



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

PROCEDURAL
DEVELOPMENTS
IN THE NATIONAL ASSEMBLY

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OF THE REPUBLIC OF SOUTH AFRICA

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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 21st issue covers the first session of the Fifth Parliament from May to December 2014. Where no year appears next to a particular month in the text, the reference is made to 2014.

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PRESIDING OFFICERS, OFFICE-BEARERS AND OTHER OFFICE-HOLDERS

[1] FIRST SITTING OF ASSEMBLY AFTER ELECTIONS

Section 51(1) of the Constitution determines that after an election the first sitting of the National Assembly (NA) must take place on a date determined by the Chief Justice but not more than 14 days after the election result has been declared by the Electoral Commission. Chief Justice Mogoeng Mogoeng, by general notice published in the Government Gazette of 2 May, announced that “the First Sitting of the National Assembly, at which the President of the Republic of South Africa, Speaker and Deputy Speaker of the National Assembly will be elected, shall take place on 21 May 2014, at 10h30.”

Swearing-in of Members of the National Assembly

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 Mogoeng opened proceedings on 21 May at 10:30.

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

Election of Speaker and Deputy Speaker

The Chief Justice announced that the Rules as contemplated in item 9 of Part A of Schedule 3 to the Constitution had been made available to members. The Chief Justice further announced the appointment of the Secretary to Parliament as Returning Officer and other procedural staff as Assistant Returning Officers.

The Chief Justice called for nominations for the position of Speaker. Ms Pamela Tshwete, seconded by Ms Fatima Ismail Chohan, nominated Ms Baleka Mbete and Ms Annette Steyn, seconded by Mr Sejamotopo Charles Motau, nominated Ms Zisiwe Beauty Nosimo Balindlela for election as Speaker of the NA. 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 13:00 for the purpose of preparing the ballot papers for the election of the Speaker, and at 13:49 the House proceeded to the secret ballot for the election of the Speaker. At 15:51, the Chief Justice took the Chair and announced the results of the ballot as follows: Ms Zisiwe Beauty Nosimo Balindlela 88 votes and Ms Baleka Mbete 260 votes. Ms Mbete was accordingly elected as Speaker of the NA. The Chief Justice congratulated Ms Mbete on behalf of all present and invited her to take the Chair. The Serjeant-at-Arms conducted the Speaker to the Chair and placed the mace in its position, at which point the Speaker expressed her sense of the honour conferred upon her.

With the Speaker presiding, the House proceeded to elect the Deputy Speaker. Mr Sango Patekile Holomisa, seconded by Ms Bongki Maria Ntuli, nominated Mr Solomon Lechesa Tsenoli for election as Deputy Speaker. As there were no further nominations, the Speaker declared Mr Tsenoli duly elected as Deputy Speaker.

The Speaker congratulated Mr Tsenoli on behalf of all present and afforded him the opportunity to express his sense of the honour conferred upon him. After the election of the Deputy Speaker, the House was blessed by religious leaders.

Election of the President

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

The Chief Justice called for nominations. Ms Masefele Rosalia Morutoa, seconded by Mr Nkosiyakhe Amos Masondo, nominated Mr Jacob Gedleyihlekisa Zuma for election as President. As there were no further nominations, the Chief Justice declared Mr Zuma duly elected as President of the Republic of South Africa and congratulated him on his election as President.

The Speaker then took the Chair, thanked the Chief Justice for conducting the proceedings and gave parties and the President-elect an opportunity to address the House.

[2] ANNOUNCEMENT OF PARLIAMENTARY OFFICE-BEARERS

At a sitting of the House on 18 June, the Deputy Speaker announced that Mr M A Maimane and Mr J H Steenhuisen 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 and as Chief Whip of the Opposition, respectively.

The Deputy Speaker also announced the appointment of Mr P S Sizani as Chief Whip of the Majority Party and Ms D E Dlakude as Deputy Chief Whip of the Majority Party. At the same sitting, Mr C T Frolick, Ms A T Didiza and Ms M G Boroto were elected as House Chairpersons on a motion moved by the Chief Whip of the Majority Party.

[3] DESIGNATION OF PARLIAMENTARY COUNSELLORS

On 18 June, the Deputy Speaker announced in the House that, in terms of Rule 319, Mr E I Ebrahim had been designated as Parliamentary Counsellor to the President and Dr G W Koornhof as Parliamentary Counsellor to the Deputy President with effect from 2 June.

[4] APPOINTMENT OF LEADER OF GOVERNMENT BUSINESS

At a sitting of the House on 18 June, the Deputy Speaker announced that the Deputy President, Mr M C Ramaphosa, had been designated Leader of Government Business in the NA in terms of section 91(4) of the Constitution.

[5] ANNOUNCEMENT OF CHAIRPERSON OF MULTIPARTY WOMEN'S CAUCUS

On 3 July, the Speaker announced in the ATC that Ms R M S Morutoa had been elected as the Chairperson of the Multiparty Women's Caucus with effect from 3 July. The Women's Caucus consists of all women members of the Assembly and women permanent delegates of the Council.

In terms of Joint Rule 137B, the Chairperson of the Women's Caucus is elected from the members of the majority party and the Deputy Chairperson from the members of the opposition parties. The Women's Caucus acts as an advisory, influencing and consultative body on, among other things, the promotion and discussion of women's issues in Parliament.

[6] APPOINTMENT OF SECRETARY TO PARLIAMENT

Following the passing away of Mr M B Coetzee on 13 June, the position of Secretary to Parliament became vacant. Since the first democratic Parliament, the position of Secretary to Parliament has been filled by resolutions adopted in the NA and the NCOP, following a recommendation to the two Houses from the Speaker of the NA and the Chairperson of the NCOP.

The position was advertised for the first time in the 5th Parliament in September. Five short-listed candidates were interviewed by a panel comprising the Speaker, the Chairperson, Judge Bernard Ngoepe and Professor Alan Hirsch. Mr Gengezi Mgidlana was recommended for appointment as Secretary to Parliament by the panel.

On 20 November, the Assembly and Council agreed to the appointment of Mr Gengezi Mgidlana as Secretary to Parliament on a five-year performance-based contract with effect from 1 December.

[7] ADOPTION OF NEW FORMULA FOR APPOINTMENT OF WHIPS

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

The NA Rules Committee (NARC) agreed on 4 June, after a recommendation by the Speaker, that the formula of 1 whip for every 7 members be applied in the Fifth Parliament. Applying the formula led to the following allocation of whips: ANC – 36; DA – 13; EFF – 4; IFP – 1; NFP – 1; UDM – 1; FF Plus – 1; and other parties 2.

However, the NARC re-opened the matter and agreed on 22 October that the formula for the allocation of whips would be adjusted from 1:7 to 1:65; the effect being that the ANC gained 2 whips, the DA 1 and the IFP 1. In the Fourth Parliament, the agreed formula was 1 whip for every 8,69 members.

MEMBERS

[8] MEMBERSHIP OF THE ASSEMBLY

The members of the NA of the Fifth Parliament were designated by the Electoral Commission on 14 May 2014. The proportional strength of parties is indicated in the following table.

	PARTY		No of Seats	% in NA
1.	African National Congress	ANC	249	62.15 %
2.	Democratic Alliance	DA	89	22.23 %
3.	Economic Freedom Fighters	EFF	25	6.35 %
4.	Inkatha Freedom Party	IFP	10	2.40 %
5.	National Freedom Party	NFP	6	1.57 %
6.	United Democratic Movement	UDM	4	1 %
7.	Freedom Front Plus	FF Plus	4	0.90 %
8.	Congress of the People	Cope	3	0.67%
9.	African Christian Democratic Party	ACDP	3	0.57 %
10.	African Independent Congress	AIC	3	0.53 %
11.	Agang SA	Agang	2	0.28 %
12.	Pan Africanist Congress of Azania	PAC	1	0.21 %
13.	African People's Convention	APC	1	0.17 %

See also Annexure 1.

