

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 15th issue covers the first session of the Fourth Parliament from May to December 2009. Where no year appears next to a particular month in the text, the reference is made to 2009.

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PRESIDING OFFICERS AND OTHER OFFICE-BEARERS

[1] FIRST SITTING OF ASSEMBLY AFTER ELECTIONS

Section 51(1), read with sections 52(2) and 86(2) of the Constitution, determines that after an election the first sitting of the National Assembly must take place on a date determined by the Chief Justice but not more than 14 days after the election result has been declared by the Electoral Commission. The Commission declared the election results on 25 April. Chief Justice Pius Langa, by general notice signed on 29 April and published in the *Gazette* of 30 April, announced that he had “fixed Wednesday, 6 May 2009, at 10:30, as the date and time, and the Chamber of the National Assembly in the Houses of Parliament, Cape Town, as the place for the nomination and election of the Speaker and Deputy Speaker of the National Assembly and 14:00 for the nomination and election of the President of the Republic of South Africa.”

Swearing-in of Members of the National Assembly and election of Speaker and Deputy Speaker

In terms of the Constitution, the Chief Justice presides over the swearing-in of members, the election of the Speaker and the election of the President. Accordingly, Chief Justice Langa opened proceedings on 6 May at 10:30. Members were sworn-in in groups of more or less ten. Once members had been sworn-in they were eligible to participate and vote in the Assembly.

The first order of business after the swearing-in of members was the election of the Speaker. The Chief Justice announced that the election rules as contemplated in Item 9 of Part A of Schedule 3 to the Constitution had been made available to members. Mr M V Sisulu was nominated by Mr A Mlangeni, and seconded by Ms N J Ngele, for election as Speaker of the National Assembly. The nomination being in order and in the absence of further nominations, the Chief Justice declared Mr Sisulu duly elected as Speaker. The Chief Justice congratulated Mr Sisulu on behalf of all present and invited him to take the Chair, whereupon the Speaker expressed his sense of the honour conferred upon him. With the Speaker presiding, the House proceeded to elect the Deputy Speaker. Ms N C Mfeketo was nominated by Ms N B Gxowa, and seconded by Mr E Mtshali, for election as Deputy Speaker. As there were no further nominations the Speaker declared Ms Mfeketo duly elected as Deputy Speaker. After the election of the Deputy Speaker the House was blessed by religious leaders and thereafter proceedings were suspended.

Election of the President

Business resumed at 14:03. The Speaker took the Chair and announced that the House would proceed to the election of the President. He then invited the Chief Justice to take the Chair as required by the Constitution.

The Chief Justice called for nominations. Mr J G Zuma was nominated for election by Ms N W Madikizela-Mandela and seconded by Mr N L Diale. Rev H M Dandala was nominated for election by Mr M S Shilowa and seconded by Ms L M Odendaal. As there was more than one nomination the Chief Justice announced that voting would take place by secret ballot in terms of item 6 of Part A of Schedule 3 to the Constitution. Proceedings were suspended at 14:18 for the purpose of preparing the ballot papers for the election of the President. At 14:30, the House proceeded to the secret ballot for the election of the President. The returning officer called members in groups of 10 to cast their votes. At 16:00, the Chief Justice took the Chair and announced the results of the ballot as follows: Rev Dandala: 47 votes and Mr Zuma: 277 votes. Mr Zuma was accordingly declared the elected President of the Republic. The Speaker then took the Chair, thanked the Chief Justice for conducting the proceedings and gave parties and the President-elect an opportunity to address the House.

[2] APPOINTMENT OF POLITICAL OFFICE-BEARERS

On 26 May, the Speaker announced in the House that the following office-bearers had been appointed by their respective parties: Dr M S Motshekga as Chief Whip of the Majority Party, Mr G Magwanishe as Deputy Chief Whip of the Majority Party and Mr I O Davidson as Chief Whip of the Opposition.

The Speaker further announced that he had been informed that Mr R A P Trollip had been elected by the Democratic Alliance as its parliamentary leader and therefore Leader of the Opposition in terms of section 57(2)(d) of the Constitution.

At the same sitting the Speaker also announced that he had, in terms of Rule 319, designated Ms A Dlodlo as Parliamentary Counsellor to the President and Mr J H Jeffery as Parliamentary Counsellor to the Deputy President, with effect from 20 May.

The Speaker further announced that he had been informed that the Deputy President, Mr K P Motlanthe, had been designated Leader of Government Business in the National Assembly in terms of section 91(4) of the Constitution.

[3] ADOPTION OF NEW FORMULA FOR APPOINTMENT OF WHIPS

Whips are appointed by the Speaker on the recommendation of the parties. The number of whips that a party may appoint is proportional to the number of its members in the National Assembly. In determining the number of whips for the Assembly, the Chief Whip and Deputy Chief Whip of the Majority Party and the Chief Whip of the Opposition are not taken into account.

The National Assembly Rules Committee agreed on 22 May, to a recommendation by the Speaker, that the formula of 1 whip for every 8,69 members be applied in the Fourth Parliament. This allowed a total of 46 whips to be appointed in the Assembly. The ANC was allocated 30 whips, the DA 8 whips, Cope 3 whips, the IFP 2 whips and the combined group of 9 smaller parties could recommend 3 whips for appointment.

However, it was further agreed that the Speaker would give consideration to adjusting the formula for the appointment of whips to 1 whip for every 7,5 members.

On 6 July, the Speaker approved the new formula of 1 whip for every 7,5 members. The new formula increased the number of whips in the Assembly from 46 to 53. This entitled the ANC to 35 whips, the DA to 9 whips, Cope to 4 whips, the IFP to 2 whips and the combined group of smaller parties could recommend 3 whips for appointment.

[4] ELECTION AND PUBLICATION OF ROLES AND RESPONSIBILITIES OF HOUSE CHAIRPERSONS

The Constitution in section 52(5) provides that the National Assembly may, in terms of its rules and orders, elect members as presiding officers to assist the Speaker and Deputy Speaker. In terms of Assembly Rule 14(1), the House must elect three members as House Chairpersons for the duration of the House.

On 26 May, on a motion by the Chief Whip of the Majority Party, the House appointed Mr K O Bapela, Ms M N Oliphant and Mr M B Skosana as House Chairpersons.

As required by Assembly Rule 14(2) the Speaker allocated functions and responsibilities to the three House Chairpersons and announced such allocations in the Announcements, Tablings and Committee Reports (ATC) of 1 July.

Mr Skosana was allocated the functions and responsibilities of House Chairperson: Internal Arrangements, namely:

1. Ensuring wellbeing and interests of members;
2. Overseeing and ensuring alignment of structures dealing with members' interests and facilities;
3. Receiving and providing reports on issues of members' interests;
4. Ensuring the enhancement of capacity of members;
5. Ensuring the development and implementation of policy in respect of former members;
6. Developing and proposing policy on benefits and facilities for former members;
7. Ensuring that the Members' Support Office implements the approved policies;
8. Deputising for the Deputy Speaker on the Board of the Parliamentary Villages Committee; and
9. Participating in liaison with various parliamentary committees, e.g. NA Programme Committee, Chief Whips' Forum, NA Forum, NA Rules Committee, Joint Rules Committee, Joint Parliamentary Budget Forum.

Ms Oliphant was allocated the functions and responsibilities of House Chairperson: International Relations, namely:

1. International relations;
2. Relations with United Nations (UN) agencies and other international bodies in South Africa;
3. Bilateral relations;
4. Multilateral relations; and
5. Public education and relations.

Mr Bapela was allocated the functions and responsibilities of House Chairperson: Committees, namely:

1. Broad responsibility to implement any policy, directive or guideline on the scheduling and co-ordination of committee meetings, as well as the general management of all Assembly committees and subcommittees;
2. Oversight and public participation; and
3. Information and communication technology.

MEMBERS

[5] MEMBERSHIP OF ASSEMBLY

The members for the National Assembly of the fourth Parliament (2009-2014) were designated by the Electoral Commission on 28 April. The proportional strength of parties is indicated in the following table:

Parties		National to National (Seats)	Regional to National (Seats)	Total (Seats)	% of Total
African National Congress	ANC	138	126	264	66
Democratic Alliance	DA		67	67	16.75
Congress of the People	Cope	14	16	30	7.5
Inkatha Freedom Party	IFP	9	9	18	4.5
Independent Democrats	ID	1	3	4	1
United Democratic Movement	UDM	1	3	4	1
Freedom Front Plus	FF+	1	3	4	1
African Christian Democratic Party	ACDP	0	3	3	0.75
United Christian Democratic Party	UCDP	1	1	2	0.5
Pan Africanist Congress of Azania	PAC	0	1	1	0.25
Minority Front	MF	0	1	1	0.25
Azanian People's Organisation	Azapo	0	1	1	0.25
African People's Convention	APC	0	1	1	0.25

Vacancies in the National Assembly occur due to the resignation of a member from the Assembly or from the party a member represents in the Assembly, the passing away of members or when a member ceases to be eligible to be a member. Vacancies are filled in terms of the Electoral Act, No 78 of 1998, which stipulates that casual vacancies have to be filled by parties nominating the next qualified and available member from the party list. For the list of members sworn in on 6 May, see Annexure 1.

The following vacancies which occurred in the Assembly were filled in the period 28 April to 16 December:

1. Mr S I Thusi (Cope – Gauteng) resigned before the election and was replaced by Mr P D Poho with effect from 4 May.
2. Mr M G P Lekota (Cope – National) was not available to take up his seat and was replaced by Ms C M P Kotsi with effect from 4 May.
3. Mr B L Mashile (ANC – Mpumalanga) was not available to take up his seat and was replaced by Ms R E Nyalungu with effect from 29 April.

