The motion, as amended, was agreed to. In terms of their resolutions, the Houses noted that TB is the leading cause of death in South Africa and that a South African Chapter of the Global TB Caucus was intended to raise awareness and would support efforts to accelerate the elimination of the disease by 2030 – in line with targets set by the United Nations Sustainable Development Goals.

On 12 September, the Chief Whip of the Majority Party moved a motion in the House in relation to the motion adopted by the Assembly on 4 September. The motion moved as an amendment that the motion as it appeared on the Order Paper be deleted and reflect that the House resolves to establish, with the concurrence of the NCOP, a Joint Committee in terms of Joint Rule 15 to be the coordinating body of the South African Chapter of the Global TB Caucus. The Joint Committee to consist of 11 members of the Assembly and 9 members of the Council, and be co-chaired by the Chairperson of the Portfolio Committee on Health and the Chairperson of the Select Committee on Social Services.

There was no debate. The motion adopted by the Assembly on 4 September, and amended on 12 September, was accordingly agreed to.

[24] CONSIDERATION OF LEGISLATIVE PROPOSALS TO AMEND ACTS OF PARLIAMENT

Assembly Rule 273(3)(c) provides that an Assembly committee intending to introduce a Bill in the Assembly must first obtain the Assembly's permission. To this end, the committee must, in terms of Rule 273(1), table in the Assembly a memorandum which sets out 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.

- On 16 March, the Portfolio Committee on Police tabled a memorandum requesting the permission of the House to introduce the Independent Police Investigative Directorate Amendment Bill (the Bill) to amend the Independent Police Investigative Directorate Act, 2011 (Act 1 of 2011). This legislative proposal was considered and approved by the House on 24 April. The Bill was classified by the Joint Tagging Mechanism (JTM) in terms of Joint Rule 160(6) as a section 75 Bill.

The report of the Committee was accordingly considered and adopted by the Assembly on 4 September. The Bill was read a second time following a full debate.

- On 22 May, the Standing Committee on Finance tabled a memorandum in terms of Assembly Rule 273 in the ATC, requesting the permission of the House to introduce the Public Investment Corporation Amendment Bill to amend the Public Investment Corporation Act, 2004 (Act 23 of 2004). This legislative proposal was considered and approved by the House on 29 May.

- On 8 May, the Portfolio Committee on Home Affairs tabled a memorandum in terms of Assembly Rule 273 in the ATC, requesting the permission of the House to introduce

the Immigration Amendment Bill to amend the Immigration Act, 2002 (Act 13 of 2002). This legislative proposal was considered and approved by the House on 29 May.

[25] AD HOC JOINT COMMITTEE ON PARLIAMENTARY AND PROVINCIAL MEDICAL AID SCHEME (PARMED)

In Issue 24, Item 22, it was reported that the Houses had established the Ad Hoc Joint Committee into Parmed which had to enquire into and make recommendations to the Houses on: (1) the tariffs of members of the Parmed medical aid scheme; (2) the need for, and possible options with regard to Parmed and other competitive medical aids for members; (3) the necessity of introducing amending legislation; and (4) the impact on retired members of Parmed. In terms of the Assembly resolution, the Joint Committee had to report to the House by 30 March, and was also mandated to consult with the Judges and provincial legislatures.

A similar resolution was adopted by the Council on 7 March. While the Joint Committee was initially required to report to the Houses by 30 March, the date was extended to 28 September. At the end of the 2018 parliamentary session, the Committee had not reported to the Houses on the matter.

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

In Issue 23, Item 18, and Issue 24, Item 26, it was reported that the Assembly had established the Ad Hoc Committee on the Review of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (the Committee) by House resolution on 19 May 2016. The Committee was mandated to review the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act 4 of 2004) (the Act), taking into consideration the Constitutional Court judgment in Democratic Alliance v Speaker of the National Assembly and Others [2016] ZACC 8, to bring the Act in line with developments relating to parliamentary powers and privileges, and introduce a Bill in accordance with Chapter 13 of the Assembly Rules.

The initial deadline for the Committee to complete its task was 28 October 2016. The Assembly on 25 October 2016 adopted a motion extending the deadline by which the Committee had to report to 30 June 2017. On 15 June 2017, the House further extended the deadline by which the Committee had to report to 30 November 2017. On 28 November 2017, the deadline by which the Committee had to report to the Assembly was further extended to 29 June 2018.

The Committee tabled its Report on Powers, Privileges and Immunities of Parliament and Provincial Legislatures Amendment Bill [B 18 – 2018] in the ATC on 6 June. The Committee indicated that it had reviewed the Act beyond the implications of the Constitutional Court judgment and considered other sections of the Act for possible amendment. The Committee recommended that the Assembly pass the Committee Bill as introduced with the supporting memorandum in terms of Rule 288.

In terms of Assembly Rule 283(5), a Bill initiated and introduced by an Assembly committee does not have a First Reading but upon introduction must be placed directly on the Order Paper for Second Reading unless the Bill is referred to a joint committee. The Bill was placed on the Order Paper and scheduled for Second Reading as per the parliamentary programme.

The Assembly adopted the Report of the Committee on the Bill on 28 August. The Second Reading debate on the Bill took place on the same day, after which it was adopted by the House and transmitted to the Council for concurrence. The Council had not considered the Bill by the end of the 2018 parliamentary session.

[27] RE-ESTABLISHMENT OF AD HOC COMMITTEE ON POLITICAL PARTY FUNDING AND REFERRAL TO COMMITTEE OF BILL

In Issue 24, Item 21, we reported on the establishment on 6 June 2017, of the Ad Hoc Committee on the Funding of Political Parties (the Committee) by House resolution to enquire into and make recommendations on funding of political parties represented in national and provincial legislatures with a view to introducing amending legislation if necessary and report by 30 November 2017. In doing so, the Committee was

to consider a model of public and private funding for political parties; and the need for, and possible means of, regulating private funding in all its forms including investment entities owned by political parties (Minutes of Proceedings of the National Assembly, 6 June 2017, p.91). On 30 November 2017, the Assembly adopted the Committee's Report, which recommended that Parliament passes the Political Party Funding Bill [B 33-2017] (National Assembly – sec 75) (the Bill) introduced by the Committee on 29 November 2017.