[9] APPOINTMENT OF NEW MINISTERS AND DEPUTY MINISTERS

See Annexure 2

[10] CONDOLENCE MOTION

See Annexure 3

PROCEDURAL AND RELATED ISSUES

[11] JOINT DEBATE ON STATE OF THE NATION ADDRESS (SONA)

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 both Houses for 18 and 19 June in order to conduct a debate on the President's State-of-the-Nation Address and on Friday, 20 June for the President's reply to the joint debate. This was the first time since 1994 that the SONA was debated jointly by both Houses.

[12] RESUMPTION OF PROCEEDINGS ON BILLS

A number of bills were under 'Further Business' on the Order Paper at the end of the Fourth Parliament and therefore lapsed in terms of NA Rule 316(2). On 18 June, the NA, by resolution, revived the Appropriation Bill [B4 of 2014] and the Development Bank of Southern Africa Bill [B2 of 2014] from the stage they reached on the last sitting day of the Fourth Parliament. On 24 June, the Assembly resolved to resume proceedings on the Financial Management of Parliament Amendment Bill [B 1B - 2014]. On 22 July, the House resolved to resume proceedings on the Integrated Coastal Management Amendment Bill [B8F - 2013] and the Medicines and Related Substances Amendment Bill [B 6 - 2014]. On 26 August, the House agreed to resume proceedings on the Rental Housing Amendment Bill [B 56 D - 2013].

[13] REVIVAL OF REPORT ON CODE OF ETHICS

The Fourth Parliament undertook to revise the Code of Ethical Conduct and Disclosure of Members' Interests for Assembly and Permanent Council Members. The Joint Committee on Ethics and Members' Interests adopted the new Code on 13 March and tabled it in both Houses on 17 March, after the last sitting day of the NA before the national elections. The report of the committee therefore lapsed in the NA. The NCOP passed the Code on 26 March. On 18 June, after the general elections, the Chief Whip of the Majority Party moved that the NA revive the report from the stage it reached during the Sixth Session of the Fourth Parliament. The NA then passed the report and adopted the new Code on 29 July. The Code became effective from 1 November.

The Code of Ethical Conduct and Disclosure of Members' Interests contains sections on standards of ethical conduct, conflict of interests, prohibited business activities, remunerated work outside Parliament, disclosure of registrable interests and a procedure for investigating breaches.

[14] ELECTION OF TEMPORARY CHAIRPERSONS FOR HOUSE SITTING

On 20 November, the NA agreed by motion to elect additional chairpersons to preside at the sitting when so requested by the Presiding Officer. This was for purposes of dealing with the Adjustments Appropriation Bill and other business of the day. The chairpersons elected were Mr M R Mdakane and Ms L M Maseko.

[15] GRAVE DISORDER IN THE HOUSE

On 21 August, during Questions to the President, members of the Economic Freedom Fighters (EFF), after expressing their dissatisfaction with a reply by the President to an oral question, engaged in conduct that led the Speaker to suspend business and shortly thereafter adjourn the House in terms of Assembly Rule 56 (Grave disorder).

At a sitting of the House on 26 August, the Speaker made an announcement in respect of the events that happened in the House on 21 August and informed the House that the matter was being referred to the Powers and Privileges Committee in terms of Assembly Rule 194, the committee to investigate whether the conduct of the members of the EFF constituted contempt of Parliament in terms of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (No 4 of 2004) ("the Act"). The Speaker further informed the House that while the matter was before the committee, she was also considering the implementation of item 10 of the Schedule to the Rules, which provides for the suspension of members where the allegations against them are of a very serious nature and that she was affording the members concerned an opportunity to give reasons in writing why they should not be suspended.

At a sitting of the House on 2 September, the Speaker, standing, made a statement as follows:

.... During Questions to the President, the hon Malema, in whose name question No 3 stood, was given the first opportunity to ask the President a supplementary question. After the supplementary question was put, a point of order was raised that the matter referred to in the question was being dealt with by an ad hoc committee. I nevertheless recognised the hon the President and gave him the opportunity to respond to the supplementary question. After the hon President's reply, various points of order were taken from hon members of the Economic Freedom Fighters (EFF) in terms of which they claimed that they had not been answered.

I attempted to proceed with the business at hand by recognising the next hon member to ask a supplementary question. These attempts were unsuccessful since the hon members of the EFF persisted to rise on points of order and interjected using the floor microphones. Other members who were due to ask supplementary questions were denied an opportunity to do so because of the disruptions. Members should be aware that in terms of Rule 52, I could have suspended the members concerned immediately. At the time I opted for a lesser sanction which was to order the members to leave the House. As members will remember, the refusal of the members of the EFF to abide by the directives and rulings of the Chair led to the early adjournment of proceedings and the question session was not concluded. The frustration of the business of this House to this extent is unprecedented in the history of this democratic Parliament.

.... The Constitution provides not only for the legislative role of the National Assembly, but also for specific oversight and accountability functions. Questions to the Executive are one such mechanism of oversight. There may well be legitimate concerns about the quality of replies to questions. However, if a member is dissatisfied with a reply, there are appropriate processes and mechanisms available, both within this House and outside of it, for members to obtain further information in line with their oversight responsibility.

I have taken note of reports that the sovereignty of Parliament may be under threat and wish to assure hon members that Parliament will continue to retain its independence in line with the Constitution and the doctrine of separation of powers. Security was called upon to assist the Serjeant-at-Arms when members continued in their refusal to leave the Chamber, in complete and open defiance of the Chair.

.... Hon members, the National Assembly must fulfill specific constitutional functions and it is therefore imperative, in the overriding interests of protecting the functioning of the House, that the Speaker is entrusted with the responsibility of ensuring that the House is at all times able to perform these functions. The Constitution gives the National Assembly the power to determine and control its internal arrangements, proceedings and procedures and make rules and orders concerning its business. A situation where rules were not observed would be tantamount to anarchy.

As Speaker, I have the responsibility to ensure that the rights and privileges of all hon members of this House, both individually and collectively, are protected. You elected me for that purpose. As such, I cannot but strongly condemn the disruption of the proceedings in the Chamber and the manner in which this impeded the House's ability to conduct and conclude its business. Such actions undermine the democratic process and I must urge all parties to guard against this. No matter how little one likes or trusts what the other has to say, hon members must recognise the legitimacy of all other hon members to be in this House and be accorded the right to have their voices heard and be treated with the dignity, respect and tolerance to which they are entitled as elected representatives of the people.

The rules empower Presiding Officers to sanction members for contraventions which infringe upon the House's ability to conduct its business. Members should note that actions such as those that took place on 21 August will not be tolerated and will be dealt with immediately in terms of the Rules and relevant Statutes.

Hon members, I have considered the submissions from the hon members of the EFF. It is my considered view that the processes currently underway in the Powers and Privileges Committee will best serve the purpose of giving effect to the relevant provisions of the Constitution, the Powers and Privileges Act and the Rules. At this stage, I will not invoke item 10 of the Schedule to the Rules...."

The Powers and Privileges Committee concluded its investigation into the events of 21 August and tabled its Report on 11 November. The Committee made certain recommendations in terms of penalties against members found guilty of conduct constituting contempt of Parliament in terms of the Act for consideration by the House.

On 27 November, the Report of the Powers and Privileges Committee was debated by the Assembly, whereafter the Chief Whip of the Majority Party moved that the Report be adopted. A member of the opposition moved that certain provisions of the Report be deleted and replaced with the following recommendations:

- "(a) The composition of the committee is problematic. It has to be considered whether the current composition based on proportional representation ensures a fair and unbiased process.
- (b) The Act has to be amended to be more specific in terms of procedures and or requirements to ensure a procedurally fair enquiry process.
- (c) Both the Rules and the Act do not provide for an appeal. Although an administrative action can be taken to the court on review, it is a time consuming and costly procedure. This should be amended in the Rules and the Act by making provision for an appeal process.
- (d) That the process is restarted with due consideration to the requirements in the Powers and Privileges Act in which is stipulated that it must be a reasonable and procedurally fair process. The composition of the Powers and Privileges Committee is reconsidered to give effect to the principles of natural justice."

The amendment moved by the member was defeated after a division and the report of the committee was subsequently adopted.

The Deputy Speaker ruled that the affected EFF members would be informed in writing about the period of their suspension. The members of the EFF were subsequently informed in writing about the period of their suspension on 28 November.