4. Ms B Mbete (ANC – National) was not available to take up her seat and was replaced by Mr D D van Rooyen with effect from 27 July.
5. Mr D V Bloem (ANC – National) ceased to be a member of the ANC and was replaced by Mr V G Smith with effect from 29 April.
6. Mr A A E Seirlis (ID – National) resigned with effect from 27 April and was replaced by Mr J J McGluwa with effect from 28 April.
7. Mr H K Ditshitelo (UCDP – National) resigned with effect from 28 April and was replaced by Ms M N Matladi with effect from 29 April.
8. Dr Z S T Skweyiya (ANC – National) resigned with effect from 5 May and was replaced by Dr S C Cwele with effect from 6 May.
9. Ms N C Routledge (ANC – National) resigned with effect from 5 May and was replaced by Ms P E Adams with effect from 5 May.
10. Mr T J Mathebula (ANC – National) resigned with effect from 5 May and was replaced by Mr E N N Ngcobo with effect from 5 May.
11. Mr J G Zuma (ANC – National) was elected as President of the Republic on 6 May. Ceased to be a member of the National Assembly in terms of section 87 of the Constitution. He was replaced by Ms T E Lishivha with effect from 12 May.
12. Ms K N Shoba (ANC – Mpumalanga) passed away on 9 May and was replaced by Ms T D Chiloane with effect from 21 May.
13. Mr C Nqakula (ANC – National) resigned with effect from 1 June and was replaced by Ms T B Sunduza with effect from 11 June.
14. Mr M B M Mpahlwa (ANC – National) resigned with effect from 1 June and was replaced by Mr Z L Madasa with effect from 13 June.
15. Mr O E Monareng (ANC – Gauteng) resigned with effect from 8 June and was replaced by Mr J B Sibanyoni with effect from 23 June.
16. Ms L D Zulu (ANC – National) resigned with effect from 6 July and was replaced by Ms N D Ngcengwane with effect from 29 July.
17. Ms L M Odendaal (Cope – National) resigned with effect from 7 July and was replaced by Mr L Ramatlakane with effect from 15 July.
18. Mr B M Balfour (ANC – National) resigned with effect from 1 August and was replaced by Mr G G Oliphant with effect from 5 August.
19. Ms L B Hendricks (ANC – National) resigned with effect from 5 August and was replaced by Ms A van Wyk with effect from 5 August.
20. Mr W D Spies (FF Plus – Gauteng) resigned with effect from 1 September and was replaced by Adv A D Alberts with effect from 1 September.

21. Mr F T Masango (ANC – Gauteng) passed away on 18 September and was replaced by Mr A D Mokoena with effect from 26 November.
22. Dr Z P Jordan (ANC – National) resigned with effect from 21 October and was replaced by Mr A M Maziya with effect from 26 November.
23. Mr J Schmidt (DA – Free State) passed away on 23 November and was replaced by Mr D C Ross with effect from 1 December.

Mr R Coetzee (DA – Western Cape) resigned with effect from 30 June and Dr M E Tshabalala-Msimang (ANC – National) passed away on 16 December. These vacancies had not been filled by 31 December.

PROCEDURAL AND RELATED ISSUES

[6] SELECTED RULINGS

- **Ruling on point of order regarding re-adoption of Assembly rules**

During the Assembly's first ordinary sitting on 10 June, a member of the IFP rose on a point of order contending that it was a constitutional requirement for the National Assembly to readopt its rules and orders, with or without amendments, at the start of each new Parliament before it could proceed to conduct its business. The member had been making this point in various forums and on various occasions in Parliament before the sitting.

In response to the member's point of order on the same day, the Speaker ruled as follows:

The standing rules are not safeguarded by any special procedure against amendment, repeal or suspension, whether explicitly or by any order contrary to their purport. Each House has full authority over its proceedings, except in so far as such procedure is prescribed by statute. There is, however, no specific constitutional requirement that enjoins the House to readopt its rules and orders at the start of each new Parliament. Rules which the House or its predecessor adopted bind it, subject to its own power to suspend, amend, replace or repeal them.

In other words, the existence of a new Parliament does not invalidate the decisions and resolutions of previous Parliaments. They remain valid until such time as they are amended or rescinded by a new Parliament. The same argument applies to the Rules of the Assembly. They were adopted by the House and remain valid until amended or adjusted by a new decision of the House.

Also, should the House be required to readopt its rules at the first sitting of each new Parliament, newly elected members who are not familiar with the complexity and details of the rules will be at a definite disadvantage. It would, of course, amount to best practice if proposed rule amendments are first properly discussed, debated and considered by the Rules Committee, a forum in which all parties are represented.

A ruling having been made, the matter was not raised further.

- **Ruling on point of order regarding comments by Minister**

During a debate on the budget vote of the Presidency on 24 June, the Minister of Higher Education made certain remarks to which a member of Cope objected. The Minister, among other things, said:

There is one plea I would like to make, maybe not to you, hon Mfundisi, Dandala, directly, maybe to the gentleman sitting next to you. Frankly, I think Cope must stop lecturing us on democracy. You have not gone through a single democratic process since your convention. You are sitting here in this Parliament on a list that was concocted at Emperor's Palace behind people's backs.

The member, to whom the Minister's remarks were directed, rose on a point of order. Mr K O Bapela, who presided at the time, ruled that the remarks were of a general nature and made with reference to a party. The member requested the presiding officer to look at the Hansard, whereupon the presiding officer undertook to look at the Hansard and return to the House with a considered ruling.

In the plenary of 2 July, Mr Bapela delivered the following ruling:

. . . The remarks by the Minister were an expression of a political point of view and a matter of debate and therefore not out of order.

While I still maintain my previous ruling on this matter, I would like to remind members that it is the duty of the chair to determine whether words used are offensive or disorderly. The chair's judgment depends on the nature of the word and the context it is used in. It would, for instance, not be in order to use offensive or unbecoming words against a political party with the intention of reflecting upon members of the House.

A ruling having been made, the matter was not raised further.

[7] CONDOLENCE MOTION FOR EX-MEMBER – MEMBERS STANDING

Prof Dirk du Toit, a member of the African National Congress, who served as a member of the National Assembly from 1994 to the end of the third Parliament in 2009, passed away on Monday, 1 June. At the end of the third Parliament he was Deputy Minister of Agriculture and Land Affairs.

A condolence motion was moved in the House by the Chief Whip of the Majority Party on 10 June. It is customary for the House to stand for a moment of silence when adopting a motion of condolence for a sitting member. Ex-members are not normally afforded this. However, the Speaker decided that the House would stand on this occasion and other similar occasions.

[8] INQUIRY INTO SABC BOARD BY COMMITTEE

The South African Broadcasting Corporation (SABC) Board was scheduled to appear before the Portfolio Committee on Communications on 18 June to present its strategic plan and budget for 2009-2010. However, on 17 June, the chairperson of the committee convened a special meeting to consider a number of issues that had appeared in media reports in regard to the resignation of the majority of the Board's members, including its chairperson and deputy chairperson which rendered it dysfunctional, the SABC's cash flow crisis, the salary disputes between the SABC and labour unions, the protests by independent producers relating to the non-payment of fees due to them, the recent court ruling regarding the suspension of the Group CEO and the perceived breakdown in effective corporate governance at the SABC.

On the basis of its deliberations on 17 June, the committee agreed to conduct an urgent inquiry into the SABC Board in terms of section 15A(1)(b) of the Broadcasting Act, No 4 of 1999, read with Assembly Rule 201(1)(c). This section of the Act provides that the National Assembly may, after due inquiry and by the adoption of a resolution, recommend the dissolution of the Board if it fails in any way to discharge its fiduciary duties or adhere to the Charter of the SABC or carry out its duties in accordance with section 13(11) of the Act.

The inquiry into the Board commenced on 18 June and continued on 23 and 24 June. In its interaction with the

Board, the committee noted that eight members of the Board had resigned and it therefore inquired into the legal status of the Board given its membership at the time, since the Board was no longer able to form a quorum of nine members. After hearing submissions from the Board, the committee recommended to the Assembly that the appointing authority (the President) dissolve the Board. On 1 July, the Assembly adopted the report of the committee and instructed the committee to commence the process of recommending five persons for appointment to an interim Board as envisaged in section 15A(3)(a) of the Act once the Board had been dissolved. The committee was also tasked by the Assembly to recommend a chairperson and a deputy chairperson of the interim Board from among the five persons.

On 3 July, the committee reported to the Assembly that it recommended the following five persons for appointment to the interim Board of the SABC, namely Ms I Charnley (chairperson), Dr P F Mtinkulu (deputy chairperson), Ms L Lloyd, Mr L K Sedibe and Ms S Vos. The DA, Cope and the ID expressed dissenting views on the report in the committee. On 7 July, the Assembly endorsed the recommendations of the committee in regard to the composition of an interim Board.

The Minister of Communications, in a letter dated 7 July, requested the Assembly to advise the President in respect of 12 candidates for appointment as non-executive members of the SABC's permanent Board in accordance with the relevant provisions of the Act. On 17 September, the committee reported to the Assembly that it recommended the following candidates for appointment: Mr C S Gina, Mr D K Golding, Ms P M Green, Mr P J Harris, Ms B J M Masekela, Mr M A Mello, Mr N C Motsepe, Dr B S Ngubane, Mr D C Niddrie, Ms C F O'Neil, Ms F L Sekha and Ms S C Vos (*ATC, 17 September, pp878-879*). On 15 October, the Assembly agreed that the 12 candidates mentioned above should be recommended for appointment as non-executive members to the SABC Board (*Minutes, 15 October, p1064*).

[9] JOINT SITTINGS

• Second Joint Sitting on State of the Nation Address in 2009

The Speaker was informed in a letter from President J G Zuma dated 21 May that he had called a Joint Sitting on 3 June to deliver his state of the nation address to the newly-constituted fourth Parliament.

This was the second address on the state of the nation for the year since the first address was delivered to the last session of the third Parliament on 6 February by Mr K P Motlanthe who was President at the time.

- **Joint Sitting in celebration of Mandela Day**

The National Assembly Programme Committee agreed on 2 July to schedule a debate in celebration of Mandela Day. The proposal was made following an announcement by the President that 18 July be celebrated as Mandela Day.

On 7 July, the Speaker of the National Assembly and the Chairperson of the National Council of Provinces, in terms of Joint Rule 7(2), called a Joint Sitting of the Houses of Parliament for 8 July to conduct a debate in celebration of Mandela Day (*ATC, 7 July, p394*). The debate which was scheduled for 67 minutes focused on, among other things, the roles played by former President Mandela during the 67 years of his life that he gave to building a better South Africa and a better world.

- **Debate on National Women's Day**

On 20 August, the National Assembly Programme Committee agreed to schedule a debate on National Women's Day. On 25 August, the Speaker of the National Assembly and the Chairperson of the National Council of Provinces, in terms of Joint Rule 7(2), called a Joint Sitting of the Houses of Parliament for 27 August for a debate on National Women's Day (*ATC, 25 August, p589*). The debate had as its theme "Together empowering women for gender development and equality" and commemorated the heroic struggle of women in the 1950s and drew attention to the struggles currently faced by women.

- **Debate on preparations for the 2010 FIFA World Cup**

The National Assembly Programme Committee agreed on 29 October to schedule a debate on preparations for the 2010 FIFA World Cup.