The Bill seeks to provide for, and regulate, the public and private funding of political parties in particular: the establishment and management of funds to fund represented political parties; to prohibit certain donations made directly to political parties; to regulate disclosure of donations accepted; to determine the duties of political parties in respect of funding; to provide for powers and duties of the Independent Electoral Commission; to provide for administrative fines; to create offences and penalties; to repeal the Public Funding of Represented Political Parties Act, 1997 (Act 103 of 1997) and provide for transitional and related matters.

In terms of Assembly Rule 351, 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 Bill, which was on the Order Paper for a Second Reading, lapsed at the end of the last sitting day of the 2017 annual parliamentary session. On 27 February, the Assembly resolved to revive the Bill.

On 28 February, the House passed a resolution to re-establish the Ad Hoc Committee on the Funding of Political Parties (the Committee) with the same membership and mandate as its predecessor and instructed the Committee to incorporate in its work the proceedings and all the work of the previous Committee up to and including 28 November 2017. The House referred the Bill to the Committee and further requested that the Committee consider the financial implications of the Bill. The resolution set a deadline for the Committee to report by 30 March (Minutes of Proceedings of the National Assembly, 28 February 2018, pp.25-26).

On 27 March, the Assembly considered and adopted the Committee's Report on the Bill, with the EFF dissenting, and held a debate on the Second Reading of the Bill, after which the Bill was read a second time, with the EFF dissenting. The Bill was transmitted to the Council for concurrence.

On 28 June, the Council considered and adopted the Bill. On 3 July, the Bill was transmitted to the President for assent.

[28] REFERRAL OF MATTERS TO POWERS AND PRIVILEGES COMMITTEE

Between 24 October 2014 and 20 June, the Speaker referred 11 matters relating to allegations of contempt of Parliament, breach of privilege, and requests to have responses recorded in terms of section 25 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act 4 of 2004) (the Act) to the Powers and Privileges Committee (the Committee) for consideration and report as follows:

1. Incident involving Mr N F Shivambu

An incident in the Assembly on 17 September 2014, involving Mr N F Shivambu, was referred to the Committee for consideration and report on 24 October 2014.

2. Incident involving Ms B P Mabe

An unparliamentary remark by Ms B P Mabe, on 16 September 2014, was referred to the Committee for consideration and report on 10 December 2014.

3. Incident involving Mr M A Maimane

An unparliamentary remark by the Leader of the Opposition, Mr M A Maimane, on 13 November 2014, and his subsequent conduct were referred to the Committee for consideration and report on 10 December 2014.

4. Incident involving Mr M Waters

An unparliamentary remark by Mr M Waters on 13 November 2014, and his subsequent conduct were referred to the Committee for consideration and report on 10 December 2014.

5. Request by Mr N Howa to have response recorded

On 12 September 2016, the former Chief Executive Officer of Oakbay Investments (Pty) Ltd, Mr N Howa, requested to have a response recorded in relation to alleged defamatory statements made in the House on 8 September 2016 against Oakbay Investments (Pty) Ltd. On 20 October 2016, the request was referred to the Committee for consideration and report.

6. Incident involving alleged contempt of Parliament by former Minister of State Security

On 18 November 2016, the Economic Freedom Fighters (EFF) submitted a complaint to the Speaker alleging that the then Minister of State Security, Mr M D Mahlobo, was guilty of a breach and abuse of privilege in terms of section 13 of the Act by being dishonest in the House on 16 November 2017. The party alleged that the former 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. On 28 November 2016, the Acting Speaker referred the matter to the Committee for consideration.

7. Allegation of breach of privilege raised by Mr J H Steenhuisen

The allegation of breach of privilege raised by Mr J H Steenhuisen on 9 March 2017 during Questions to the Deputy President regarding a failure by the President to inform Parliament about the deployment of the South African National Defence Force during 2016 in accordance with the Constitution and the Defence Act, 2002 (Act 42 of 2002) was referred to the Committee for investigation and report on 13 April 2017.

8. Request by Secretary to Parliament to have response recorded

On 30 May 2017, during the debate on Budget Vote 2, Parliament, Mr N F Shivambu made certain remarks about the Secretary to Parliament, Mr G M E Mgidlana. Mr Shivambu made a statement that Mr Mgidlana was corrupt. On 24 July 2017, the Speaker referred a complaint by Mr Mgidlana, charging Mr Shivambu with contempt of Parliament, to the Committee for consideration and report.

9. Incident involving Mr M A Dirks regarding deliberate misrepresentation

On 31 August 2017, Mr M A Dirks was alleged to have shown members an inappropriate gesture in the House – a middle finger. After being asked by the presiding officer whether he had done so, the member denied having done so. Video footage however showed that the member had made the inappropriate gesture. The Speaker, on 4 September 2017, referred the matter to the Committee for consideration and report.

10. Incident involving Mr M A Dirks regarding threats against a member

On 1 December 2017, the Chief Whip of the Majority Party, Mr J M Mthembu, wrote to the Speaker, requesting an investigation into an incident which had occurred in the Assembly the previous day. The Chief Whip alleged that Mr M A Dirks insulted and threatened to assault a member, Ms T Mantashe. The Speaker referred the matter to the Committee for consideration and report on 20 June.

11. Incident involving Messrs T R Majola and T J Brauteseth allegedly preventing Mr S Emam from returning to his seat

On 25 May, after making a declaration of vote on the Second Reading of the Appropriation Bill, Mr S Emam was making his way back to his seat when he was allegedly prevented from doing so by Messrs T R Majola and T J Brauteseth. The matter was referred to the Committee on 1 June for consideration and report.