The EFF brought an urgent interdict in the Western Cape High Court to prevent Parliament from imposing the sanctions against its members, and on 23 December, Judge D Davis granted a temporary interdict that came into effect immediately. No date was set for a final judgment on the suspensions and the interdict therefore remained in place at the time of writing.

[16] SUSPENSION OF RULES

From July to November, Rule 253 (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 three occasions, namely:

- Second Reading debate on the Appropriation Bill [B4-2014], 25 July.
 - Second Reading debate on the Attorneys Amendment Bill [B 9B-2014], 30 October.
 - Second Reading debate on the Division of Revenue Amendment Bill [B1-2014], 6 November.
- Notwithstanding NA Rule 29, which provides for the sequence of proceedings in the House, the House agreed:
- on 19 August, that the business for the sitting on 21 August would be limited to Questions to the President.
 - on 22 July, that there would be no notices of motion and motions as referred to in Rule 97(g) from Tuesday, 22 July to Thursday, 24 July in order to conduct a debate on Vote 2, Parliament, Appropriation Bill [B4 – 2014].
 - to give precedence to the Executive Statement by the Minister of Finance on retirement fund rumours before Members' Statements on Thursday, 4 September.

- to limit the business for 22 October, to the tabling of the Medium-Term Budget Policy Statement and the introduction of the Adjustments Appropriation Bill and related matters.
- that on 20 November, notices of motion and motions as referred to in Rule 97(g) be taken after orders of the day and before farewell speeches.

[17] TIME ALLOCATION FOR RESPONSES TO MINISTERIAL 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 may comment on the Executive statement according to the time and order determined by the Rules Committee.

On 3 September, the House adopted a resolution, applicable for that day only, which allocated times to each party to respond to Executive Statements as follows: ANC: 20 minutes; DA: 8 minutes; EFF: 5 minutes; and all other parties 3 minutes each. In line with Assembly Rule 106(5), the Rules Committee, at its meeting held on 22 October, agreed that for the duration of the Fifth Parliament, 74 minutes would be allocated for ministerial statements as follows: Minister: 20 minutes; ANC: 12 minutes; DA: 8 minutes; EFF: 4 minutes; and all other parties (10 parties): 3 minutes each. The Rules Committee also agreed that party responses would be taken in the following order: ANC, DA, EFF, IFP, NFP, UDM, FF Plus, Cope, ACDP, AIC, Agang SA, PAC and APC.

[18] LIMITATIONS ON NOTICES OF MOTION AND MOTIONS WITHOUT NOTICE

The Rules of the Assembly do not provide a limit to the number of notices of motion and motions without notice that can be moved on a sitting day.

On 13 and 19 November, opposition parties moved more than one hundred notices of motion and motions without notice for a period of more than three hours, on the above sitting days. The effect of this was that the consideration of the orders of the day was considerably delayed.

On 27 November, the Chief Whip of the Majority Party moved a draft resolution that the House limits the

number of notices of motion and motions without notice to three opportunities per party, respectively, for that sitting only. After declarations of vote, the motion was agreed to.

[19] SITTING HOURS OF EXTENDED PUBLIC COMMITTEES (EPCs)

On 24 June, the House agreed that, notwithstanding the hours of sitting of the House as provided for in Rule 23(2), EPCs may sit as had been agreed to by the NAPC.

[20] SITTING HOURS OF THE HOUSE

On 18 November, the House agreed that, notwithstanding the hours of sitting as provided for in Rule 23(2), the hours of sitting for Tuesday, 18 November, would be 10:00 to adjournment.

The sitting time was adjusted to enable the House to conclude the Budgetary Review and Recommendation Reports (BRRRs). In terms of the Money Bills Amendment Procedure and Related Matters Act (Act 9 of 2009), BRRRs must be submitted annually by portfolio committees to the NA.

[21] 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 25 June, the Chief Whips' Forum agreed to a new party sequence for oral questions and members' statements as follows: ANC, DA, EFF, ANC, IFP, Smaller Parties Group 1, ANC, Smaller Parties Group 2, ANC, DA, ANC, Smaller Parties Group 3, ANC, DA and ANC. The smaller parties consist of Group 1: NFP, UDM and FF Plus; Group 2: Cope, ACDP and APC and Group 3: AIC, AgangSA and PAC.

[22] CLUSTER OF GOVERNMENT PORTFOLIOS FOR QUESTIONS FOR ORAL REPLY

According to Assembly Rule 109, Questions for oral reply by Ministers must be dealt with in accordance with three clusters of portfolios of government affairs, as determined from time to time by the Chief Whips' Forum after consultation with the Leader of Government Business, and published in the ATC.

The Chief Whips' Forum, after consultation with the Leader of Government Business, agreed in terms of Rule 109(1) that questions for oral reply by Ministers would be dealt with in accordance with the following clustered system of government portfolios for the duration of the 5th Parliament (see ATC, 12 August 2014, p.1019):

Cluster 1 Peace and Security	Cluster 2 Social Services	Cluster 3 Governance	Cluster 4 Economics	Cluster 5 Economics
Defence and Military Veterans	Arts and Culture	Cooperative Governance and Traditional Affairs	Agriculture, Forestry and Fisheries	Public Works
Home Affairs	Basic Education	Minister in The Presidency	Communications	Rural Development and Land Reform
International Relations and Cooperation	Higher Education and Training	Minister of Women in The Presidency	Economic Development	Science and Technology
Justice and Correctional Services	Health	Public Service and Administration	Energy	Small Business Development
Police	Human Settlements		Environmental Affairs	Telecommunications and Postal Services
State Security	Social Development		Finance	Trade and Industry
	Sport and Recreation		Labour	Tourism
	Water and Sanitation		Mineral Resources	Transport
			Public Enterprises	

[23] SUSPENSION OF RULES TO ALLOW FOR INTRODUCTION OF BILL

NA Rule 3 provides that any provision of the Rules relating to the business or proceedings at a meeting of the House or of a committee of the House may be suspended by resolution of the House. The rule further states that this suspension will be limited in its operation to the particular purpose for which such suspension was approved.

On 22 July, the Medical Innovation Bill [PMB 1 – 2014] in the name of Dr M G Oriani-Ambrosini was revived by resolution of the House from the stage that it was referred to the Portfolio Committee on Health in the Fourth Parliament. The bill lapsed on the passing away of Dr M G Oriani-Ambrosini as he had ceased to be a member of the NA. On 9 September, the House suspended the pre-introductory procedures as set out in Rules 237 and 241, as they had been complied with during the initial introduction process and resolved to allow for the introduction of the Medical Innovation Bill by another member of Mr Oriani-Ambrosini's party. The House further resolved to refer all public submissions previously received to the relevant committee.

[24] MOTION OF NO CONFIDENCE IN THE SPEAKER

On 16 September, the Leader of the Opposition moved a motion of no confidence in the Speaker.

Following the debate on the motion, the Chief Whip of the Majority Party moved an amendment to the motion, which the opposition parties argued was not an amendment but rather a new motion. The opposition parties called upon the presiding officer to disallow the amendment and when the presiding officer ruled the amendment to be in order in terms of the Assembly Rules, the opposition parties left the Chamber. The Chief Whip of the Majority Party withdrew the amendment to the motion during declarations of vote.

When the question was put for a decision it was apparent that the majority of members were not in favour of the motion by the Leader of the Opposition. However, despite a division not being called, the presiding officer wanted members to formally record their votes via the electronic voting system for record purposes and also because it was a constitutional motion.

The motion by the Leader of the Opposition was defeated by 234 votes to 0.

[25] SECOND REPORT OF RULES COMMITTEE ON GUIDELINES FOR MOTIONS WITHOUT NOTICE

On 22 October, the NA Rules Committee agreed to the following guidelines for motions without notice as sessional orders in accordance with section 57 of the Constitution for the duration of the 5th Parliament:

Introduction

- (1) All motions, in principle, require notice. Members and parties should never be taken by surprise by being required to take a formal decision on any issue without having been given the time properly to consider the proposal in advance.
- (2) That being the case, however, it is recognised that the House has to retain some flexibility. Provision is therefore made for instances when it could become necessary to entertain a motion for decision without there having been an

opportunity for advance notice. However, the unanimous concurrence of members on waiving notice is a basic point of departure.