On 4 November, the Speaker of the National Assembly and the Acting Chairperson of the National Council of Provinces, in terms of Joint Rule 7(2), called a Joint Sitting of the Houses of Parliament for 10 November to debate the preparations for the 2010 FIFA World Cup (*ATC, 4 November, p 1467*). The debate focused, among others, on the state of readiness of the stadiums and associated infrastructure throughout the country, as well as the legacy that would be left behind for the benefit of future generations.

- **Farewell to outgoing Chief Justice and welcoming of incoming Chief Justice**

On 26 October, the Speaker of the National Assembly and the Chairperson of the NCOP received a message from the

President of the Republic requesting that a Joint Sitting of the National Assembly and the National Council of Provinces be convened on 11 November to bid farewell to the outgoing Chief Justice Pius Langa and to welcome the incoming Chief Justice Sandile Ngcobo. The Joint Sitting was convened in terms of section 42(5) of the Constitution, read with Joint Rule 7(1)(b) of the Joint Rules of Parliament.

On 29 October, a motion was moved in the House to invite retired Chief Justice Langa and the new Chief Justice Ngcobo to attend and participate in the Joint Sitting.

In addition to the President and members, the outgoing Chief Justice and the incoming Chief Justice also addressed the Joint Sitting. In this instance, all three arms of government were represented at the Joint Sitting.

[10] REVIVAL OF LAPSED BILLS

On 7 July, the Assembly resolved that the following bills, which were on the Order Paper and that lapsed at the end of the third Parliament, be revived and resume their consideration from the stage reached in the third Parliament before lapsing:

- (a) *Traditional Courts Bill* [B15 – 2008] (National Assembly – sec 75); and
- (b) *Criminal Law (Forensic Procedures) Amendment Bill* [B2 – 2009] (National Assembly – sec 76(1)).

On the same day, the Assembly concurred with the National Council of Provinces in respect of the revival of the *National House of Traditional Leaders Bill* [B56B – 2008] (National Assembly – sec 76(1)) and the *Traditional Leadership and Governance Framework Amendment Bill* [B57B – 2008] (National Assembly – sec 76(1)).

[11] EXTENSION OF DEADLINE FOR SUBMISSION OF WRITTEN REPRESENTATIONS TO CONSTITUTIONAL REVIEW COMMITTEE

Joint Rule 102(a) states that the Constitutional Review Committee must annually "before the first day of May, by notice in the public media, invite the public to submit to the committee, within 30 days, written representations on any constitutional matter". Joint Rule 102(c) goes on to state that the committee must consider these matters at the start of the third term of a year.

On 20 August, the National Assembly, by resolution, condoned the revised timeframes adopted by the committee

for the public to make submissions for 2009, namely 19 July to 19 August. The adjustment of dates was required because 2009 was an election year. The Assembly further resolved that the committee should consider these submissions as soon as possible after the closing date.

[12] DETERMINATION OF PARTY RESPONSES TO EXECUTIVE STATEMENTS

According to Assembly Rule 106, members of the Executive may make a factual or policy statement on a matter that the Assembly should be informed of and members of each political party represented in the Assembly have no more than three minutes each to reply to the statement.

According to practice, the Assembly may suspend its Rules when necessary but only by House resolution. On 20 August, the Chief Whip of the Majority Party moved a motion to change the times allocated to each party to reply to Ministers' statements. Consequently, the time for parties to respond to executive statements for the remainder of the fourth Parliament was determined as follows: ANC: 9 minutes; DA: 4 minutes; Cope: 2 minutes; IFP: 1 minute; and all other parties 1 minute each.

[13] SEATING ARRANGEMENTS IN CHAMBER

The seating arrangements in the National Assembly are negotiated and settled among the parties at the Chief Whips' Forum. After an election, party whips attempt to reach consensus on the seating arrangements in the Chamber. Seating arrangements are done in accordance with the size of parties represented in the Assembly. Should there be disagreement among parties in respect of the seating arrangements, the matter is normally referred to the Chief Whips' Forum for resolution. Parties almost always reach consensus on this matter.

At the beginning of the fourth Parliament, the smaller opposition parties were unhappy with the decision reached in regard to seating. The issue in contention was the placement of the leaders of the 9 smaller parties in the seating arrangement. The smaller parties wanted their party leaders to be allocated seats in the front rows or as close as possible thereto. On 25 August, the whips met at a special meeting of the Chief Whips' Forum to address, among others, seating arrangements in the House. The meeting however could not arrive at a decision that was satisfactory to the smaller parties.

It was agreed that the matter should be referred to the Speaker for consideration. By 31 December, the matter was not resolved.

[14] GUIDELINES ON FIRST READING DEBATE ON BILLS

On 12 September 2006, the House adopted a motion to implement the provisions in Rule 246(1) for First Reading debates in accordance with certain guidelines for a trial period (see *Item 20, Issue 12 and Item 9, Issue 13*). The first trial period was until the end of the 2006 annual session while the second was until the end of the second term of 2007. Shortly after the start of the fourth Parliament, on 1 September, the House agreed to implement the provisions of the rules in relation to First Reading debates. It also reaffirmed the guidelines that had been agreed to in the third Parliament. The House further referred the guidelines to the National Assembly Rules Committee with a view to adjusting the rules, if necessary (*Minutes, 1 September, p662*). By 31 December, the rules had not been adjusted.

[15] NEW PARTY SEQUENCE FOR ORAL QUESTIONS AND MEMBERS' STATEMENTS

In terms of Assembly Rule 109, oral questions must appear on the Question Paper in the sequence as determined, from time to time, by the Chief Whips' Forum. On 16 September, the Chief Whips' Forum agreed to a new party sequence for oral questions and members' statements as follows: ANC, DA, Cope, ANC, IFP, Smaller Parties Group 1, ANC, Smaller Parties Group 2, IFP, ANC, DA, Cope, ANC, DA, and ANC. The smaller parties consist of Group 1: ID, UDM and FF Plus; and Group 2: ACDP, UCDP, PAC, MF, Azapo, and APC.

[16] PROCESSING OF GREEN PAPER ON NATIONAL STRATEGIC PLANNING

The *Green Paper on National Strategic Planning* was tabled on 4 September by the Minister in the Presidency (Mr T A Manuel). The Green Paper was meant to set out an institutional framework for policy guidelines for the operation of the Ministry of National Planning, a new ministry in the Presidency. Parliament is not required to approve or disapprove a Green Paper. However, the Minister had specifically asked for Parliament's input on the Green Paper.

On 8 September, the Chief Whip of the Majority Party moved for the establishment of an ad hoc committee to consider and report on the Green Paper by 17 September. On 20 October, the House resolved to extend the deadline by which the ad hoc committee had to report on the Green Paper to 29 October. This deadline was further extended on 28 October to 10 November. The ad hoc committee reported on the Green Paper on 12 November, and the House noted the report.

[17] SIX-WEEK CYCLE FOR MOTIONS ON ORDER PAPER

In Issue 10, Item 30, it was reported that the Chief Whips' Forum of the third Parliament had agreed at a workshop held on 6 August 2004 that notices of motion published on the Order Paper but not programmed for debate within six working weeks, would lapse. The agreement was implemented with effect from 25 August 2004 and would be reviewed at the beginning of 2005.

On 9 September, the Chief Whips' Forum of the fourth Parliament agreed to a proposal on the re-introduction of the six-week cycle. After six weeks, the party concerned would indicate whether it still wanted the motion to be debated, whereupon it could be placed back on the Order Paper. On 14 October, it was further agreed that the relevance of the motion and time span were important criteria for the scheduling of motions for debate. On 29 October, the National Assembly Programme Committee endorsed the principle that all motions appearing on the Order Paper but not yet programmed after six working weeks would lapse.

[18] MEMBER SPEAKING TWICE IN DEBATE

During a debate on a budget vote, a member of the DA was scheduled to speak twice and the Chair allowed the member to speak. The participation in debates by members is regulated by way of a speakers' list which is compiled in terms of the rules. While the rules are silent on the matter it is unusual for one member, except a Minister, to have more than one opportunity to participate in a debate. The only exception is when a member is the sponsor of a motion that is before the House for consideration. The matter was subsequently discussed in the Chief Whips' Forum on 1 July, where it was agreed that each speaker should generally have only one opportunity to speak, except when a Minister opens and closes the debate and when a member sponsors a motion.

[19] ADOPTION OF REPORT OF POA ON PROPOSED POLICIES ON PARLIAMENTARY BUDGET AND TRAVEL

The Report of the Parliamentary Oversight Authority (POA) on the Proposed Policies on Parliament's Budget and Travel was considered by the National Assembly on 20 October (*ATC, 13 October, pp1016-1022*). Prior to this, a letter was received from the IFP expressing dissatisfaction with the composition of delegations as contained in the appendix to the report. The report and appendix could not be separated as reference was made to the appendix in parts of the report. Consequently, a motion was moved in the Assembly to adopt the report, including the appendix, and to refer the matter of the composition of delegations back to the POA for further consideration. The effect of this was that delegations would be composed in terms of the interim agreed composition as published in the ATC, but that political parties would be afforded an opportunity to take the matter further with the POA.

[20] NEW RULES FOR ESTABLISHMENT OF PARLIAMENTARY GROUP ON INTERNATIONAL RELATIONS (PGIR)

In Issue 12, Item 6, it was reported that a PGIR would be established to accommodate Parliament's expanding role in international relations. On 14 October, the JRC considered the draft report of the PGIR, including proposed new rules for the establishment, functioning and substructures of the PGIR such as focus groups, friendship groups and strategic bilateral relations, and members representing Parliament.

The report of the JRC in regard to these rules was adopted by the NCOP on 5 November and by the Assembly on 10 November.

[21] RECOMMENDATIONS ON REMUNERATION OF PUBLIC OFFICE-BEARERS

The Independent Commission for the Remuneration of Public Office-Bearers is enjoined by section 8(4) of the Independent Commission for the Remuneration of Public Office-Bearers Act, No 92 of 1997, to make annual recommendations in respect of the remuneration, benefits and allowances of public office-bearers such as the President, members of Parliament, judges and magistrates (*see Items 9 and 56 of Issue 11*).

The recommendations of the Commission for 2009 were submitted to Parliament on 11 November and were tabled on the same day. As Parliament was scheduled to rise the following day, the recommendations were not referred to the relevant committee as the committee would not have had sufficient time to process the Commission's recommendations.

On the motion of the Chief Whip of the Majority Party, the Assembly approved the Commission's recommendations in respect of the remuneration of the President, judges and magistrates on 12 November.

Before being considered by the House, the salaries of judges and magistrates are determined by the President after taking into consideration the recommendations of the Commission (see *Item 56, Issue 11*).