The Committee held two meetings on 8 and 15 November to consider these matters, during which it deliberated at length in respect of the matters referred to it and made the following recommendations to the House:

1. In light of Mr Shivambu's request to make a personal explanation in terms of the Rules, and his apology in the House on 4 November 2014 for showing the middle finger to the then Deputy President, Mr M C Ramaphosa, the Committee recommended that the matter be considered closed.
2. The matters with regard to Mr Maimane and Mr Waters fell within the powers of the presiding

officer and could have been dealt with at the time. The Rules have since changed, and the matter therefore should be considered closed.

3. With regard to Ms Mabe's matter, the Committee acknowledged that it could have been dealt with by a Disciplinary Committee had it been in existence at the time. Ms Mabe apologized for her reference to the Leader of the Opposition as a "bloody bastard". The Committee accepted the member's apology and recommended that the matter be considered closed.

4. In light of the request by Oakbay Investments (Pty) Ltd that they be allowed to reserve their position with regard to any engagement with the Committee, and seeing as there had been nothing forthcoming from the company since then, the matter was regarded as obsolete.

5. Regarding the allegation of contempt of Parliament against the former Minister of State Security, Mr M D Mahlobo, the Committee recommended that it should determine the process required to investigate and deal with the matter in terms of the Schedule to the National Assembly Rules.

6. In light of Mr Steenhuisen's indication not to continue with the matter regarding his complaint of breach of privilege against former President J G Zuma and the fact that President Zuma was no longer President of the Republic, and therefore not bound by the Rules, the matter be considered closed.

7. Regarding the request from the Secretary to Parliament to have a response recorded in terms of section 25 of the Act, the Committee agreed that the request be granted provided that there was agreement between it and the Secretary on the nature of the statement to be recorded.

8. With regard to the allegation that Mr M A Dirks deliberately misled the House by denying when asked whether he had shown the middle finger to members, the Committee resolved that it was a matter of discipline, and not of abuse of privilege or contempt of Parliament.

9. Similarly, regarding the allegation that Mr M A Dirks insulted and threatened to assault Ms T Mantashe in the House, the Committee resolved that it was a matter of discipline, and not of abuse of privilege or contempt of Parliament.

10. Regarding the allegation that Messrs T R Majola and T J Brauteseth prevented Mr S Emam from returning to his seat after making a declaration, the Committee resolved that it was a matter of discipline, and not of abuse of privilege or contempt of Parliament.

After interacting with the Secretary to Parliament, Mr G M E Mgidlana, the Committee reached an agreement with him on the nature of the statement to be recorded; the statement was published in the ATC of 5 December. Section 25 of the Act grants the Committee the power to publish a response if it agrees with it without having to first obtain the consent of the House.

At the end of the 2018 parliamentary session, the House had not considered the report and the recommendations of the Committee.

[29] REFERRAL OF MATTERS TO DISCIPLINARY COMMITTEE

Assembly Rule 219 provides that the Disciplinary Committee must, when requested by the Speaker, investigate any alleged misconduct by a member and report to the Speaker. On 20 November, the Speaker announced that allegations of misconduct against Mr M A Tlouamma and Mr N Paulsen during Questions to the President on 6 November, including an unrevised Hansard, a video recording of proceedings of the Assembly and Minutes of Proceedings of the National Assembly of that day, were referred to the Disciplinary Committee for investigation and report in terms of the Rule. The matters were not finalised during the 2018 parliamentary session.

STATUTORY FUNCTIONS

[30] REQUEST FOR INITIATION OF REMOVAL PROCEEDINGS AGAINST ICASA COUNCILLOR

Section 3 of the Independent Communications Authority of South Africa Act, 2000 (Act 13 of 2000) (the Act), establishes the Independent Communications Authority of South Africa (Icasa) and prescribes that it must function through a Council.

Section 5 of the Act provides, amongst others, that the Council consists of a chairperson and eight other councillors appointed by the Minister upon approval by the National Assembly. In terms of section 6 of the Act, a person may not be appointed as a councillor if he or she has at any time been convicted, whether in the Republic or elsewhere of, amongst others, theft and fraud.

The Minister of Communications informed the Assembly in a letter dated 26 January that the Chairperson of Icasa, Mr Manyaba Rubben Mohlaloga, had been convicted on charges of fraud and money laundering and requested the Assembly to commence with the process of removing him from office in terms of section 8(3)(b) of the Act. This section provides that the Minister must remove a councillor from office upon adoption by the National Assembly of a resolution calling for that councillor's removal.

On 24 April, the Assembly considered the Report of the Portfolio Committee on Communications on Recommendation for Removal of Councillor of Independent Communications Authority of South Africa, and agreed to a motion to refer it back to the Committee for further consideration and report, owing to court processes that were still pending. The Committee had not reported on the matter by the end of the 2018 annual session.

[31] DISPATCH OF TRANSCRIPTS OF MEETINGS OF PORTFOLIO COMMITTEES INVESTIGATING ALLEGATIONS OF STATE CAPTURE

On 4 April, the Deputy Chief Justice, R M M Zondo, as the Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (the Commission), wrote to the Speaker requesting transcripts of proceedings of each portfolio committee that conducted hearings involving allegations of state capture.

The Speaker acceded to the request, and instructed the administration to furnish the Commission with the relevant transcripts. A list of transcripts of the meetings of the Portfolio Committees on Public Enterprises and Home Affairs which were submitted to the Commission appear in the ATC of 12 June.

[32] ESTABLISHMENT OF AD HOC COMMITTEE TO IDENTIFY SUITABLE CANDIDATES FOR APPOINTMENT TO COMMISSION FOR GENDER EQUALITY (CGE]

Section 3(2) of the Commission for Gender Equality Act, 1996 (Act 39 of 1996) (the Act), provides that the President will appoint a member of the Commission for Gender Equality (the Commission) on the recommendation of the Assembly.

On 17 April, the Speaker wrote to the President advising him of three upcoming vacancies in the Commission on 31 December, upon the expiry of the terms of Ms Lulama Nare, Mr Mbuyiselo Albert Botha and Ms Nomasonto Grace Mazibuko. Ms Nare and Mr Botha were full-time commissioners while Ms Mazibuko was a part-time commissioner. The Speaker informed the President that Parliament would initiate the recruitment process in anticipation of the upcoming vacancies.