- (3) Motions for such exceptional circumstances fall into three broad categories:
 - (a) Technical motions relating to practical matters of House business, such as postponing an item on the Order Paper, etc (as in Rule 97(a) to (e));
 - (b) ceremonial motions presented for immediate decision in response to an unforeseen event, such as condolence motions, congratulatory motions, etc; and
 - (c) motions on unspecified or unforeseen eventualities for which all members agree to waive the notice requirement to enable the House to respond to a particular matter immediately.
- (4) Technical motions usually follow after some consultation among parties, while the assumption is that a ceremonial motion may be moved without notice as it is general in nature and neutral from a party-political perspective. On rare occasions a motion can be of such importance or magnitude that it is in the national interest for the House to take an immediate decision and all members then recognise the need to dispense with notice.

Guidelines for motions without notice

- (1) Rule 97(g) provides that every motion requires (prior) notice, except a motion in regard to which notice is dispensed with by the unanimous concurrence of all members present.
- (2) A motion that would otherwise require notice may be moved without notice, provided not a single member present objects to it being moved.
- (3) Motions without notice are intended, among other things, to allow the House to express a collective view on specific issues. Such motions should therefore be congenial and general in nature, not party political.

- (4) Motions without notice are moved when the presiding officer calls for them in terms of Rule 29.
- (5) To facilitate the unanimous concurrence required, members or parties must submit to procedural staff, before noon on that particular sitting day, all motions they intend to move without notice.
- (6) After the proposed motions without notice have been circulated to all parties by procedural staff, parties may indicate their objection to a motion without notice for consideration of the member or party intending to move it.
- (7) Motions that have not been submitted for circulation may not be read in the House.
- (8) When motions without notice are called for, the presiding officer will allow a member to read the motion, whereafter the motion will be put to the House for decision.
- (9) A motion requiring a decision of the House –
- (a) must comply with the Constitution, the law and the Rules, particularly the Rules of Debate,
 - (b) must deal with only one substantive matter,
 - (c) must consist of a clear and succinct proposed resolution or order of the House,
 - (d) must not contain statements, quotations, arguments or other matters not strictly necessary to make the proposed resolution or order intelligible,
 - (e) may not be the same in substance as a draft resolution that has been approved or rejected during the same session,
 - (f) must not contain unbecoming or offensive expressions,
 - (g) must not issue an instruction to the Executive,
 - (h) must observe the principles of co-operative government (Chapter 3 of the Constitution), and
- (i) must be handed to the Table immediately after the motion has been moved and agreed to in order to comply with Rule 98 (a signed written copy).
- (10) A motion without notice shall be ruled out of order if it does not comply with the criteria outlined in orders (5), (7) or (9).
- (11) Procedural staff members can provide guidance on whether a motion of notice complies with the criteria in sessional order (9) and other relevant rules of the Assembly.
- (12) Once agreed, motions without notice are published in the Minutes of Proceedings of the National Assembly. They are resolutions of the House and, where applicable, are communicated to the affected persons or bodies under the signature of the Speaker.

These sessional orders were adopted by the House on 28 October.

[26a] PERSONAL EXPLANATION

Rule 69(2) provides that a member may, with the prior consent of the presiding officer, explain matters of a personal nature but that such matters may not be debated and that the member should confine himself or herself strictly to the vindication of his or her own conduct.

On 17 September, a member made an offensive gesture towards the Deputy President while leaving the House. The general principles that apply to unparliamentary language also apply to the use of gestures and this has been confirmed in previous rulings. However, as a gesture cannot be withdrawn the member would generally be asked to apologise to the House.

On 30 October, the Speaker referred the matter involving the member to the Powers and Privileges Committee in terms of Rule 194 for consideration and report. On 4 November, the member wrote to the Speaker requesting an opportunity to give a personal explanation, in terms of Rule 69(2), around the incident that occurred in the NA on 17 September.

The member gave a personal explanation for his inappropriate conduct and apologised to the House for his behaviour. The personal explanation was forwarded to the Powers and Privileges Committee for consideration in terms of Rule 194. The matter was not finalised by the Committee at the end of the 2014 parliamentary session.

[26b] PERSONAL EXPLANATION

On 11 November, a member made a personal explanation concerning remarks she made in the House on 16 September. She withdrew and expressed regret at the said remarks and offensive and unbecoming language to the House.

On 10 December, the Speaker referred the matter to the Powers and Privileges Committee in terms of Rule 194 for consideration and report. The matter was not finalised by the Committee at the end of the 2014 parliamentary session.

[27] SUSPENSION OF MEMBER FOR DISREGARDING AUTHORITY OF THE CHAIR

Rule 52 provides for naming or suspension of a member if the presiding officer is of the opinion that a contravention committed by a member is of so serious a nature that an order to withdraw from the Chamber for the remainder of the day's sitting is inadequate, the Speaker may suspend or name the member.

Furthermore, Rule 54 provides that the suspension of a member shall on the first occasion during a session continue for 5 parliamentary working days, on a second occasion for 10 parliamentary working days, and on any subsequent occasion for 20 parliamentary working days.

On 6 November, a member disregarded the authority of the Chair by refusing to leave the House after being ordered to withdraw from the Chamber for the remainder of the day's sitting. As a result, the Speaker suspended the member for 5 days in terms of Rules 52 and 54.

[28] MEMBER REFUSES TO LEAVE THE CHAMBER

On 13 November, at the start of the day's sitting, the Speaker announced that the NAPC had earlier that morning discussed the extent of the day's programme

and the possible length of the sitting. She added that in terms of the Order Paper, the House would adjourn very late – possibly midnight or beyond.

There were 40 orders on the Order Paper for that day. Moreover, a practice has developed in the Fifth Parliament, whereby parties move several motions without notice, which sometimes contributes to prolonged sittings.

Thus, having regard to the discussions in the NAPC, the 40 orders on the Order Paper as well as the inordinate amount of time spent on motions without notice, the Speaker made a ruling in terms of Rule 2 that notices of motion and motions without notice be limited to 45 minutes and that consideration be given to the orders on the Budget Review and Recommendation Reports standing over. Rule 2, which relates to unforeseen eventualities, states that the Speaker may give a ruling or frame a Rule in respect of any eventuality for which the Assembly Rules do not provide. This ruling was challenged by opposition parties who wished business to proceed in accordance with the programme agreed by the NAPC.

Having taken numerous points of order on the matter, the Speaker informed the House that she would proceed to the business of the day. At this juncture, a member of the opposition attempted to intervene further, and despite being requested by the Speaker on a number of occasions to take his seat, he refused to do so. Having disregarded the authority of the Chair, he was requested to leave the Chamber for the remainder of the day's sitting. The member refused to leave the Chamber and his refusal was followed by conduct which in the view of the presiding officer was disorderly on the part of his party members. The Speaker, however, elected to rather restore order and continue with the business at hand than take further immediate action against the member.

At a later stage in proceedings the Deputy Speaker, who was presiding, indicated to the member that he would not allow him to address the House as the Speaker had earlier ruled that he should leave the House and that he, therefore, should not be in the House.

During the consideration of the Report of the Ad Hoc Committee on Report by the President regarding security upgrades at the Nkandla private residence of

the President at the same sitting, the Leader of the Opposition made certain remarks about the President which the Deputy Speaker directed him to withdraw as such remarks could not be made other than by way of a substantive motion. The Leader of the Opposition refused to withdraw the remarks and the Deputy Speaker then named him in terms of Rule 52. Rule 53(1) states that a member ordered to withdraw from the Chamber or suspended or named should withdraw from the precincts of Parliament. On this occasion, the Leader of the Opposition did not withdraw from the Chamber.

On 10 December, by way of an announcement in the ATC, the Speaker announced that she had referred the unparliamentary remarks by the Leader of the Opposition and those of the member who was asked to leave the Chamber but refused to do so, as well as their subsequent conduct, to the Powers and Privileges Committee in terms of Rule 194.