The draft notice and schedule relating to the salaries of judges and magistrates were received from the President on 12 November. These remuneration packages were backdated to 1 April.

[22] EXTENSION OF PERIOD FOR DISCLOSURE OF REGISTRABLE INTERESTS BY MEMBERS OF PARLIAMENT

The Code of Conduct for Assembly and Permanent Council Members imposes an obligation on members to disclose to the Registrar the particulars of their registrable interests. The Code requires the first disclosure to be made within 30 days of the opening of Parliament after an election. Thus, by 18 June, members should have declared their registrable interests.

Joint Rule 3 gives the Assembly and the Council the authority, by resolution of each House, to dispose with or suspend a provision of the Joint Rules for a specific period or purpose.

On 26 May, the National Assembly, by resolution and subject to the concurrence of the Council, resolved to extend the period for the disclosure of registrable interests to 26 June.

LEGISLATION AND COMMITTEES

[23] ESTABLISHMENT AND COMPOSITION OF PORTFOLIO AND OTHER COMMITTEES

Portfolio committees are established by the Speaker with the concurrence of the National Assembly Rules

Committee. At the beginning of the term of the fourth Parliament, various committees were established in terms of the Assembly rules.

The Rules Committee met for the first time on 22 May, where it agreed to establish the following committees:

- 30 portfolio committees that would mirror government departments in terms of Rule 199; The membership of these committees was determined as follows: ANC 8; DA 2; Cope 1; IFP 1; and, other parties 2;
- the Standing Committee on Finance and the Standing Committee on Appropriations in terms of the Money Bills Amendment Procedure and Related Matters Act, No 9 of 2009, with the same composition as portfolio committees;
- the Powers and Privileges Committee in terms of Rule 192 with the same composition as portfolio committees;
- the Committee on Private Members' Legislative Proposals and Special Petitions in terms of Rule 210 with the same composition as portfolio committees;
- the Committee on Public Accounts in terms of Rule 205 with the same composition as portfolio committees; and
- the Committee on the Auditor-General in terms of Rule 208B with the same composition as portfolio committees.

There were 26 portfolio committees in the third Parliament, each consisting of 17 members composed as follows: ANC 10; DA 2; IFP 1; and other parties 4 (see *Item 37, Issue 10*).

[24] CHANGE IN COMPOSITION OF SUBCOMMITTEE ON REVIEW OF THE NATIONAL ASSEMBLY RULES AND APPOINTMENT OF MEMBERS AND CHAIRPERSON

The Subcommittee on Review of the National Assembly Rules is the only subcommittee of the Rules Committee that was established in the third Parliament. The subcommittee is tasked with making recommendations to its parent committee on proceedings, procedures, rules, orders and practices of the Assembly and on the development, formulation or adoption of policy in regard to the aforementioned.

The members of the subcommittee also serve in the Assembly component of the Joint Subcommittee on Review of the Joint Rules and the chairperson of the Assembly subcommittee is the co-chairperson of that joint subcommittee.

The Assembly Rules determine that the Subcommittee on Review of the National Assembly Rules must consist of eight members, as follows: three from the majority party, one each from the three largest minority parties and two from the rest of the minority parties. Contrary to this provision, on 22 May, at the first meeting of the Rules Committee after the election, it was agreed that for the duration of the fourth Parliament, the membership of the subcommittee would be as follows: ANC 7; DA 2; Cope 1; IFP 1; and smaller parties 2.

The Rules Committee, in terms of Rule 173, then proceeded to appoint Adv T M Masutha as the chairperson of the subcommittee.

On 26 May, on the motion of the Chief Whip of the Majority Party, the House agreed to suspend Rule 176 which governs the composition of the subcommittee, thereby confirming the decision of the Rules Committee. The names of the members appointed to serve on the committee were published in the ATC on 22 September. The vacancy for a second member from the smaller parties still existed at 31 December.

[25] ESTABLISHMENT AND DISBANDMENT OF JOINT STRUCTURES

The JRC of the fourth Parliament held its first meeting on 18 June to consider, amongst others, the establishment and disbandment of joint structures. The JRC agreed that as a general principle joint committees would have co-chairpersons. This decision signalled a departure from the previous position where certain joint committees had a chairperson from the one House and a deputy chairperson from the other House. The affected committees were the Joint Subcommittee on the Funding of Represented Political Parties, the Constitutional Review Committee, the Joint Standing Committee on Defence and the Joint Committee on Ethics and Members' Interests.

At the meeting, it was also agreed that the composition and party breakdown of the Constitutional Review Committee in regard to the Assembly component should mirror the composition and party breakdown of portfolio committees as follows: ANC 8; DA 2; Cope 1; IFP 1; and other parties 2; and that the Council component be constituted as follows: ANC 6; DA 1; Cope 1 and IFP 1. The party breakdown of the Council component is subject to review. This decision meant that Joint Rule 98(1) would need to be amended to reduce the Assembly component from 45 to 14 members and the Council component from 24 to 9 members.

In respect of the Joint Committee on Ethics and Members' Interests, it was agreed that Joint Rule 122(1) be amended by reducing the Assembly component from 18 to 14 members. The Council component remained unchanged at 9 members. The JRC agreed to the deletion of Joint Rule 123(2) which provided for the non-remuneration of the chairperson and deputy chairperson of the ethics committee.

The JRC agreed that Joint Rules 128 to 132 in respect of the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women and Joint Rules 132A to 132E in regard to the Joint Monitoring Committee on Improvement of Quality of Life and Status of Children, Youth and Disabled Persons, be deleted as the Houses had decided to establish separate committees responsible for matters relating to women, children, youth and disabled persons. As a result of this decision, Joint Rules 137A to 137F in relation to the Multiparty Women's Caucus had to be amended accordingly to remove all references to the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women.

In respect of the Joint Monitoring Committee on Reconstruction and Development, the JRC recommended that Joint Rules 133 to 137 be deleted since the committee had not been operationalised in the second and third Parliaments.

In respect of the oversight mechanism as contemplated in section 4 of the *Financial Management of Parliament Act*, No 10 of 2009, the JRC recommended that the drafting of rules governing the oversight mechanism of Parliament be referred to the Joint Subcommittee on Review of the Joint Rules for processing.

On 1 September and 29 October, the Assembly adopted the JRC's recommendations contained in its first report and supplementary report to the first report respectively. The first report and supplementary report were agreed to by the NCOP on 16 September and 21 October respectively.

[26] MEMBERSHIP AND CHAIRPERSON OF JOINT STANDING COMMITTEE ON INTELLIGENCE

Section 2 of the *Intelligence Services Control Act*, No 40 of 1994, establishes the Joint Standing Committee on Intelligence (JSCI). The Act prescribes a formula to determine the number of representatives of political parties on the committee. Thus, in applying the formula to the fourth Parliament, the following parties qualified for membership: ANC 9; DA 2; Cope 1; IFP 1; ID 1; UDM 1 and FF Plus 1. The Act provides that if a party has been allocated more than eight seats, as was the case with the

ANC, and more than five parties are represented in Parliament, the five minority parties with the largest representation in Parliament are entitled to at least one member each on the committee.

There were three parties in the Assembly (ID, UDM and FF Plus) with the same number of seats, but the ID also had a member in the NCOP which qualified it for membership of the committee. Both the UDM and the FF Plus had four members each. If both these parties were to get representation on the JSCI, it would have brought the membership of the committee to 16, one more than provided for in the Act.

Legal advice was obtained and it was agreed that in applying legislation, the approach should be one of inclusiveness rather than exclusivity.

The Act further provides that nominated members must receive security clearance from the National Intelligence Agency before being appointed by the Speaker or the Chairperson of the NCOP, depending on the House from which the member is nominated. The Speaker or the Chairperson must act with the concurrence of the President who, in turn, must act with the concurrence of the leader of the political party concerned.

Two parties – the ID and FF Plus – declined to serve on the committee and on 7 August, the Speaker announced the appointment of 9 Assembly members (ANC 5; DA 1; Cope 1; IFP 1 and UDM 1) to the JSCI, and the Chairperson of the NCOP announced the appointment of 2 members (both ANC) from the NCOP to the committee, for a total of 11 members. The security clearance procedures for two prospective members (both ANC; one from the Assembly and one from the NCOP) were subject to delays, which meant the Speaker and the Chairperson of the NCOP could announce the appointment of these members to the JSCI only on 27 October, bringing the total membership to 13, as follows: ANC – 9; DA – 1; Cope – 1; IFP – 1 and UDM – 1). The Act stipulates that the committee will be considered properly constituted even if total membership comes to less than 15 members, or in the event that a party or parties are unwilling to serve on the committee.

In addition, section 4 of the Act stipulates procedures for the appointment of the Chairperson of the JSCI. The Speaker and the Chairperson of the NCOP make the appointment, acting with the concurrence of the President, who may only act after having consulted the leaders of all the political parties represented on the committee. This process resulted in the announcement by the Speaker and the Chairperson of the NCOP on 7 August that Mr C V Burgess was appointed Chairperson of the JSCI with effect from 9 July.

[27] ESTABLISHMENT OF AD HOC COMMITTEE TO CONDUCT CO-ORDINATED OVERSIGHT ON SERVICE DELIVERY

On 22 September, the Assembly passed a resolution establishing an ad hoc committee in terms of Rule 214 to conduct co-ordinated oversight on service delivery under the theme “Working together to ensure the delivery of quality service to communities”. The Assembly further resolved that the committee would consist of a larger number of members from the Portfolio Committee on Cooperative Governance and Traditional Affairs and representatives from the following portfolio committees: Human Settlements, Energy, Social Development, Health, Water and Environmental Affairs, Basic Education, Transport and Rural Development and Land Reform. Parties were represented as follows: ANC 17; DA 5; Cope 3; IFP 2 and other parties 2.

The ad hoc committee was established to conduct co-ordinated visits in rural and urban areas to enquire about the service delivery challenges, especially in areas engulfed by protests. The visits would be followed by public hearings in Parliament to enquire further into the findings it made in those areas. In terms of the resolution the Assembly had to table a report with recommendations and a proposed implementation plan by no later than 13 November.

The deadline of 12 November by which the committee had to report, was extended to 26 February 2010 on a motion by the Chief Whip of the Majority Party.

MONEY BILLS AND BUDGETARY MATTERS

[28] MONEY BILLS AMENDMENT PROCEDURE AND RELATED MATTERS ACT

Section 77 of the Constitution stipulates that Parliament may only amend money bills in accordance with a legislative procedure established in terms of section 77(3). As the culmination of a long process that began in 1999, the President assented to and signed the *Money Bills Amendment Procedure and Related Matters Act*, No 9 of 2009, on 14 April. The Act sets out a number of principles, mechanisms and procedures for Parliament to enable it to amend the different types of money bills.