On 8 June, the Speaker announced in the ATC in a letter dated 10 May, that The Presidency had requested the Assembly to continue with the initiation and recruitment process in anticipation of the upcoming vacancies in the Commission in terms of the Act (ATC, 8 June 2018, p 3). The letter was referred to the Portfolio Committee on Women in The Presidency for information.

On 11 September, the House resolved to establish an Ad Hoc Committee to Identify Suitable Candidates for Filling Vacancies in the Commission for Gender Equality (the Committee) (Minutes of Proceedings of the National Assembly, 11 September 2018). The Committee consisted of 11 members as follows: ANC 6, DA 2, EFF 1, and other parties 2. The Committee was mandated to recommend, where necessary, which commissioners should be appointed as full-time commissioners and which should be appointed as part-time commissioners and to report by no later than 16 November.

Realising that the Committee would not complete its work by 16 November, the House resolved on 15 November to extend the deadline by which it had to complete its task to 28 February 2019. A declaration of vote was made on behalf of the DA.

[33] FILLING OF VACANCIES IN ELECTORAL COMMISSION

Section 6 of the Electoral Commission Act, 1996 (Act 51 of 1996) (the Act) provides that no person shall be appointed as a member of the Electoral Commission unless he or she, amongst others, has been recommended by the National Assembly by a resolution adopted by a majority of the members of the Assembly and has been nominated by a committee of the Assembly, proportionally composed of members of all parties represented in the Assembly, from a list of recommended candidates submitted to the committee by the panel. The panel is established in terms of the Act and consists of the President of the Constitutional Court (Chief Justice) as chairperson, representatives from the Human Rights Commission and the Commission on Gender Equality, and the Public Protector. The panel submits a list of no fewer than eight recommended candidates to the committee of the Assembly.

In a letter dated 27 June, the Chief Justice wrote to the Speaker requesting the Assembly to recommend to the President three candidates from the nominations submitted by the panel. On 11 July, the Speaker referred the request from the Chief Justice and the list of recommended candidates and their curricula vitae to the Portfolio Committee on Home Affairs (the Committee) for consideration and report.

At its meeting of 21 August, the Committee agreed to invite public comments on the shortlisted names and received 32 submissions. Following its deliberations on 28 August, the Committee recommended that the House approve the nomination of Judge Dyayanithie Pillay, Mr Mosotho Simon Moepya and Dr Nomsa Praisy Masuku.

On 4 September, the House approved the nomination of the three candidates in accordance with section 193(5)(b)(ii) of the Constitution, read with section 6(2)(c) of the Act. The House divided as follows: Ayes - 204, Noes - 62 and Abstentions - 2.

[34] DESIGNATION OF COMMISSIONER TO THE MAGISTRATES COMMISSION

On 30 August, the Chief Whip of the Majority Party, Mr J M Mthembu, wrote to the Speaker to indicate that the Majority Party had resolved to recall Mr M D Kekana from the Magistrates Commission (the Commission). Mr Kekana had been designated as a representative of the Assembly on the Commission on 24 June 2014. The Chief Whip further informed the Speaker that the Majority Party had nominated Mr M S A Maila to replace Mr Kekana.

Section 3(1)(a)(x) of the Magistrates Act, 1993 (Act 90 of 1993) provides that four members of the Assembly shall be designated as members of the Commission. Furthermore, it provides that at least two of the four members must be members of the opposition parties represented in the Assembly.

It is practice that nominations of Assembly members to the Commission are discussed in the Chief Whips' Forum to facilitate consensus on candidates. On 25 September, the Deputy Speaker accordingly requested the Chief Whip of the Majority Party to bring the matter to the attention of the whips and senior party representatives at a meeting of the Chief Whips' Forum. He further requested the Chief Whip to bring the necessary draft resolution before the Programme Committee for scheduling.

On 30 October, the House resolved to designate Mr M S A Maila to replace Mr M D Kekana on the Commission.

[35a] IMPLEMENTATION OF PUBLIC PROTECTOR REPORT ON ALLEGED VIOLATION OF EXECUTIVE ETHICS CODE BY MINISTER

On 31 October, the Public Protector released Report No 21 of 2018-19 on an investigation into allegations of a violation of the Executive Ethics Code by the Minister of Home Affairs, Mr Malusi Knowledge Gigaba, in which she found that the Minister had violated the Constitution, the Executive Ethics Code and the Code of Ethical Conduct and Disclosure of Members' Interests for Assembly and Permanent Council Members (the Code). In terms of the remedial actions contained in the Report, the President had to take appropriate

disciplinary action against the Minister for violating the Constitution, the Executive Ethics Code and the Code.

Section 3(5) of the Executive Members' Ethics Act, 1998 (Act 82 of 1998) (the Act), requires the President to inform the Assembly of any action taken to implement a Report of the Public Protector relating to an alleged breach of the Executive Ethics Code by a member of Cabinet. In terms of the Act, the President was required to submit, within a reasonable time but not later than 14 days after receiving the Report of the Public Protector, a copy thereof and any comments thereon together with a Report of any action taken or to be taken in regard thereto to the NA.

The President wrote to the Speaker on 13 November to inform the Assembly of the action he had taken to implement the Report of the Public Protector; he further informed the Assembly that Mr Gigaba had resigned as Minister, and that he had accepted his resignation.

The Public Protector instructed the Speaker in her Report to, within 14 days of receipt of the report from the President, refer the Minister's violation of the Code to the Joint Committee on Ethics and Members' Interests (the Joint Committee) for consideration in terms of paragraph 10 of the Code. The Speaker referred the President's letter and the Report of the Public Protector to the Joint Committee for consideration and report, and to the Portfolio Committee on Home Affairs for information on 14 November.

Mr Gigaba resigned as a member of the Assembly on 13 November, and the Joint Committee could therefore not proceed with the matter.

[35b] IMPLEMENTATION OF PUBLIC PROTECTOR REPORT ON ALLEGED VIOLATION OF EXECUTIVE ETHICS CODE BY MINISTER

On 27 February, the Speaker tabled Public Protector Report No 11 of 2017-18 on an investigation of a violation of the Executive Ethics Code by the Minister of Cooperative Governance and Traditional Affairs, Mr David Douglas van Rooyen.