[29] MEMBER REMOVED FROM CHAMBER

On 13 November, after a suspension of proceedings, it was agreed that precedence be given to the consideration of the Request for Approval by Parliament of the Treaty on the Grand Inga Hydropower Project between the Republic of South Africa and the Democratic Republic of the Congo, in terms of section 231(2) of the Constitution, and that all other matters on the Order Paper would stand over.

During her speech on the above matter, a member made certain remarks about the President which the House Chairperson, Mr C T Frolick, who was presiding at the time, directed her to withdraw as such remarks could not be made other than by way of a substantive motion. The member refused to withdraw the remarks or to leave the podium when directed to do so by the House Chairperson. The House Chairperson repeatedly indicated to the member that she should withdraw the remarks and that if she refused to do so that she had to leave the podium and the House. The member persisted in repeating the remarks and was named by the House Chairperson in terms of Rule 52. When the member refused to leave the podium, the House Chairperson requested the assistance of the Serjeant-at-Arms to remove the member. The member refused to leave after the intervention of the Serjeant-at-Arms and was subsequently escorted out of the Chamber by members of the Parliamentary Protection Services and South African Police Services.

Business was briefly suspended and on resumption, the Leader of the Opposition moved that in view of the disorder in the House, proceedings should be adjourned. After the approval of the Treaty on the Grand Inga Hydropower Project, which was one of the items on the Order Paper, the House was adjourned.

[30] STATEMENT BY SPEAKER

Following on the culmination of events in the House on 13 November, the Speaker, on 18 November, made a statement in the House. The Speaker informed the House that the Leader of Government Business had briefed the presiding officers on a meeting that he had convened with leaders of political parties. A committee consisting of the Leader of Government Business and leaders of parties represented in Parliament had been established to address matters of concern within Parliament. As part of this agreement the processes around earlier disruptions in the House, including those related to outstanding rulings, would be held in abeyance until the committee had completed its work.

[31] MOTION OF CENSURE AGAINST THE PRESIDENT

On 4 November, the Leader of the Opposition gave notice of a motion of censure against the President in terms of Rule 98. According to the Guidelines for Motions agreed to at the NA Rules Committee meeting of 6 June 2012 and published in the ATC of 11 October 2012, a draft resolution must, amongst others, deal with only one substantive matter. The motion did not comply with the guidelines as it required the House to deal with more than one substantive matter.

Furthermore, the motion as submitted did not constitute a motion of censure as it went beyond the expression of disapproval by requiring the House to "order" the President to appear before it to answer oral questions and by requiring the Deputy President to explain why the President had failed to comply with the Rules in respect of oral questions. A motion of censure, unlike a substantive motion, aims to express disapproval or condemnation on political grounds and not give rise to disciplinary action, but rather allow for political debate, at the conclusion of which the House could express itself on the behavior or action in question.

The Leader of the Opposition was subsequently informed that the motion as it stood did not constitute a motion of

censure and it was therefore out of order and would not be published. Following a process of consultation, the following draft resolution appeared on the Order Paper on 18 November:

Draft resolution (Leader of the Opposition): "That the House –

1. notes that President Jacob Zuma has failed to comply with the Rules of the National Assembly in that he has not appeared for oral questions at least once per term during 2014; and
2. censures President Zuma for failing to comply with the Rules of the National Assembly."

On 18 November, it was agreed that the draft resolution in the name of the Leader of the Opposition would stand over. The debate on the draft resolution took place on 19 November at the conclusion of which an amendment was moved to the resolution by a member of the Inkatha Freedom Party. The amendment was not agreed to and the House proceeded to consider the motion as moved by the Leader of the Opposition. The motion was not agreed to and accordingly negatived.

[32] AMENDMENTS INTRODUCED IN FORM OF MINORITY REPORT

Item 17, Issue 20 reported that in the Fourth Parliament, the Speaker established an ad hoc committee, in terms of Assembly Rule 214(1)(b), to consider the submissions by the President in response to the Public Protector Report No 25 of 2013/14. As the committee had not completed its task, it recommended that the matter be referred to the Fifth Parliament for consideration. On 23 October, the Assembly adopted a resolution extending the deadline for the committee to report to 14 November.

During the Committee's deliberations members of the majority party and opposition parties could not agree on certain issues of contention, and as these issues could not be resolved members of the opposition parties withdrew their participation from the committee.

At a sitting on 13 November, the House debated the Report of the Ad Hoc Committee on the report by the President regarding security upgrades at his private residence at Nkandla, which was tabled in the ATC of 11

November. After the debate was concluded, the Chief Whip of the Opposition moved, as an amendment, to the committee report that the House removes all the words after "as follows" and replace them with a report, which he then proceeded to table.

In terms of the Assembly Rules, specifically Rule 137(4), there is no provision for minority reports. However, at the time, the mood in the House was very tense and in order to ensure that proceedings continued without further interruptions, the presiding officer allowed the amendment in the form of a minority report to be put to the House for consideration. The proposed amendment was defeated after a division and the original committee report was adopted. The full text of the proposed replacement report by the Chief Whip of the Opposition was appended to the minutes of proceedings of the House.

LEGISLATION AND COMMITTEES

[33] FIRST REPORT OF THE NA RULES COMMITTEE, 2014

Portfolio committees are established by the Speaker with the concurrence of the NARC. At the beginning of the term of the Fifth Parliament, various committees were established in terms of the Assembly Rules.

The Rules Committee on 11 June agreed to establish the following committees:

- 32 portfolio committees that would mirror government departments in terms of Rule 199 and would consist of 11 members, as follows: ANC 6, DA 2, EFF 1 and other parties 2.
- The Standing Committee on Finance and the Standing Committee on Appropriations with the same composition as portfolio committees.
- The Committee on Public Accounts with the same composition as portfolio committees.
- The Committee on the Auditor-General with the same composition as portfolio committees.
- The Powers and Privileges Committee with the same composition as portfolio committees.
- The Subcommittee on Review of the Assembly Rules would be composed in accordance with the

Rules, as follows: ANC 3, DA 1, EFF 1, IFP 1 and other parties 2.

- The committee also agreed to the appointment of Mr M R Mdakane as Chairperson of the Subcommittee.

The committee's report was adopted by the Assembly on 18 June.

[34] FIRST REPORT OF JOINT RULES COMMITTEE , 2014

The Joint Rules Committee (JRC) of the 5th Parliament held its first meeting on 17 July to consider, amongst other matters, the establishment of the Joint Standing Committee (JSC) on Defence. It was argued that the size of the JSC on Defence provided for in Joint Rule 120B, using the formula set out in Section 228 of the Interim Constitution, 1993 made it difficult for the committee to function during the 4th Parliament due to the size of its membership. Section 228 of the Interim Constitution was still in force and determined which parties would have representation on the committee. The formula, if applied again, would result in a committee that only had representation from the three largest parties in both Houses and would consist of 36 members.

A previous attempt had been made to reduce the size of the JSC on Defence's membership, but an objection was raised to changing it by means of amending the joint rules when section 228 of the Interim Constitution determined the size and composition of the membership, and was still in force. A legal opinion was sourced, which provided support for the view that changing the size of the committee's membership would not require an amendment to the Interim Constitution but that an adjustment to the joint rules could achieve the required change in the size of the membership.

The discussions of the JRC meeting also focussed, amongst other matters, on the accommodation of smaller party participation on the JSC on Defence in line with section 57(2)(b) of the Constitution, 1996.

The committee therefore agreed that Joint Rule 120B be adjusted as follows: "The Joint Standing Committee consists of the number of Assembly and Council members that the Joint Rules Committee may determine, subject to the provisions of section 228(3) of

the Constitution, 1993 read with item 24(1) of Schedule 6 to the Constitution, 1996. It was further agreed that the Joint Standing Committee on Defence would consist of 13 members for the duration of the 5th Parliament, as follows: ANC 9, DA 3 and EFF 1, the NA component to consist of 9 members and the NCOP component of 4 members.

The First Report of the JRC was published on 25 July, and adopted by the Assembly and the NCOP on 29 and 31 July, respectively.