Primarily, the Act does not mirror the constitutional provisions pertaining to the adoption of legislation in accordance with the procedure set out in section 75 of the Constitution. Instead, the Act provides for additional

procedures aimed at enforcing Parliament's oversight function. Importantly, these procedures are sequential.

Parliamentary Committees

Section 4 of the Act requires that each House establishes a committee on finance and a committee on appropriations. The finance committees are mandated to, among other things, consider and report on national macro-economic policy and amendments to the fiscal framework and revenue proposals. The committees on appropriations consider and report on government expenditure, amendments to the division of revenue and appropriation bills and the recommendations of the Financial and Fiscal Commission (FFC).

Section 5 requires the National Assembly, through its committees, to annually assess the performance of each national department. The relevant committees must annually submit budgetary review and recommendation reports (BRRR) within a prescribed period – after the adoption of the *Appropriation Bill* but before the adoption of a report on the Medium Term Budget Policy Statement (MTBPS). The annual assessment of departments provides the starting point of the procedure to amend money bills.

The Medium Term Budget Policy Statement (MTBPS)

Section 6 asserts that the Minister of Finance must table the MTBPS in Parliament three months prior to the introduction of the national budget – typically in October. The MTBPS must include details of government's economic policy including expenditure and proposed spending priorities for the next three years. The different parts of the MTBPS must then be referred to the different committees established in terms of section 4.

The National Budget

Section 7 provides for the introduction of the national budget, the *Appropriation Bill* and the *Division of Revenue Bill*. In addition to information required in terms of section 27 of the *Public Finance Management Act* (PFMA), the Minister of Finance must table a multi-year fiscal framework which includes key fiscal ratios, tax and revenue proposals and other specified details. Section 7 further states that the Minister must report on how the budget gives effect to relevant parliamentary resolutions.

The Fiscal Framework and Division of Revenue Bill

Section 8 provides for the consideration and adoption of the fiscal framework and revenue proposals. These documents must be referred to the finance committees which must hold joint hearings and report to the respective Houses within 16 days after the tabling of the national budget. Section

8(5) specifies that, when amending the fiscal framework, Parliament must consider a range of factors to ensure fiscal discipline. Subsequent amendments must be in accordance with the fiscal framework.

Section 9 establishes a procedure for the consideration and adoption of the *Division of Revenue Bill*. Parliament has 35 days after the adoption of the fiscal framework to pass the *Division of Revenue Bill*. Once introduced, the bill is referred to the respective committees on appropriations – first to the National Assembly and then to the National Council of Provinces – which must consult and report according to prescribed criteria. Any amendment to the bill must be consistent with the fiscal framework.

The Appropriation Bill and Adjustments Budget

Section 10 provides for the consideration and adoption of the *Appropriation Bill*. Following the adoption of the fiscal framework and *Division of Revenue Bill*, the *Appropriation Bill* must be referred to the respective committees on appropriations – first to the National Assembly and then to the National Council of Provinces. Other committees may, subject to certain procedures, advise a committee on appropriations. Any amendment to the bill must be consistent with the fiscal framework.

After the respective committees on appropriations have considered the bill and any proposed amendments, they must report to the Houses. Any such report must include specific details on each amendment including the reasons for such an amendment and the envisaged impact on service delivery. Parliament must approve, amend or reject the *Appropriation Bill* within four months after the start of the financial year to which the bill relates.

Section 12 establishes a procedure for the consideration and adoption of an adjustments budget. The committees on appropriations have 30 days to report to the Houses.

Parliamentary Budget Office

Section 15 establishes a Parliamentary Budget Office to support the implementation of the Act by undertaking independent research and analysis for committees, specifically the respective finance and appropriations committees. These committees must recommend a person, with the requisite skills and qualifications, for appointment as Director by resolution of both Houses.

The Act also refers to a number of matters for inclusion in the rules (of both the Assembly and Council), including consultation between the respective finance and appropriations committees and other committees, the submission and consideration of budgetary review and recommendation reports, the consideration and adoption of the MTBPS report, the consideration of the fiscal

framework and tax proposals and the tabling and adoption of the *Division of Revenue Bill* and the *Appropriation Bill*.

In August, the Speaker and the Chairperson of the NCOP established a Political Task Team with a mandate to develop a strategy for the implementation of the Act and report to the Presiding Officers who would, in turn, report to the appropriate parliamentary structures. This Task Team was led by House Chairpersons for Committees and included the chairpersons of the committees on finance and appropriations in both Houses, the chairpersons of the subcommittees on the review of rules and a programming whip from each House. The Secretary to Parliament also appointed a Technical Support Team, which was led by the Deputy Secretary to Parliament and consisted of representatives from the relevant divisions and sections within Parliament.

[29] PROCESSING OF APPROPRIATION BILL

The *Appropriation Bill*, containing the Schedule of Votes for each state department and Parliament, was tabled in the National Assembly on 11 February. In accordance with the Assembly rules, the bill was referred to the Portfolio Committee on Finance for consideration and report in preparation for the First Reading debate. After the First Reading debate was concluded, the Schedule of Votes was referred to the respective portfolio committees. As it was an election year, the Assembly did not have an opportunity to vote on the *Appropriation Bill* and the Schedule and, in accordance with Assembly Rule 316(2), the bill therefore lapsed at the end of the last sitting day of the third Parliament on 24 March.

On 26 May, the National Assembly of the fourth Parliament agreed to resume proceedings on the *Appropriation Bill* taking into account the provisions of the new *Money Bills Amendment Procedure and Related Matters Act*, No 9 of 2009. In accordance with the Act, the *Appropriation Bill* was referred to the newly established Standing Committee on Appropriations on 5 June. The Schedule of Votes was also referred to the portfolio committees. Extended Public Committees (EPCs) then took place after which the Standing Committee on Appropriations tabled its report on 3 July. The report noted that Parliament had not had sufficient opportunity and resources to consider amendments to the bill in 2009. The *Appropriation Bill* and the report of the Standing Committee on Appropriations were programmed for consideration by the House on 7 July. The report was adopted and the bill read a second time. The bill was then transmitted to the National Council of Provinces where it was passed on 8 July.

Between the date on which the *Appropriation Bill* lapsed and the date on which it was revived, the President announced a reconfigured Cabinet. The effect of the reconfiguration was that certain ministries were renamed and others divided into new ministries. To account for the reconfiguration and the new Cabinet structures, the Minister of Finance moved technical corrections to the bill by using the provisions of section 14 of the *Money Bills Amendment Procedure and Related Matters Act*. This section stipulates that “Notwithstanding any provision of this Act, a House or committee may consider an amendment to a money bill proposed by the Minister (of Finance) in order to make technical corrections to the bill.”

The technical corrections were meant to create new votes in the bill without allocating funds to them. Funds were subsequently proposed for the new votes through the *Adjustments Appropriation Bill*. The amendment was formulated and put on the Order Paper for consideration by the Assembly on 7 July – the day on which the bill was programmed for decision. The bill was put to the House with the technical corrections.

[30] PROCESSING OF MEDIUM TERM BUDGET POLICY STATEMENT AND ADJUSTMENTS APPROPRIATION BILL

The Medium Term Budget Policy Statement (MTBPS) and National Adjustments Budget were both tabled on 27 October. The procedure by which Parliament must process the MTBPS is prescribed in section 6 of the *Money Bills Amendment Procedure and Related Matters Act*, No 9 of 2009, assented to by the President on 14 April.

In accordance with the Act, the MTBPS was tabled in Parliament and the relevant sections referred to the respective committees on finance and appropriations – those sections dealing with macroeconomic policy to the committee on finance and those dealing with departmental allocations to the appropriations committees – each for consideration and report. Both committees reported to the Assembly on 10 November in preparation for the debate scheduled for the following day. The Assembly adopted the reports before the debate. The National Council of Provinces adopted the reports of its respective committees on 17 November.

The procedure for the National Adjustments Budget is prescribed in section 12 of the *Money Bills Amendment Procedure and Related Matters Act*. This section establishes a process for the introduction, consideration and adoption of an adjustments budget including, if necessary, a revised Fiscal Framework and *Division of Revenue Amendment Act*. The *Adjustments Appropriation Bill* [B13

– 2009] was introduced in the Assembly on 27 October. The Fiscal Framework was included in the MTBPS but there was no amendment to the *Division of Revenue Bill*.

The bill was accordingly referred to the Standing Committee on Appropriations and the Schedule of Votes to the respective portfolio committees. The Standing Committee on Appropriations reported on 10 November that it had agreed to the bill without amendments. The bill was passed by the Assembly on 11 November and by the National Council of Provinces on 17 November. The bill was signed by the President on 26 November.

STATUTORY FUNCTIONS

[31] JUDICIAL SERVICE COMMISSION: DESIGNATION OF MEMBERS

Six of the members of the Judicial Service Commission are designated by the National Assembly from among its members. In terms of section 178(1)(h) of the Constitution, at least three of those designated must be members of the opposition parties represented in the Assembly. Section 178(3) provides that members of the Commission serve until they are replaced by those who designated or nominated them.

Parties were requested to submit nominations to the Speaker and were informed that if consensus was not reached by the opposition parties, a voting process would be followed. At its meeting, on 26 May, the Chief Whips' Forum agreed on the names of members that would serve on the Commission and the matter was taken to the House that afternoon.

The Assembly designated the following members to serve on the Commission: Mr C V Burgess, Ms F I Chohan, Ms P de Lille, Mr N A Ramatlhodi, Mr H C Schmidt and Mr J H van der Merwe.

[32] MAGISTRATES COMMISSION: DESIGNATION OF MEMBERS

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

Parties were requested to submit nominations to the Speaker and were informed that if consensus was not reached by the opposition parties, a voting process would be followed.

At its meeting on 26 May, the Chief Whips' Forum agreed on the names of members who would serve on the

Commission and the matter was taken to the Assembly that afternoon. The Assembly designated the following members to serve on the Commission: Mr T M Masutha, Ms M C Manana, Ms D A Schäfer and Mr S N Swart (*Minutes*, 26 May, pp19-20).

[33] HUMAN SCIENCES RESEARCH COUNCIL (HSRC): RECOMMENDATION FOR APPOINTMENT OF BOARD MEMBERS

On 15 April, the Minister of Science and Technology wrote to the Speaker requesting the National Assembly to approve a shortlist of candidates for appointment to the Board of the HSRC in terms of section 5 of the *Human Sciences Research Council Act*, No 17 of 2008.