Section 3(5) of the Executive Members' Ethics Act, 1998 (Act 82 of 1998) (the Act), requires the President to inform the Assembly of any action taken to implement a Report of the Public Protector relating to an alleged breach of the Executive Ethics Code by a member of Cabinet.

On 5 March, the Speaker announced that she had received a letter from the President, dated 1 March, in which the President made reference to his earlier letter to the Speaker dated 26 February, where he had indicated that he was still engaging with Mr Van Rooyen on the content of the Report, and would revert to the Assembly within the directed time frame on the action he had taken. In his letter of 1 March, the President informed the Assembly that he had relieved Mr Van Rooyen of his duties as Minister.

[36] REQUEST TO EXPEDITE PROCEDURES TO REMOVE PUBLIC PROTECTOR

The Chief Whip of the Opposition, Mr J H Steenhuisen, wrote to the Speaker on 16 February to request that Parliament initiate and expedite proceedings to remove the Public Protector, Adv B Mkhwebane, from office in terms of section 194 of the Constitution, read with section 2(1)(c) of the Public Protector Act, 1994 (Act 23 of 1994). Mr Steenhuisen submitted that Adv Mkhwebane was unfit to hold office as a result of incompetence, and offered the judgment of the North Gauteng High Court, delivered on the date of his letter, in the case of ABSA Bank Limited & Others v Public Protector and Others (48123/2017; 52883/2017; 46255/2017) [2018] ZAGPPHC 2; [2018] 2 All SA 1 (GP) (16 February 2018), as the basis for his request.

On 14 March, the Speaker referred Mr Steenhuisen's letter to the Portfolio Committee on Justice and Correctional Services (the Committee) for consideration and report. The Committee invited Mr Steenhuisen to present his case, and afforded Adv Mkhwebane an opportunity to respond.

The Committee had not reported on the matter by the end of the 2018 parliamentary session.

[37] REQUEST FOR FILLING OF VACANCIES ON PANSALB

In terms of section 5(3)(a) of the Pan South African Language Board Act, 1995 (Act 59 of 1995) (the Act), the Minister of Arts and Culture, after consultation with the Portfolio Committee on Arts and Culture (the Committee), appoints an ad hoc committee to invite the general public to nominate persons for appointment as members of the Pan South African Language Board (PanSALB).

On 8 February, the Speaker announced that the Minister had informed the Assembly that he had taken a decision to dissolve the PanSALB and that, subsequent to the Board's unsuccessful legal challenge to its dissolution, the Department of Arts and Culture called for the nomination of prospective persons to be appointed to the Board in terms of section 5(3)(a) of the Act.

In his letter, the Minister indicated that the nominations received were handed over to the Committee, which was required to shortlist, interview and compile a list of candidates to be appointed. He requested the Assembly to process the matter further.

Section 5(3)(b) of the Act provides that from the nominations forwarded to it by the ad hoc committee, the Committee shall interview, in a public and transparent manner, each of the candidates whose names appear on the shortlist, and compile and forward to the Minister a final shortlist.

On 30 October, the Speaker announced that the Minister had requested the Assembly, in terms of section 5(3)(b) of the Act, to shortlist, interview, compile and forward to the Minister a final shortlist from which to appoint members of the Board. The Minister had attached to his letter a list of nominated persons. The matter was not finalized in the 2018 parliamentary session.

[38] REQUEST FOR FILLING OF VACANCIES ON MDDA BOARD

On 12 February, the Speaker announced that the Minister of Communications had informed the Assembly that the Media Development and Diversity Agency (MDDA) Board had three vacancies which resulted from the disqualification of Mr Thami Ntenteni, who had been disqualified due to a criminal record; the expiry of the term of office of the Chairperson, Ms Phelisa Nkomo; and the resignation of Mr Ronald Lamola after he was elected onto the National Executive Committee of the African National Congress (ANC). The Minister informed the Speaker that the vacancies could create challenges as the agency could struggle to form a quorum, and requested the Assembly to initiate the process of filling the vacancies in terms of the Media Development and Diversity Agency Act, 2002 (Act 14 of 2002) (the Act). On 28 May, the Speaker announced that the Minister had further informed the Assembly that four vacancies had arisen in the MDDA Board following the resignations of Ms Palesa Kadi and Mr Ronald Lamola, and the expiry of terms of office of Ms Phelisa Nkomo and Ms Louise Vale; and requested the Assembly to initiate a process of filling the four vacancies in terms of section 4 of the Act.

On 11 September, the Speaker announced that the Minister had informed the Assembly that in terms of section 4(2) of the Act, Mr Norman Ndivhuho Munzhelele had been appointed for a period of five years, with effect from 20 July, as a non-executive member and Chairperson of the Board of the MDDA, replacing Adv Musa Shishange, a representative of the commercial print media. On 10 October, the Speaker announced that the Minister had further informed the Assembly that Mr Nkgakga (Moshoeshoe) Monare had been re-appointed by the President of the Republic, as a non-executive Board member of the MDDA for a period of three years, with effect from 14 September, in terms of section 4(1)(c) of the Act,.

The Committee decided to re-advertise the vacancies as it felt that there was not enough female representation among the candidates. The matter was not finalised in the 2018 parliamentary session.

[39] REQUEST FOR NOMINATION OF LAND BANK BOARD MEMBERS

Section 4(2) of the Land and Agricultural Development Bank Act, 2002 (Act 15 of 2002) (the Act) provides that whenever it is necessary to appoint a member of the Board, the Minister must by, amongst others,

a written invitation to the relevant parliamentary committees, call for the nomination of persons who are not disqualified in terms of section 10 of the Act to serve on the Board.