[35] APPOINTMENT OF AD HOC COMMITTEE ON STATE SECURITY BUDGET VOTE

On 22 July, the Assembly adopted a resolution to appoint an ad hoc committee to allow members of the Assembly to be briefed prior to the debate on Vote No 10: National Treasury (State Security). This was done in the light of the imminent appointment of the Joint Standing Committee on Intelligence following the finalisation of all legal prescripts.

The committee consisted of 11 members with top-secret security clearance. In terms of the resolution, the committee had to conduct its proceedings in closed session in terms of Rule 152(1)(b)(iv) and members of the committee were to conduct their functions in a manner consistent with the protection of national security.

The committee ceased to exist when the debate on Vote No 10: National Treasury (State Security) was completed on 23 July.

INTERNATIONAL RELATIONS

[36] DESIGNATION OF REPRESENTATIVES TO SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PARLIAMENTARY FORUM (SADC-PF)

In terms of article 6(3) of the Constitution of the Southern African Development Community Parliamentary Forum (SADC-PF), the Forum consists of the Presiding Officers and up to a maximum of five representatives elected by each national Parliament. In electing the five representatives, each Parliament must ensure equitable

representation of women and political parties and include the chairperson of the Women's Parliamentary Caucus. A representative of the Forum serves for a period of five years, unless he/she ceases to be a member of or is replaced by his/her Parliament.

On 11 June, the matter was briefly introduced in the Chief Whips' Forum meeting which resolved that the majority party would consult other parties regarding the nominations to the SADC-PF. The designation of members to the SADC-PF requires the approval of both Houses.

On 24 June, the Assembly designated the following members to the SADC-PF: Ms B Mbete (Speaker), Mr M S A Masango, Ms E M Coleman, Mr S Mokgalapa and Mr A M Shaik Emam. On 14 October, the NCOP agreed to a motion to designate the following members to the SADC-PF: Ms B Mbete (Speaker), Mr S A Masango, Dr H E Mateme, Ms M R Morutoa, Mr S Mokgalapa and Mr A M Shaik Emam. On 28 October, the Council amended the motion of 14 October, by replacing Dr H E Mateme with Ms T Motara.

On 23 October, the Assembly further designated Ms M R Morutoa and Ms T Motara to the SADC-PF. Ms Morutoa was designated in terms of article 7(2) of the Constitution of the Forum, in her capacity as the chairperson of the Multiparty Women's Caucus to represent Parliament on the Women's Forum while Ms Motara replaced Ms E M Coleman.

[37] 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, 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.

Members of the PAP are drawn from both Houses of Parliament. On 24 June, the Assembly considered the nominations of members of the Assembly to serve in the PAP and elected the following persons: Dr Z P Jordan, Ms T C Memela, Dr H Mateme, Ms S V Kalyan and Mr N F Shivambu.

At its sitting on 24 June, the Council elected the following persons to serve in the PAP: Dr Z P Jordan, Ms T C Memela, Dr H Mateme, Ms S V Kalyan and Mr N L S Kwankwa. On 8 July, the Council replaced the nomination of Mr N L S Kwankwa with the nomination of Mr N F Shivambu.

At its sitting on 23 October, the Assembly replaced Mr Z P Jordan with Mr C Nqakula.

MONEY BILLS AND RELATED MATTERS

[38] TECHNICAL CORRECTIONS TO APPROPRIATION BILL

The Appropriation Bill [B4-2014] was introduced in the NA on 26 February. As 2014 was an election year, the work on the Appropriation Bill was suspended at the end of the 4th Parliament and revived on 18 June after the start of the 5th Parliament.

Following the elections, the President, on 25 May, announced revised Cabinet portfolios. The revised portfolios of Ministers necessitated a reorganisation of departments, including the establishment of new departments. The establishment of new departments and the restructuring of existing departments had important implications for the Appropriation Bill.

A letter, dated 30 June, was received from the Minister of Finance, submitting proposed technical corrections to the Appropriation Bill in terms of section 14 of the Money Bills Amendment Procedure and Related Matters Act (No 9 of 2009) and a copy of the proclamation amending Schedule 1 to the Public Service Act (No 103 of 1994).

The proposed corrections enabled funding for new departments for which votes were not previously provided; enabled functions to be transferred between departments and changed the titles of some votes and programmes to reflect the new departments and functions.

On 25 July, the Appropriation Bill, as amended by the Minister of Finance was passed by the Assembly.

STATUTORY FUNCTIONS

[39] JUDICIAL SERVICE COMMISSION (JSC): DESIGNATION OF MEMBERS

In terms of section 178(1)(h) of the Constitution, six members of the National Assembly must be designated to the JSC. At least three of those designated must be members of the opposition parties represented in the Assembly. Members of the Commission serve until they are replaced by those who designated or nominated them.

On 11 June, the matter was briefly introduced in the Chief Whips' Forum meeting which resolved that the majority party would consult other parties regarding the nominations to the Commission.

On 24 June, the Assembly designated the following members to the JSC: Dr M S Motshekga, Ms A T Didiza, Mr D P Magadzi, Mr H C Schmidt, Mr J S Malema and Mr N Singh.

[40] 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 NA to be designated by the Assembly to serve on the Magistrates Commission. Furthermore, in terms of this section, at least two of these members must be members of the opposition parties represented in the Assembly.

On 11 June, the matter of the designation of the four members was briefly introduced in the Chief Whips' Forum meeting which resolved that the majority party would consult other parties regarding the nominations to the Commission.

On 24 June, the Assembly designated the following members to the Magistrates Commission: Mr M D Kekana, Ms C C September, Mr W Horn and Mr M M Tshishonga.

[41] FILLING OF VACANCY IN PUBLIC SERVICE COMMISSION (PSC)

A letter, dated 12 September, was received from the

President requesting the Assembly to initiate the process to fill a vacancy that would arise in the PSC when the term of office of the chairperson, Mr B Mthembu, expired on 20 October.

In terms of section 4(1) of the Public Service Commission Act (No 46 of 1997), whenever the President is required to appoint a commissioner who has been approved by the Assembly, the President must address a request in writing to the Speaker of the National Assembly that a fit and proper person contemplated in section 196(10) of the Constitution be approved as soon as may be practicable by the Assembly in accordance with section 196(8)(a) of the Constitution.

The President's request was referred to the Portfolio Committee on Public Service and Administration as well as Performance Monitoring for consideration and report on 23 September.

The committee did not finalise this matter in the 2014 parliamentary session.

[42] INVITATION FOR CANDIDATES TO SERVE ON NATIONAL AGRICULTURAL MARKETING COUNCIL (NAMC)

In a letter to the Speaker, dated 24 July, the Minister of Agriculture, Forestry and Fisheries, invited the relevant parliamentary committees in terms of section 4(4)(a) of the Marketing of Agricultural Products Act (No 47 of 1996) to nominate candidates to serve on the NAMC.

Section 4(4)(a) of the Act provides that the Minister must, by notice in the Gazette as well as in the national news media, including at least two newspapers circulating throughout the Republic, call for the nomination of persons who comply with prescribed criteria for appointment as members of the NAMC. The section, in subsections (b)-(f), further provides that the Minister must establish a selection committee to compile a shortlist of candidates that the Minister submits to the Secretary to Parliament for submission to the appropriate parliamentary committees. The section also prescribes that the Minister shall appoint such number of members as is required from the list of candidates recommended by the parliamentary committees.

The Minister's request was referred to the Portfolio Committee on Agriculture, Forestry and Fisheries for consideration on 13 August. In its report, dated 11 September, the committee recommended the nomination of Mr Isaac Bheki Mgidi, and Ms Sebina Hlapolosa to serve on the NAMC. As there is no need for the Assembly to approve the nominations the names of the two nominees were transmitted to the Minister by the Speaker.

[43] FILLING OF VACANCIES IN THE MEDIA AND DEVELOPMENT AGENCY (MDDA) BOARD

It was reported in Issue 20, Item 20 that on 12 March the Assembly approved that Mr Jimmy Manyi be recommended for appointment to the MDDA Board. Mr Manyi's appointment was made in terms of section 4(1)(b) of the Media Development and Diversity Agency Act (No 14 of 2002) to fill the vacancy that arose due to the expiry of the term of office of Ms Nothando Migogo on 31 December 2013.