In terms of section 5(3) of the Act, before the Minister can appoint the members of the Board, the Minister is required to –

- a) publish a notice in the *Gazette* and two national newspapers inviting the public to nominate persons for appointment;
- b) appoint a panel of experts to compile a shortlist of not more than 20 persons from the public nominations;
- c) submit a shortlist of candidates together with their curriculum vitae which he/she has received from the panel of experts to the National Assembly for approval; and
- d) select from the shortlist approved by the National Assembly members of the Board.

On 8 June, the Minister's request was referred to the Portfolio Committee on Science and Technology for consideration and report. On 9 July, the committee recommended to the House a shortlist of candidates for appointment to the Board. On 20 August, the House approved a shortlist of 17 candidates. Ten Board members were appointed by the Minister with effect from 16 October for a period of four years.

[34] INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (Icasa): RECOMMENDATION FOR APPOINTMENT OF COUNCILLOR

On 4 March, the Minister of Communications wrote to the Speaker advising her that the term of office of one Icasa councillor would expire on 30 June. The Minister requested Parliament to recommend a replacement for that councillor in terms of section 5(1B) of the *Independent*

Communications Authority of South Africa Act, No 13 of 2000. The matter was referred to the Portfolio Committee on Communications on 18 June, for processing (see Item 44, Issue 14).

The committee received 83 nominations after it had invited the public to nominate suitable candidates and shortlisted nine candidates. Subsequent to the shortlisting process, two candidates, Mr L S Mkumatela and Mr M M Zokwe, withdrew their candidacies. Upon the completion of the interviews, the committee submitted one and a half times the number of nominees in order of preference, in line with the prescriptions of the Act, as follows: Mr K Boqwana and Mr W Stucke.

The two recommended candidates were approved by the Assembly on 1 September. On 16 October, the Minister of Communications wrote to the Speaker proposing the appointment of Mr W Stucke. The recommendation was considered and approved by the Assembly on 27 October (*Minutes, 27 October, pp1182-1183*).

[35] PUBLIC SERVICE COMMISSION (PSC): RECOMMENDATION FOR APPOINTMENT OF COMMISSIONERS

In terms of section 196 of the Constitution, the PSC consists of 14 commissioners appointed by the President. Five commissioners are approved by the National Assembly by a resolution adopted with the supporting vote of a majority of its members.

On 17 June, the President wrote to the Speaker to request the filling of two vacancies on the PSC. On 18 June, the letter was referred to the Portfolio Committee on Public Service and Administration for consideration and report. On 20 August, the National Assembly, on the recommendation of the Portfolio Committee on Public Service and Administration, approved the nomination of the following persons for appointment to the PSC: Ms M J J Matsomela and Mr B Mthembu.

In the event that these candidates were not available for appointment, the House approved the following supplementary nominations: Adv R K Sizani and Mr G Aboobaker.

Ms Matsomela and Mr Mthembu were appointed by the President with effect from 21 October.

[36] LAND BANK: RECOMMENDATION FOR APPOINTMENT OF BOARD MEMBERS

Section 4(1) of the *Land and Agricultural Development Act, No 15 of 2002*, enjoins the Minister of Agriculture and Land Affairs (renamed Minister of Agriculture, Forestry and Fisheries in the fourth Parliament) to appoint a Board of directors to manage the business of the bank by calling for nominations in the *Gazette*, the media and, by written invitation, to the relevant parliamentary committees.

The Minister wrote to the Speaker on 4 August, inviting nominations from the relevant portfolio committees. The administrative powers of the bank had been transferred to the Minister of Finance on 14 July in terms of section 97 of the Constitution. Although the bank was being administered by National Treasury, the oversight function of the bank remained the responsibility of the Portfolio Committee on Agriculture and Land Affairs.

The initial deadline for the relevant parliamentary committees to nominate candidates for appointment to the Board of the Land Bank was 14 August. The initial deadline was subsequently extended to 28 August. On 28 August, the Minister notified the Presiding Officers that he had extended the date on which the parliamentary committees needed to submit names for appointment to the Board from 28 August to 15 September to allow sufficient time for interested parties to respond.

The Portfolio Committee on Agriculture and Land Affairs and the Standing Committee on Finance conferred with the NCOP's Select Committee on Finance and Appropriations and the Select Committee on Land and Environmental Affairs and nominated six persons for appointment to the Board: Ms M B Shikwinya, Mr K Seitshiro, Dr J L Purchase, Dr L K Joubert, Mr D M Dlali and Mr T Mokale.

The list of names from the committees was transmitted to the Minister by the Speaker as the House is not required to take a decision on the matter.

Despite the nominations made by Parliament, Dr B Ngubane and Prof M Karaan were appointed as Board members with effect from 1 January 2010 until 31 December 2014. The Act does not oblige the Minister to appoint directors of the bank from the list provided by Parliament.

**[37] INDEPENDENT COMMISSION FOR
THE REMUNERATION OF PUBLIC
OFFICE-BEARERS:
ANNOUNCEMENT OF
APPOINTMENTS**

On 21 August, the Speaker announced that the President had appointed the following persons as members of the Independent Commission for the Remuneration of Public Office-Bearers (the Commission) in terms of section 3 of the *Independent Commission for the Remuneration of Public Office-Bearers Act*, No 92 of 1997: Judge Phineas Mojapelo, Deputy Judge President of the Witwatersrand Local Division, Dr Mpilenhle Pearl Sithole, Dr Mark Herbert Raymond Bussin and Mrs Philisiwe Buthelezi.

The mandate of the Commission is to make recommendations to the President on salaries, allowances and benefits of members of the National Assembly, permanent delegates to the National Council of Provinces, members of the Cabinet, Deputy Ministers, traditional leaders and members of any council of traditional leaders.

In a subsequent correspondence to the Speaker, dated 19 October, the President informed Parliament that he had appointed the following persons to the Commission in terms of the Act: Judge Willie Seriti (Chairperson), Ms Tshidi Mokgabudi (Deputy Chairperson), Dr Mark Herbert Raymond Bussin, Dr Mpilenhle Pearl Sithole, Ms Philisiwe Buthelezi and Mr Blake Keith Mosly-Lefatola. Furthermore, the President informed Parliament that Judge Phineas Mojapelo had declined the offer of appointment to this position on 6 August.

The new commissioners join two commissioners who are currently serving a five-year term: Ms Nicky Newton-King (appointed on 10 March 2006) and Mr Raphael Martin (appointed on 24 November 2005).

**[38] PUBLIC PROTECTOR:
RECOMMENDATION FOR
APPOINTMENT**

In terms of section 193(4) of the Constitution, the President, on the recommendation of the Assembly, must appoint the Public Protector. On 15 October 2002, the President appointed Adv M L Mushwana as Public Protector for a non-renewable period of seven years (see *Item 34, Issue 6*).

The Minister for Justice and Constitutional Development informed the Speaker in a letter dated 24 June 2008 that the term of office of the Public Protector was to expire on 14 October (*ATC, 25 June, p199*). On 25 June, the House agreed to a resolution to establish a 14-member ad hoc committee to nominate a person for appointment as Public

Protector, the committee to complete its work by 28 August.

The House acceded to two requests by the committee to extend the deadline for reporting to 11 September and later to 18 September.

On 9 September, the committee tabled a report containing a list of shortlisted candidates. On 16 September, the committee tabled its report in which it recommended Ms T N Madonsela for nomination as Public Protector.

On 22 September, the Assembly approved that Ms Madonsela, as nominated by the committee, be recommended for appointment as Public Protector. Ms Madonsela was duly appointed by the President with effect from 15 October 2009 (*ATC, 23 October, p1162*).

**[39] NATIONAL LOTTERIES BOARD:
RECOMMENDATION FOR
APPOINTMENT OF CHAIRPERSON
AND BOARD MEMBERS**

Section 3(3) of the *Lotteries Act*, No 57 of 1997, gives the Minister of Trade and Industry the authority to invite nominations for the position of Chairperson of the National Lotteries Board by notice in the *Gazette* and in not less than two newspapers that circulate in every province (see *Item 36, Issue 8*). The Act requires the relevant committee of the National Assembly to make recommendations to the Minister in relation to the appointment of the Board members.

On 15 September, the Minister wrote to Parliament indicating that he had invited nominations from the public for consideration by the Portfolio Committee on Trade and Industry. He invited the committee to recommend a suitable candidate after a transparent and an open interview process.

In a subsequent letter dated 19 September, the Minister requested that in the process of identifying a suitable candidate for the position of Chairperson, the committee should also identify suitable candidates for appointment to the Board. The Minister stated that the Handbook for the Appointment of Persons to Boards of State Controlled Institutions allows for that kind of procedure.

Although in terms of the Act the committee could advise the Minister directly of the outcome of its deliberations, the committee's report was published in the ATC of 19 November. It recommended that Prof N A Nevhutanda be appointed as Chairperson of the Board and the following persons be appointed as Board members: Mr G M Negota, Ms M Mokoka, Mr G Reddy, Mr O M Shabangu and Ms N E P Loyilane.

The Act does not stipulate a role for the National Assembly in appointing members of the Board and neither does it prevent the Assembly from doing so. Thus the matter was never considered by the Assembly. By 31 December, the process of appointing the Board chairperson and the Board members had not yet been finalised.

[40] SOUTH AFRICAN HUMAN RIGHTS COMMISSION: RECOMMENDATION FOR APPOINTMENT OF COMMISSIONERS

In terms of section 193(4) of the Constitution, the President, on the recommendation of the National Assembly, must appoint members of the South African Human Rights Commission (SAHRC). On 8 July, the Minister for Justice and Constitutional Development wrote to the Speaker to request that the Assembly undertake the process of making recommendations to fill five vacancies on the SAHRC. The matter was referred to the Portfolio Committee on Justice and Constitutional Development on 8 July (*ATC, 8 July, p404*).

In its report the committee recommended the nomination of additional persons, to the number initially requested by the Minister, for appointment as full-time and part-time commissioners. On 22 September, the Assembly agreed to forward the names of six candidates (four full-time commissioners and two part-time commissioners), including that of Adv L K B Mpumlwana as a full-time commissioner to the President for appointment.

During the debate in the House on the subject on 22 September, certain allegations were brought to the attention of the Assembly. Based on the nature of the allegations, the Speaker, on 1 October, wrote to the President requesting that he delay the appointment of Adv Mpumlwana until such time as the House had an opportunity to reconsider the nomination in view of the matters brought to its attention. The Speaker made an announcement to this effect in the ATC of 14 October. On 15 October, it was announced in the ATC that the President had acceded to the request to delay the appointment of Adv Mpumlwana and that he had since appointed five of the six candidates recommended by the Assembly.