On 16 May, the Speaker announced that in a letter dated 11 May, the Minister of Finance had requested the relevant parliamentary committees to nominate by June 6, candidates for appointment to the Land Bank Board. The Minister also requested that the nominated candidates should have a background in strategic leadership, financial management, corporate law, corporate treasury, agricultural economics, agricultural research and development, development finance and/or economics in agricultural sector, credit risk and human resource management. The Speaker referred the matter to the Standing Committee on Finance and the Portfolio Committee on Agriculture, Forestry and Fisheries for consideration.

In its report, tabled in the ATC on 5 June, the Portfolio Committee on Agriculture, Forestry and Fisheries recommended Ms Rethabile Nkosi and Mr Wandile Sihlobo to the Minister for appointment.

[40] SABC BOARD RESIGNATIONS AND REQUEST FOR FILLING OF VACANCIES

Section 13(1) of the Broadcasting Act, 1999 (Act 4 of 1999) (the Act) states that the twelve non-executive members of the South African Broadcasting Corporation (SABC) Board (the Board) must be appointed by the President on the advice of the National Assembly. Subsection (8) of the Act provides that a member of the Board appointed to fill a casual vacancy must hold office for the unexpired portion of the period for which the vacating member was appointed.

On 16 May, the Speaker announced that in a letter dated 10 May, the Minister of Communications had informed the Assembly of the resignations of Ms Rachel Kalidass and Ms Febe Potgieter-Gqubule from the Board, as well as the declining by Ms Nomvuyiso Batyi of her appointment offer. The Minister also requested that the Assembly recommend two candidates for appointment, in terms of the Act, for the unexpired portion of the period for which Ms Kalidass and Ms Potgieter-Gqubule were appointed, and one candidate for the unexpired portion of the period for which Ms Batyi would have been appointed. The matter was referred to the Portfolio Committee on Communications (the Committee) for consideration and report. The Committee did not report on the matter by the end of the 2018 parliamentary session.

On 19 July, the Speaker announced that in a letter dated 11 July, the Minister informed the Assembly of the resignation of Mr V Rambau from the Board in terms of section 15(2) of the Act, effective from 29 June. The Minister requested the Assembly to recommend a candidate for appointment, in terms of section 13 of the Act, until 15 October 2022, being the unexpired portion of the period for which Mr Rambau was appointed. The matter was referred to the Committee for consideration and report. The Committee did not report on the matter by the end of the 2018 parliamentary session.

On 6 December, the Speaker announced that in a letter of the same date, the President informed the Assembly that he had, in terms of section 15(2) of the Act, accepted the resignations of Ms Khanyisile Kweyama, Mr John Matisonn, Mr Krish Naidoo and Mr Mathatha Tsedu as members of the Board; and requested the Assembly to urgently begin the process of filling the vacancies that had resulted from the resignations, as provided for in the Act. The Speaker referred the matter to the Committee for consideration and report. The Committee did not report on the matter by the end of the 2018 parliamentary session.

[41] REQUEST FOR RECOMMENDATION OF CANDIDATES TO SERVE IN THE CENTRAL DRUG AUTHORITY

Section 53(2) and (3) of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act 70 of 2008) (the Act) provides that the Central Drug Authority (the Authority) consists of, amongst others, not more than 13 other members who must be persons who have knowledge or experience in the management of the demand and supply of substances or who are able to make a substantial contribution to the combating of substance abuse. It further provides that these 13 members may be appointed only after, amongst others, the Parliamentary Committees for Social Development of the National Assembly

and the National Council of Provinces have made recommendations to the Minister in relation to such appointments after a transparent and open process of considering persons so nominated.

On 28 May, the Speaker announced that in a letter dated 25 April, the Minister of Social Development had requested an extension of the term of office of outgoing members of the Authority until the end of September, and further that the Portfolio Committee on Social Development (the Committee) shortlist, interview and recommend, in accordance with the Act, suitable candidates to serve in the Authority.

The Minister's request was referred to the Committee and the Select Committee on Social Services for consideration and report. The Committee did not report on the matter during the 2018 parliamentary session.

[42] REQUEST FOR ALLOCATION OF ADDITIONAL FUNDS FOR OFFICE OF PUBLIC PROTECTOR

On 12 February, the Speaker announced that a letter, dated 7 February, had been received from the Public Protector, requesting an urgent intervention regarding the allocation of additional funds for the office of the Public Protector. The Speaker referred the request to the Portfolio Committee on Justice and Correctional Services (the Committee) for consideration and report and to the Standing Committee on Finance.

In its Report dated 8 May, the Committee noted the request for additional funds, and indicated that while it understood why the request was made and was largely sympathetic to it, the request came at a time when all departments, entities and institutions were being asked to compromise. It further indicated that it had proposed in its previous Budgetary Review and Recommendation Report (BRRR) that the Public Protector be given additional funding for increased investigative capacity and for the increased costs of litigation. The response from the Minister of Finance was that, due to a constrained fiscal outlook, the scope to provide additional funding was limited, further that entities and constitutional institutions were required to reprioritise funds within their existing baselines to fund any emerging priorities.

In its BRRR of 24 October, the Committee again considered the request for additional funding by the Public Protector and expressed a view that the funding model applicable to institutions supporting constitutional democracy required a complete overhaul (ATC, 25 October 2018, pp 174-245).

On 21 November, the Assembly considered the Report of the Committee. Declarations of vote were made on behalf of the DA, EFF, IFP, NFP, UDM, ACDP and ANC. The report was adopted by the Assembly with the EFF dissenting (Minutes of Proceedings of the National Assembly, 21 November 2018, p 354).