On 11 July, the President informed the Assembly that since Mr Manyi was already an MDDA Board member in terms of section 4(1)(c) of the Act, he was unable to appoint Mr Manyi in terms of section 4(1)(b) of the Act. In terms of section 4 of the Act, the Board consists of nine members of whom six are appointed by the President on the recommendation of the NA in terms of section 4(1)(b) of the Act. The other three members are appointed directly by the President in terms of section 4(1)(c) of the Act.

The President therefore requested the Assembly to commence with the process of recommending, in accordance with section 4(1)(b) of the Act, a suitable candidate to fill the vacancy caused by the expiry of the term of office of Ms Migogo.

On 13 August, the matter was referred to the Portfolio Committee on Communications for consideration and report. The committee reported on 18 November that it recommended Ms L Vale to fill the vacancy on the Board. The House approved the recommendation on 20 November.

On 5 November, the Minister of Communications wrote to the Speaker to bring to her urgent attention the current and imminent vacancies on the MDDA Board as a result

of either resignations or expiry of term of office, and the impact that these vacancies had on the functioning of the Board. A letter, dated 9 December, was received from the President informing the Assembly that Dr Rene Alicia Smith had tendered her resignation in terms of section 6(1)(b) of the Act and that the term of office of Mr Phenyio Nonqane would expire on 13 January 2015 in terms of section 8(2) of the Act.

The President requested the Assembly to commence with the process of recommending suitable candidates to fill these vacancies. The request was referred to the Portfolio Committee on Communications for consideration and report on 10 December. The process of filling the vacancies on the Board was not finalised before the end of the 2014 parliamentary session.

[44] INVITATION TO NOMINATE CANDIDATES FOR LAND BANK BOARD

See also Issue 16, Item 36 and Issue 17, Item 51

In a letter, dated 2 June, the Minister of Finance invited the relevant parliamentary committees, in terms of section 4(2) of the Land and Agricultural Development Bank Act (No 15 of 2002), to nominate candidates with a background in credit risk and financial management, as well as agriculture, legal and human resource management, for appointment to the Board of the Land Bank. The letter noted that there were five vacancies that would be available in the Land Bank Board upon the expiry of the terms of office of three non-executive directors on 4 September and two non-executive directors on 31 December. The deadline for the relevant portfolio committees to nominate candidates for appointment to the Board of the Land Bank was 11 July.

On 23 June, the Speaker tabled and referred the Minister's letter to the Standing Committee on Finance and Portfolio Committee on Agriculture, Forestry and Fisheries for consideration.

On 11 July, the Portfolio Committee on Agriculture, Forestry and Fisheries nominated the following six candidates for appointment to the Board of the Land Bank:

Prof Gilingwe Mayende
Ms Gwendolyn Mahuma
Mr Sebina Hlapolosa

Ms Ntombikayise Twala
Mr Raymond Ngqeleni
Ms Fezeka Maqwati

The list of recommended candidates was transmitted to the Minister of Finance by the Speaker as the House is not required to take a decision on the matter.

[45] RECOMMENDATIONS FOR APPOINTMENT TO APPEAL BOARD

The Safety at Sports and Recreational Events Act (No 2 of 2010) came into effect on 2 August 2010 following the findings of a Commission of Enquiry set up to probe the 2001 Ellis Park soccer disaster in which 43 spectators died. The Commission recommended a complete revamp in the way South Africa approaches major sporting and recreational events. In terms of the Act, the Minister of Sport and Recreation must appoint an independent Board known as the Appeal Board consisting of at least seven members to hear and decide upon appeals against decisions made in terms of the Act.

On 29 August, the Minister wrote to the Speaker requesting the Assembly to recommend at least seven candidates for appointment to the Appeal Board from a short-list of candidates. The short-list of candidates was compiled by the Department of Sport and Recreation. The Minister's request was referred to the Portfolio Committee on Sport and Recreation for processing.

A further letter, dated 7 November, was received from the Minister in which he notified the Speaker that he had received legal advice to the effect that due to the period of two years that had lapsed since the initial shortlisting of candidates for the Appeal Board, it was deemed prudent to initiate afresh all processes relating to the appointment of the Appeal Board members.

The Minister's request was referred to the committee on 12 November. The committee did not finalise this matter in the 2014 parliamentary session.

[46] FILLING OF VACANCY ON ELECTORAL COMMISSION

On 4 November, following the resignation of Adv P Tlakula, Chairperson of the Electoral Commission, on 30 September, the Chief Justice wrote to the Speaker notifying her that the President had requested him, as

Chairperson of a Panel, established in terms of section 6(3) of the Electoral Commission Act (No 51 of 1996), to recommend candidates to fill the vacancy in the Commission.

In his correspondence, the Chief Justice informed the Speaker that advertisements had been placed in the national newspapers calling for nominations of interested persons to fill the vacant position on the Commission. He further stated that interviews were scheduled for 20 and 21 November and that the list of recommended candidates would be forwarded to the Assembly soon after the interviews.

On 21 November, the Chief Justice wrote a further letter to the Speaker informing her that the Panel had shortlisted and interviewed 14 candidates. The Panel deliberated and compiled a list of eight names, as required by the Act, which it submitted to the Assembly for consideration by a committee of the Assembly.

On 25 November, the Speaker referred the letter with the list of recommended candidates and their curricula vitae to the Portfolio Committee on Home Affairs for consideration and report. The committee had not finalised the matter at the end of the 2014 parliamentary session.

UNPARLIAMENTARY EXPRESSIONS

[47] EXPRESSIONS RULED UNPARLIAMENTARY DURING 2014

Madam, reference to a member as a Nonsense

Abelungu bayeyisa [whites are disrespectful]

Tax evader, member is a Wriggling like a worm on a hook (with reference to a member)

Lying,

member is Proverbial elephant in the room,

member is Auction member's [Louis Vetton shoes] and pay SARS

La magenge aphaphaya [these forward fellows] (with reference to members)

Shut up (with reference to a member)

Thief,

member is a

Le magatlapa; le tshaba ba basweu [... you are cowards; you are scared of whites]

Ran away because of serious charges that were laid against her (with reference to a member)

Charged with and found guilty of misconduct,

member was Ashamed to scream like that, like [a member's] pigs! ,

member should be Stole money from Limpopo and used it to be here today (with reference to a member)

Coward, member is a Ungijwayela kabi,[you are becoming too familiar]

Hooligan,

member is a Racist right-wingers,

members are Bloody agent,

member is a Idiot,

member is an Deliberately misleading the House,

member is Hatred of women is something that you can no longer ignore (with reference to a member)

The behaviour displayed by the hon members of [a certain party] has something to do with the environment under which they were brought up and the parents that brought them up

Your hands have on them the blood of innocent people who died at Marikana (with reference to a member)

Turned this House into a hobo place with their gumboots, uncombed hair and overalls (with reference to members)

Dom Engelsman [Dumb Englishman] (with reference to a member).

[48] EXPRESSIONS CHALLENGED BUT NOT RULED UNPARLIAMENTARY DURING 2014

Champions of apartheid and oppressors (with reference to the predecessors of a certain political party)

Sehla sa mosotho ke lekgowa [the medicine of a black man is a white person]

Dr Wouter Basson, whether member had any relation to

Huge donations that she was getting because of malpractices and corrupt tendencies, member left previous employment because of

Puppets (with reference to a political party)

Privileges of the whites are preserved, the mandate of the hon members on my extreme left, is to make sure that the

ANC's praise singer today, member has become the

Busy squandering her department's money and not addressing the real transformation for women in this country, Minister was too

Bunch of men gathering here in the precincts of Parliament

Howlers, I will not be offended by

ABBREVIATIONS

ATC	Announcements, Tablings and Committee Reports (a daily parliamentary paper which is effectively an appendix to the Minutes of Proceedings)
BRRRs	Budgetary Review and Recommendation Reports
EPC	Extended Public Committee (a mechanism that enables the NA to conduct more than one public debate simultaneously)
JRC	Joint Rules Committee
JTM	Joint Tagging Mechanism
LoGB	Leader of Government Business
MDDA	Media Development and Diversity Agency
Minutes	Minutes of Proceedings of the NA
NA	National Assembly
NAMC	National Agricultural Marketing Council
NAPC	NA Programme Committee
NARC	NA Rules Committee
NCOP	National Council of Provinces
PAP	Pan-African Parliament
PMB	Private Member's Bill
SADC-PF	Southern African Development Community Parliamentary Form
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 first session of the 5th Parliament, several vacancies occurred in the NA. Some were due to resignations and others as a result of members passing away. At the time of reporting, some of the vacancies had still not been filled.