On 23 October, a letter from the Minister of Justice and Constitutional Development was published in the ATC informing members of the Assembly that the President had appointed Adv B J Malatji, Ms L Mokate and Adv L M Mushwana as full-time commissioners for a period of seven years. Ms J Love and Dr D Titus were appointed as part-time commissioners also for seven years (*ATC, 23 October, p1162*).

On 12 November, the National Assembly amended its resolution of 22 September by omitting the nomination of Adv Mpumlwana pending its reconsideration of the nomination. It also referred the matter of the nomination to the Portfolio Committee of Justice and Constitutional Development for further recommendation and report. As at 31 December, the committee had not finalised its report on the matter.

[41] DECLARATION OF AMNESTY IN TERMS OF FIREARMS CONTROL ACT

On 23 October, a request by the Minister of Police for the Assembly to approve a declaration of an amnesty in terms of section 139(2)(a) of the *Firearms Control Act*, No 60 of 2000, was tabled and referred to the Portfolio Committee on Police for consideration and report. The Act provides that the Minister may, by notice in the *Gazette*, declare an amnesty to reduce the number of illegal firearms in South Africa. Parliament's approval is required for this notice to be valid.

The committee reported on 3 November that it recommended the approval of the declaration by the Assembly, subject to two amendments. These amendments removed the original provisions for an anonymous amnesty process as the committee was of the view that such a process would be open to abuse. The Assembly agreed to the committee's recommendation on 10 November, and the declaration of an amnesty was approved, subject to amendments. The NCOP also agreed to the report of the Select Committee on Security and Constitutional Development in regard to the declaration of amnesty with amendments.

[42] INSPECTOR-GENERAL OF INTELLIGENCE: RECOMMENDATION FOR APPOINTMENT

The then Minister for Intelligence (now State Security), Dr S C Cwele, in a letter dated 31 March, informed the Assembly that the term of office of the Inspector-General of Intelligence would expire on 31 December. The matter was referred to the Joint Standing Committee on Intelligence on 7 August for consideration and report in terms of section 7(1) of the *Intelligence Services Oversight Act*, No 40 of 1994.

The committee reported on 10 November that it had interviewed five candidates from a total of 74 applications, and recommended that Adv F D Radebe be considered by the House for appointment by the President as Inspector-General of Intelligence. The Act requires the Assembly to

approve the nomination by a two-thirds majority. When the question came before the House on 12 November, the two-thirds majority could not be obtained, and the decision of the question was thus postponed.

On 20 November, the Deputy Speaker informed the President that the Assembly could not obtain the required two-thirds majority. Furthermore, the Assembly would meet again only in January 2010 at which time it would be able to reconsider the nomination. The Deputy Speaker appealed to the President to consider extending the term of the incumbent Inspector-General, ending on 31 December 2009, to allow the Assembly to reconsider the nomination in late January 2010.

[43] SOUTH AFRICAN NATIONAL SPACE AGENCY: RECOMMENDATION FOR APPOINTMENT OF BOARD MEMBERS

A letter, tabled on 7 October, from the Minister of Science and Technology requested the Assembly to approve a shortlist of candidates for appointment to the Board of the South African National Space Agency in terms of section 7(1)(c) of the *South African National Space Agency Act, No 36 of 2008*. The Minister's request was referred to the Portfolio Committee on Science and Technology for consideration and report.

The committee reported on 28 October that members had, during its deliberations on 21 October, raised concerns about the lack of shortlisted candidates from vulnerable groups with special needs, such as persons with disabilities. The committee requested the Department of Science and Technology to, in future, consult civil society organisations to identify candidates with special needs for inclusion in the shortlist.

Subsequently, a shortlisted candidate withdrew her application, and the department consulted Disabled People South Africa who recommended a person with a disability for inclusion on the shortlist. The committee agreed to include this person on the shortlist which it submitted to the House for approval. On 5 November, the Assembly approved the committee's recommended shortlist of candidates for appointment to the Agency's Board (*Minutes, 5 November, pp1471-1472*).

INTERNATIONAL PARLIAMENTARY RELATIONS

[44] ELECTION OF MEMBERS TO PAN-AFRICAN PARLIAMENT

In terms of Article 4(2) and (3) of the *Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (PAP)*, member

states shall be represented in the PAP by five members of Parliament, at least one of whom must be a woman; and that the representation of each member state must reflect the diversity of political opinions in each national Parliament or other deliberative organ.

At its meeting on 26 May, the Chief Whips' Forum agreed on the names of members that would serve in the PAP and the matter was taken to the House that afternoon. Members of the PAP are drawn from both Houses of Parliament. On 26 May, the Assembly considered the nominations of members of the Assembly who would serve in the PAP.

The Assembly elected the following persons to serve in the PAP: Mr M J Mahlangu, Mr S J Njikelana, Ms F Hajaig, Ms S V Kalyan and Ms M N Matladi (*Minutes, 26 May, p18*).

In its sitting on 26 May, the Council elected only four of the five members that had been nominated by the Assembly, and omitted Ms M N Matladi. The member was subsequently elected by the Council in its sitting of 25 June (*NCOP Minutes, 25 June, p196*).

[45] ELECTION OF MEMBERS TO SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PARLIAMENTARY FORUM

In terms of section 6(3) of the *Constitution of the Southern African Development Community Parliamentary Forum*, the Forum consists of presiding officers and four representatives elected by each national Parliament provided that in electing the four representatives, each national Parliament shall ensure equitable representation of women and political parties that are represented in Parliament, and include the chairperson of the national women's parliamentary caucus.

At its meeting on 26 May, the Chief Whips' Forum agreed on the names of members that would serve on the Forum, and the matter was taken to the Assembly that afternoon.

Both the Assembly and the Council designated the following members to represent Parliament in the Forum:

Mr M V Sisulu, Mr S P Holomisa, Ms N D Ntwanambi, Dr W G James and Ms B N Dlulane in her capacity as Chairperson of the Multiparty Women's Caucus (*Minutes, 26 May, pp18-19*).

ABBREVIATIONS USED

ATC	Announcements, Tabling and Committee Reports (daily paper which is effectively an appendix to the Minutes of Proceedings)
EPC	Extended Public Committee
JRC	Joint Rules Committee
JSCI	Joint Standing Committee on Intelligence
Minutes	Minutes of the National Assembly
MTBPS	Medium Term Budget Policy Statement
NA	National Assembly
NCOP	National Council of Provinces
PFMA	Public Finance Management Act
POA	Parliamentary Oversight Authority
Sec	Section

PARTIES

ANC	African National Congress
DA	Democratic Alliance
Cope	Congress of the People
IFP	Inkatha Freedom Party
ID	Independent Democrats
UDM	United Democratic Movement
FF Plus	Freedom Front Plus
ACDP	African Christian Democratic Party
UCDP	United Christian Democratic Party
PAC	Pan Africanist Congress of Azania
MF	Minority Front
Azapo	Azanian People's Organisation
APC	African People's Convention

Annexure 1

After the elections of 22 April, members assigned to represent their respective parties in the National Assembly were designated in Government Gazette No 32184 on 28 April by the Electoral Commission.

The following members were sworn in as members of the National Assembly at the start of the fourth Parliament on 6 May:

Abram,	S	Mr	Coetzee,	T W	Mr
Adams,	L H	Ms	Coetzee,	R	Mr
Ainslie,	A R	Mr	Coleman,	E M	Mrs
Balfour,	B M	Mr	Cronin,	J P	Mr
Balindlela,	Z B	Mrs	Cwele,	S C	Dr
Baloyi,	M R	Mr	Dambuza,	B N	Ms
Bapela,	K O	Mr	Dandala,	H M	Rev
Bam-Mugwanya,	V	Mrs	Davidson,	I O	Mr
Bhengu,	N R	Ms	Davies,	R H	Dr
Bhengu,	P	Ms	De Freitas	M S F	Mr
Bhoola,	R B	Mr	De Lange,	J H	Mr
Bikani,	F C	Ms	De Lille,	P	Ms
Blaai,	B C	Ms	Dexter,	P D	Mr
Bogopane-Zulu,	H I	Mrs	Dhlamini,	B W	Ms
Boinamo,	G G	Mr	Diale,	L N	Mr
Bonhomme,	T J	Mr	Dikgacwi,	M M	Mr
Booi,	M S	Mr	Ditshetelo,	I C	Mrs
Borman,	G M	Mrs	Dlamini,	B O	Ms
Boshigo,	D F	Mrs	Dlamini-Zuma ,	N C	Dr
Bosman,	L L	Dr	Dlodlo,	A	Ms
Botha,	Y R	Mrs	Dlulane,	B N	Ms
Botha,	T	Mr	Doidge,	G Q M	Mr
Burgess,	C V	Mr	Doman,	W P	Mr
Buthelezi,	M G	Prince	Dreyer,	A M	Ms
Carrim,	Y I	Mr	Du Toit,	N D	Mr
Carter,	D	Ms	Dubazana,	Z S	Ms
Cebekhulu,	R N	Mr	Dube,	M C	Ms
Chabane,	O C	Mr	Dudley,	C	Mrs
Chauke,	H P	Mr	Duma,	N M	Mr
Chikunga,	L S	Mrs	Duncan,	P C	Mrs
Chohan,	F I	Ms	Dunjwa,	M L	Ms