ABBREVIATIONS

ATC	Announcements, Tablings and Committee Reports (a daily parliamentary paper which is effectively an appendix to the Minutes of Proceedings)
BRRR	Budgetary Review and Recommendation Report
CGE	Commission for Gender Equality
DBSA	Development Bank of Southern Africa
HLP	High-Level Panel
Icasa	Independent Communications Authority of South Africa
IPID	Independent Police Investigative Directorate
JRC	Joint Rules Committee
JTM	Joint Tagging Mechanism
LOGB	Leader of Government Business
MDDA	Media Development and Diversity Agency
NA	National Assembly
NCOP	National Council of Provinces
NEC	National Executive Committee
Pansalb	Pan South African Language Board
Parmed	Parliamentary and Provincial Medical Aid Scheme
PBO	Parliamentary Budget Office
SABC	South African Broadcasting Corporation
SONA	State of the Nation Address

PARTIES

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

Annexure 1

MEMBERSHIP OF THE ASSEMBLY

In the fifth session of the Fifth 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, 1998 (Act 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 2018:

- Mr M S Mbatha (EFF – GP) resigned wef 1 January 2018. Replaced by Ms N Nolutshungu wef 5 January 2018.
- Mr C Nqakula (ANC – National) resigned wef 31 July 2018. Replaced by Ms L D Meso wef 17 August 2018.
- Mr L R Mbinda (PAC – National) lost his membership in terms of section 47(3)(c) of the Constitution wef 13 September 2018.
- Ms V Ketabahle (EFF – National) resigned wef 31 August 2018. Replaced by Ms Y N Yako wef 3 September 2018.
- Ms M O Mokause (EFF – National) resigned wef 1 January 2018. Replaced by Ms N K F Hlonyana wef 1 January 2018.
- Mr B R Topham (DA – National) resigned wef 19 March 2018. Replaced by Ms T K Motshidi wef 5 June 2018.
- Mr N M Nene (ANC – KZN) resigned wef 9 December 2015. Mr S E Mchunu was not available to take up his seat. Replaced by Mr N M Nene wef 26 February 2018. Mr N M Nene (ANC – KZN) resigned wef 9 October 2018.
- Mr T M Manyoni (ANC – FS) resigned wef 15 May 2017. Replaced by Mr N V Xaba wef 26 February 2018.
- Ms N G Tolashe (ANC – National) resigned wef 25 February 2018. Replaced by Mr D J Kabini wef 31 July 2018.
- Mr T J Bonhomme (ANC – KZN) passed away on 29 July 2017. Replaced by Dr Z L Mkhize wef 26 February 2018.
- Mrs C Visser (DA – National) resigned wef 16 August 2018. Replaced by Mr J J McGluwa wef 16 August 2018.
- Dr M B Khoza (ANC – KZN) lost her membership in terms of section 47(3)(c) of the Constitution wef 21 September 2017. Replaced by Mr N T Nhleko wef 26 February 2018.
- Mr S P Mabilo (ANC – NC) resigned wef 17 October 2017. Replaced by Mr A Botes wef 21 February 2018
- Mr G Mackay (DA – GP) resigned wef 31 January 2018. Replaced by Ms G S A Ngwenya wef 20 February 2018.
- Mr M C Ramaphosa (ANC – National) was elected as President of the Republic on 15 February 2018. Ceased to be a member of the NA in terms of section 87 of the Constitution. Replaced by Ms N P Mokonyane wef 30 July 2018.
- Ms B T Ngcobo (ANC – KZN) passed away on 18 February 2018. Replaced by Ms P N Nkonyeni wef 26 February 2018.
- Ms D P Manana (ANC – MP) resigned wef 26 February 2018. Replaced by Ms M R Mhaule wef 26 February 2018.
- Mr J J Skosana (ANC – MP) resigned wef 26 February 2018. Replaced by Mr D D Mabuza wef 26 February 2018.
- Ms L Brown (ANC – National) resigned wef 27 February 2018. Replaced by Ms T C Majola wef 30 July 2018.
- Ms F S Loliwe (ANC – EC) passed away on 5 March 2018. Replaced by Ms N Abrahams-Ntantiso wef 31 July 2018.
- Mr F A Mbalula (ANC – National) resigned wef 26 February 2018. Replaced by Ms E N N

Molekane wef 30 July 2018.

- Ms N W Madikizela-Mandela (ANC – National) passed away on 2 April 2018. Replaced by Mr A M Seabi wef 30 July 2018.
- Mr G S Rabede (ANC – MP) passed away on 19 June 2018. Replaced by Ms B C Ndlovu wef 17 August 2018.
- Ms Z Jongbloed (DA – National) passed away on 21 July 2018. Replaced by Mr J J Londt wef 7 September 2018.
- Mr M C Manana (ANC – National) resigned wef 24 July 2018. Replaced by Ms N F Shabalala wef 31 July 2018.
- Mr I M Ollis (DA – National) resigned wef 31 August 2018. Replaced by Mr M S Shackleton wef 1 September 2018.
- Ms N A Mnisi (ANC – MP) passed away on 18 September 2018.
- Ms B E E Molewa (ANC – National) passed away on 22 September 2018.
- Mr G R Davis (DA – National) resigned wef 15 October 2018. Replaced by Mr H P Geyer wef 16 October 2018.
- Mr M S Motimele (ANC – LP) resigned wef 30 November 2018.
- Mr J Vos (DA – National) resigned wef 11 November 2018.
- Mr K M N Gigaba (ANC – National) resigned wef 13 November 2018.

Annexure 2

LIST OF CONDOLENCE MOTIONS AND TRIBUTES TO FORMER MEMBERS AND PROMINENT PERSONS

- Mr Laloo Chiba was a struggle veteran and stalwart of the African National Congress (ANC) and passed away on 8 December 2017. He was a member of the Transvaal Indian Congress and later the South African Communist Party. He joined uMkhonto weSizwe (MK) in 1961, was promoted to a platoon commander in 1962, and became a member of MK's Second National High Command in 1963. Mr Chiba was arrested in April 1963 for planning to sabotage a railway line and was detained under the 90-day detention laws. In October 1964, he was charged for his membership of the High Command of MK and sentenced to 18 years' imprisonment on Robben Island Prison's B-Section alongside Nelson Mandela, Walter Sisulu, Ahmed Kathrada and others. He was released from prison in 1982 and became active in the United Democratic Front, and continued to work for the ANC underground. Mr Chiba was a Member of Parliament in the first and second democratic Parliaments in 1994 and 1999. He also served as a board member of the Ahmed Kathrada Foundation and was conferred by the South African Government with The Order of Luthuli in Silver in 2004, for his lifetime work towards the struggle for a non-racial, non-sexist, just and democratic South Africa. The motion on his passing was debated and agreed to by the Assembly on 1 March, members standing.

- Ms Beatrice Thembekile Ngcobo passed away on 18 February 2018 and was a Member of Parliament in the National Assembly. At the time of her passing, she was the chairperson of the Portfolio Committee on Tourism and had been an ANC Member of Parliament since 2004. She had previously served as a commissioner in the Commission for Gender Equality from 1997 to 2004. Ms Ngcobo held a Master's degree in Social Sciences and a Diploma in Advanced Nursing Education from the University of

KwaZulu-Natal. The motion on her passing was debated and agreed to by the Assembly on 1 March, members standing.

- Ms Fezeka Sister Loliwe passed away on 5 March 2018 and was a member of the African National Congress (ANC) and a member of Parliament. She joined Parliament in 2014 and served as the Chairperson of the Portfolio Committee on Labour. She had previously served as the ANC Whip on the same Committee and was also a member of the Ad Hoc Committee that conducted the Inquiry into the Board of the South African Broadcasting Corporation. Ms Loliwe served in the leadership of various structures of the mass democratic movements, such as civic and political organisations. At the time of her passing, she was serving as a Central Committee member of the South African Communist Party and a Regional Committee member of the ANC in the Dr W B Rubusana region in East London. The motion on her passing was debated and agreed to by the Assembly on 27 March, members standing.

- Dr Zola Sidney Themba Skweyiya passed away on 11 April 2018 and was a veteran of the African National Congress (ANC), constitutional expert, diplomat and leader. He joined the ANC in 1956, and was an organiser until he went into exile in 1963 to Tanzania and later Lusaka, Zambia. The ANC sent him to the German Democratic Republic to study law; he obtained an LLD degree from the University of Leipzig in 1978. Dr Skweyiya worked for the ANC in various offices and capacities and was responsible for setting up the ANC office in Addis Ababa, Ethiopia. Between 1982 and 1985, he represented the ANC at the Organisation of African Unity (OAU), before he was recalled to Lusaka to set up the ANC Legal and Constitutional Department. He headed this department in Zambia until 1990, and again until 1994 in Johannesburg, whereafter he chaired the ANC Constitution Committee and served on its National Executive Committee until 2012. Dr Skweyiya played a critical role in the constitutional negotiations, not only in the Convention for a Democratic South Africa (CODESA), but also in engaging with ANC structures, the legal fraternity and other alliances and civil society formations on the CODESA process. He contributed to the founding of the Centre for Development Studies and the South African Legal Defence Fund at the University of the Western Cape. He became a Member of Parliament in 1994 and immediately assumed the position of Minister of Public Service and Administration. In 1999, he was appointed as Minister of Social Development, a post he held for the next ten years until 2009; and thereafter, he was appointed as a diplomat to the United Kingdom. He also spearheaded the implementation of the social protection system, including child grants and the formation of the South African Social Security Agency. The motion on his passing was agreed to by the Assembly on 24 April, members standing.

- Mr Goodwill Sibusiso Radebe passed away on 19 June 2018 and was an African National Congress (ANC) member of Parliament from 2009 and served on the Portfolio Committee on Higher Education and Training, the Portfolio Committee on Energy and the Portfolio Committee on Transport. He served in various structures of the mass democratic movement in Mpumalanga, including as Deputy Secretary of the Congress of South African Students (COSAS) in Mpumalanga in 1994 and as Chairperson of the South African Students Congress (SASCO) at the Tshwane University of Technology (TUT) in 1998. Mr Radebe was part of the task team that had been tasked with establishing branches of the Young Communist League in Mpumalanga and was elected as one of the first district secretaries in the Gert Sibande District. He was also elected Provincial Treasurer of the African National Congress Youth League (ANCYL) in Mpumalanga. The motion on his passing was debated and agreed to by the Assembly on 23 August, members standing.

- Ms Zelda Jongbloed passed away on 21 July 2018 and served as a Democratic Alliance (DA) Member of Parliament and its Constituency Head for the Kannaland Constituency in the Western Cape. She also served on the Portfolio Committees on Public Service and Administration; Agriculture, Forestry and Fisheries; and the Multiparty Women's Caucus. She was also a prominent figure in the media world, working for Rapport and Die Burger in

senior positions before she joined the DA as a public representative. The motion on her passing was debated and agreed to by the Assembly on 23 August, members standing.

- Mr Kofi Annan was the former Secretary-General of the United Nations (UN). He passed away on 18 August 2018. Mr Annan was born on 8 April 1938, one of twin sons of the manager of a chemical company in Kumasi, now a city in the Ashanti Region of Ghana. He studied economics, international relations and management in Ghana, the United States and Geneva. In 1962, he joined the UN as a budget officer for the World Health Organisation and in 1992, after 30 years of climbing through the ranks of various UN bodies, was appointed Deputy to the Under-Secretary-General of the Department of Peace-keeping Operations. He became Under-Secretary-General in 1993. The start of his term as Secretary-General, on 1 January 1997, made him the first employee to rise to the position of Secretary-General. Tributes to him were concluded by the Assembly on 6 September, members standing.

- Ms Edna Molewa passed away on 22 September 2018 and was the Minister of Environmental Affairs, a member of the National Executive Committee of the African National Congress and the National Working Committee of the ANC Women's League She was the first female to become a provincial chairperson of the ANC and in 2004, became the first female Premier of the North West provincial government, a post she filled until 2009. Before she was appointed Minister of Water and Environmental Affairs in 2010, she served as MEC for Social Development in the North West Province. It was under her stewardship of the Environmental Affairs Department that the historic Paris Agreement to combat climate change was signed at the United Nations in April 2016, a global feat that she was credited for having played a large part in. In July 2016, she was awarded one of France's top honours, the Officier de 'Ordre National de la Légion d'Honneur, the honour celebrating accomplishments of distinguished individuals, irrespective of their nationality. The motion on her passing was debated and agreed to by the Assembly on 1 November, members standing.

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

Parliament of the Republic of South Africa,
P O Box 15, Cape Town 8000.