Ebrahim,	E I	Mr	Lamoela,	H	Mrs
Ellis,	M J	Mr	Landers,	L T	Mr
Farisani,	T S	Dr	Lee,	T D	Mr
Farrow,	S B	Mr	Lekgetho,	G	Mr
Figlan,	A M	Mr	Line,	H	Mrs
Fihla,	N B	Mr	Lorimer,	J R B	Mr
Fransman,	M L	Mr	Lotriet,	A	Dr
Fritz,	A T	Mr	Louw,	A	Mr
Frolick,	C T	Mr	Lovemore,	A T	Mrs
Fubbs,	J L	Ms	Lucas,	E J	Mr
Gaehler,	L B	Mr	Luthuli,	A N	Dr
Gasebonwe,	T M A	Mrs	Luyenge,	Z	Dr
Gcume,	N P	Ms	Maake,	J J	Mr
Gcwabaza,	N E	Mr	Mabaso,	X	Mr
Gelderblom,	J P	Mr	Mabedla,	N R;	Ms
George,	M E	Mr	Mabudafhasi,	T R	Mrs
George,	D T	Dr	Mabuza,	M C	Mrs
Gigaba,	K M N	Mr	Mackenzie,	G P D	Mr
Gina,	N	Ms	Madikizela-Mandela,	N W	Mrs
Godi,	N T	Mr	Madisha,	W M	Mr
Godongwana,	E	Mr	Madlala,	N M	Ms
Gololo,	C L	Mr	Maduna,	P	Ms
Gona,	M F	Mr	Mafolo,	M V	Mrs
Goqwana,	M B	Mr	Magagula,	V V	Mr
Greyling,	L W	Mr	Magama,	H T	Mr
Groenewald,	P J	Mr	Magau,	K R	Ms
Gumede,	D M	Mr	Magazi,	M N	Ms
Gungubele,	M	Mr	Magwanishe,	G	Mr
Gxowa,	N B	Ms	Mahlangu-Nkabinde,	G L	Mrs
Hajaig,	F	Mrs	Makasi,	X C	Mrs
Hanekom,	D A	Mr	Makhuba,	H N	Ms
Hangana,	N E	Ms	Makhubela-Mashele,	L S	Mrs
Hendricks,	L B	Ms	Makhubele,	Z S	Mr
Hogan,	B A	Ms	Makwetla,	S P	Mr
Holomisa,	S P	Nkosi	Malale,	M I	Mr
Holomisa,	B H	Mr	Malgas,	H H	Mrs
Hoosen,	M H	Mr	Maluleka,	P H	Mr
Huang,	S	Mr	Maluleke,	J M	Mrs
Jacobus,	L	Ms	Manamela,	K B	Mr
James,	W G	Dr	Manana,	M C	Mr
Jeffery,	J H	Mr	Mandela,	Z M D	Nkosi
Joemat-Pettersson,	T M	Mrs	Manganye,	J	Ms
Johnson,	M	Mr	Mangena,	M S	Mrs
Jordan,	Z P	Dr	Mangena,	M A	Mr
Kalyan,	S V	Mrs	Manuel,	T A	Mr
Kekana,	C D	Mr	Mapisa-Nqakula,	N N	Mrs
Kenye,	T E	Mrs	Marais,	S J F	Mr
Kganare,	D A	Mr	Marais,	E J	Mr
Kganyago,	N M	Mr	Martins,	B A D	Mr
Khoarai,	L P	Mr	Masango,	F T	Mr
Kholwane,	S E	Mr	Masango,	S J	Mr
Khumalo,	F E	Mr	Mashiane,	L M	Ms
Khunou,	N P	Ms	Mashigo,	R J	Ms
Kilian,	J D	Mrs	Mashishi,	A C	Ms
Kloppers-Lourens,	J C	Dr	Masilo,	J M	Ms
Kohler-Barnard,	D	Ms	Masutha,	T M	Adv
Komphela,	B M	Mr	Mataboge,	D K	Mr
Koornhof,	G W	Dr	Mathebe,	D H	Mrs
Koornhof,	N J J R	Mr	Mathebe,	P M	Mr
Kopane,	S P	Mrs	Mathibela,	N F	Mrs
Kota-Fredericks,	Z A	Ms	Matladi,	M N	Mrs
Kotsi,	C M P	Ms	Matlanyane,	H F	Ms
Krumbock,	G R	Mr	Matshoba,	J M	Mr
Kubayi;	M T	Mrs	Maunye,	M M	Mrs

Mavunda,	D W	Mr	Nelson,	W J	Mrs
Maynier,	D J	Mr	Nene,	N M	Mr
Mazibuko,	L D	Ms	Newhoudt-Druchen,	W S	Mrs
Mbalula,	F A	Mr	Ngcobo,	B T	Ms
Mbili,	M E	Mr	Ngele,	N J	Mrs
Mcgluwa ,	J J	Mr	Ngonyama,	L S	Mr
Mda,	A	Ms	Ngwenya,	W	Ms
Mdaka,	N M	Mrs	Ngwenya-Mabila,	P C	Mrs
Mdakane,	M R	Mr	Nhanha,	M A	Mr
Mdladlana,	M M S	Mr	Nhlengethwa,	D G	Ms
Mentor,	M P	Ms	Njikelana,	S J	Mr
Meshoe,	K R J	Rev	Njobe,	M A A	Mrs
Mfeketo,	N C	Ms	Nkoana-Mashabane,	M E	Mrs
Mgabadeli,	H C	Ms	Nkwinti,	G E	Mr
Michael,	N W A	Mrs	Nonkonyana,	M	Mr
Mjobo,	L N	Ms	November,	N T	Mrs
Mkhize,	H	Ms	Nqakula,	C	Mr
Mkhize,	L N	Mr	Ntanzi,	S P	Ms
Mkhulusi,	N N P	Ms	Ntapane,	S Z	Mr
Mlambo,	E M	Mr	Ntshiqela,	P	Mr
Mlangeni,	A	Mr	Ntuli,	B M	Mrs
Mmusi,	S G	Mr	Ntuli,	Z C	Mr
Mncwango,	M A	Mr	Nxesi,	T W	Mr
Mnguni,	P B	Mr	Nxumalo,	M D	Ms
Mnisi,	N A	Ms	Nyalungu,	R E	Mrs
Mnqasela,	M	Mr	Nyama,	M M A Ms	
Mocumi,	P A	Mrs	Nyanda,	S	Mr
Mohale,	M C	Ms	Nyanda,	N F	Ms
Mokgalapa,	S	Mr	Nyekemba,	E	Mr
Molao,	S K	Ms	Nzimande,	B E	Dr
Molebatsi,	M A	Ms	Odendaal,	L M	Ms
Molewa,	B E E	Mrs	Oliphant,	M N	Mrs
Moloi-Moropa,	J C	Mrs	Ollis,	I M	Mr
Monareng,	O E	Mr	Oosthuizen,	G C	Mr
More,	E	Ms	Oriani-Ambrosini,	M G	Mr
Morgan,	G R	Mr	Padayachie,	R L	Mr
Morutoa,	M R	Ms	Pandor,	G N M	Ms
Moss,	L N	Ms	Peters,	E D	Ms
Motau,	S C	Mr	Phaahla,	M J	Dr
Motimele,	M S	Mr	Phaliso,	M N	Mr
Motshekga,	M A	Mrs	Pillay,	S M	Dr
Motshekga,	M S	Dr	Pilusa-Mosoane,	M E	Mrs
Motsoaledi,	P A	Dr	Poho,	P D	Mr
Mpahlwa,	M B M	Mr	Pretorius,	P J C	Mr
Mphahlele,	L M	Mr	Pule,	D D	Mrs
Mpontshane,	A M	Mr	Rabie,	P J	Dr
Msimang,	C T	Prof	Rabotapi,	M W	Mr
Msweli,	H S	Mrs	Radebe,	J T	Mr
Mthethwa,	E N	Mr	Radebe,	B A	Mr
Mthethwa,	E M	Mr	Radebe,	G S	Mr
Mtshali,	E	Mr	Ramatlhodi,	N A	Mr
Mubu,	K S	Mr	Ramodibe,	D M	Mrs
Mufamadi,	T A	Mr	Rantsolase,	M A	Mrs
Mulder,	P W A	Dr	Rasool,	E	Mr
Mulder,	C P	Dr	Robinson,	D	Mrs
Mushwana,	F F	Mrs	Rwexana,	S P	Ms
Muthambi,	A F	Ms	Saal,	G	Mrs
Nchabeleng,	M E	Mr	Schäfer,	D A	Mrs
Ndabandaba,	L B G	Prof	Schmidt,	J	Mr
Ndabeni,	S T	Ms	Schmidt,	H C	Adv
Ndebele,	J S	Mr	Schneemann,	G D	Mr
Ndlovu,	V B	Mr	Sefularo,	M	Dr
Ndude,	H N	Mrs	Segale-Diswai,	M J	Ms
Nel,	A C	Mr	Selau,	G J	Mr

Selfe,	J	Mr	Thomson,	B	Ms
Sexwale,	T M G	Mr	Tinto,	B	Mrs
Shabangu,	S	Ms	Trake,	M F	Ms
Shiceka,	S	Mr	Tobias,	T V	Ms
Shilowa,	M S	Mr	Tolo,	L J	Mr
Shinn,	M R	Ms	Trollip,	R A P	Mr
Shoba,	K N	Ms	Tsebe,	S R	Ms
Sibhida,	N N	Ms	Tseke,	G K	Mrs
Sibiya,	N A	Mrs	Tsenoli,	S L	Mr
Singh,	N	Mr	Tshabalala-Msimang,	M E	Dr
Sisulu,	L N	Ms	Tshivhase,	T J	Mrs
Sisulu,	M V	Mr	Tshwete,	P	Mrs
Sithole,	S C N	Ms	Tsotetsi,	D R	Mrs
Sizani,	P S	Mr	Twala,	N M	Mrs
Skosana,	J J	Mr	Vadi,	I	Mr
Skosana,	M B	Mr	Van Dalen,	P	Mr
Smiles,	D C	Mr	Van Den Berg,	N J	Mr
Smith,	P F	Mr	Van Der Linde,	J J	Mr
Smith,	V G	Mr	Van Der Merwe,	S C	Ms
Smuts,	M	Ms	Van Der Merwe,	J H	Mr
Snell,	G T	Mr	Van Der Walt,	D	Mrs
Sogoni,	E M	Mr	Van Der Westhuizen,	A P	Mr
Sonjica,	B P	Ms	Van Dyk,	S M	Dr
Sosibo,	J E	Ms	Van Schalkwyk,	M C J	Mr
Sotyu,	M M	Ms	Van Schalkwyk,	H C	Dr
Spies,	W D	Mr	Vukuza-Linda,	N Y	Ms
Steele,	M H	Mr	Waters,	M	Mr
Steyn,	A	Mrs	Wenger,	M	Mrs
Steyn,	A C	Mr	Williams,	A J	Mr
Stofile,	M A	Rev	Xaba,	P P	Ms
Suka,	L	Mr	Xasa,	T	Ms
Sulliman,	E M	Mr	Xingwana,	L M	Ms
Surty,	M E	Mr	Yengeni,	L E	Mrs
Swart,	S N	Mr	Zikalala,	C N Z	Mrs
Swart,	M	Mr	Zondi,	K M	Mr
Swathe,	M M	Mr	Zulu,	L D	Ms
Terblanche,	J F	Mrs	Zulu,	B Z	Prince
Thabethe,	E	Ms	Zuma,	J G	Mr
Thobejane,	S G	Mr			