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

The following vacancies occurred and were filled:

Ms D D Pule (ANC – National)

was not available to take up her seat. Replaced by Mr M S Booie with effect from 7 May 2014.

Mr T D Harris (DA – Western Cape)

was not available to take up his seat. Replaced by Ms M R Shinn with effect from 7 May 2014.

Ms L D Mazibuko (DA – KwaZulu-Natal)

was not available to take up her seat. Replaced by Mr T Z Hadebe with effect from 7 May 2014.

Mr L B Gaehler (UDM – Eastern Cape)

was not available to take up his seat. Replaced by Ms C N Majeke with effect from 7 May 2014.

Mr J R Tau (ANC – Northern Cape)

was not available to take up his seat. Replaced by Ms Y R Botha with effect from 7 May 2014.

Dr M A Ramphele (Agang- National)

was not available to take up her seat. Replaced by Mr M M Tshishonga with effect from 7 May 2014.

Mr F J Mulder (FF Plus - Gauteng)

was not available to take up his seat. Replaced by Adv A D Alberts with effect from 7 May 2014.

Ms L A Mathys (EFF – National)

was not available to take up her seat. Replaced by Mr P G Moteka with effect from 7 May 2014.

Ms T J Mokwele (EFF – National)

was not available to take up her seat. Replaced by Ms P Ntobongwana with effect from 7 May 2014.

Mr K Bavu (EFF - Gauteng)

was not available to take up his seat. Replaced by Mr N S Matiase with effect from 7 May 2014.

Mr N J Mdluli (EFF - Gauteng)

was not available to take up his seat. Replaced by Mr M S Mbatha with effect from 7 May 2014.

Ms R G M Monchusi (EFF - Gauteng)

was not available to take up her seat. Replaced by Ms N V Nqweniso with effect from 7 May 2014.

Mr T T Mboweni (ANC - National)

was not available to take up his seat. Replaced by Ms M P Mmola with effect from 7 May 2014.

Mr J G Zuma (ANC - National)

was elected as President of the Republic on 21 May 2014. Ceased to be a member of the NA in terms of section 87 of the Constitution. Replaced by Mr L Ramatlakane with effect from 22 May 2014.

Mr N G Kodwa (ANC – National)

resigned with effect from 26 May 2014. Replaced by Ms P E Adams with effect from 26 May 2014.

Mr M C J van Schalkwyk (ANC – National)

resigned with effect from 25 May 2014. Replaced by Mr T Z M Khoza with effect from 26 May 2014.

Annexure 2

APPOINTMENT OF NEW MINISTERS AND DEPUTY MINISTERS

On 16 July, the President informed the NA of appointments made to Cabinet in terms of sections 91(2), 91(3) and 93(1) of the Constitution.

The following appointments were announced by the President:

The President of the Republic

Mr J G Zuma

The Deputy President

Mr M C Ramaphosa

Minister of Agriculture, Forestry and Fisheries

Mr S Zokwana

Minister of Arts and Culture

Mr E N Mthethwa

Minister of Basic Education

Ms M A Motshekga

Minister of Communications

Ms A F Muthambi

Minister of Cooperative Governance and Traditional Affairs

Mr P J Gordhan

Minister of Defence and Military Veterans

Ms N N Mapisa-Nqakula

Minister of Economic Development

Mr E Patel

Minister of Energy

Ms T M Joemat-Pettersson

Minister of Environmental Affairs

Ms B E E Molewa

Minister of Finance

Mr N M Nene

Minister of Health

Dr P A Motsoaledi

Minister of Higher Education and Training

Dr B E Nzimande

Minister of Home Affairs

Mr K M N Gigaba

Minister of Human Settlements

Ms L N Sisulu

Minister of International Relations and Cooperation

Ms M E Nkoana-Mashabane

Minister of Justice and Correctional Services

Adv T M Masutha

Minister of Labour

Ms M N Oliphant

Minister of Mineral Resources

Mr N A Ramatlhodi

Minister of Police

Mr N P Nhleko#

Minister of Public Enterprises

Ms L Brown

Minister of Public Service and Administration

Mr O C Chabane

Minister of Public Works

Mr T W Nxesi

Minister of Rural Development and Land Reform

Mr G E Nkwinti

Minister of Science and Technology

Ms G N M Pandor

Minister of Small Business Development

Ms L D Zulu

Minister of Social Development

Ms B O Dlamini

Minister of Sport and Recreation

Mr F A Mbalula

Minister of State Security

Mr M D Mahlobo

Minister of Telecommunications and Postal Services

Mr S C Cwele

Minister in The Presidency

Mr J T Radebe

Minister of Trade and Industry

Dr R H Davies

Minister of Transport

Ms E D Peters

Minister of Tourism

Mr D A Hanekom

Minister of Water and Sanitation

Ms N Mokonyane#

Minister of Women in The Presidency

Ms S Shabangu

Minister appointed in terms of section 91(3)(c) of the Constitution (i.e. selected from outside the Assembly)

DEPUTY MINISTERS

Deputy Minister of Agriculture, Forestry and Fisheries
 Deputy Minister of Arts and Culture
 Deputy Minister of Basic Education
 Deputy Minister of Communications
 Deputy Minister of Cooperative Governance and Traditional Affairs responsible for Provincial and Local Government
 Deputy Minister of Cooperative Governance and Traditional Affairs responsible for Traditional Affairs
 Deputy Minister of Defence and Military Veterans
 Deputy Minister of Economic Development
 Deputy Minister of Energy
 Deputy Minister of Environmental Affairs
 Deputy Minister of Finance
 Deputy Minister of Health
 Deputy Minister of Higher Education and Training
 Deputy Minister of Home Affairs
 Deputy Minister of Human Settlements
 Deputy Minister of International Relations and Cooperation
 Deputy Minister of International Relations and Cooperation
 Deputy Minister of Justice and Correctional Services responsible for Justice and Constitutional Development
 Deputy Minister of Justice and Correctional Services responsible for Correctional Services
 Deputy Minister of Labour
 Deputy Minister of Mineral Resources
 Deputy Minister of Police
 Deputy Minister of Public Enterprises
 Deputy Minister of Public Service and Administration
 Deputy Minister of Public Works
 Deputy Minister of Rural Development and Land Reform
 Deputy Minister of Rural Development and Land Reform
 Deputy Minister of Science and Technology
 Deputy Minister of Small Business Development
 Deputy Minister of Social Development
 Deputy Minister of Sport and Recreation
 Deputy Minister of State Security
 Deputy Minister of Telecommunications and Postal Services
 Deputy Minister in The Presidency

Mr B H Cele
Ms T R Mabudafhasi
Mr M E Surty
Ms S T Ndabeni-Abrahams

Mr A C Nel

Mr K O Bapela
Mr E R K Maphatsoe

Mr M B Masuku

Ms T Majola#

Ms B Thomson

Mr M H Jonas

Dr M J Phaahla

Mr M C Manana

Ms F I Chohan

Ms Z A Kota-Hendricks

Ms N C Mfeketo

Mr L T Landers

Mr J H Jeffery

Mr S P Makwetla

Mr S P Holomisa

Mr G G Oliphant

Ms M M Soty

Mr G Magwanishe

Ms A Dlodlo

Mr J P Cronin

Mr M Skwatsha

Ms K C Mashego-Dlamini

Ms V Z Msibi

Ms E Thabethe

Ms H I Bogopane-Zulu

Mr G C Oosthuizen

Ms E Molekane#

Dr H B Mkhize

Mr K B Manamela

Deputy Minister of Trade and Industry
Deputy Minister of Transport
Deputy Minister of Tourism
Deputy Minister of Water and Sanitation

Mr M C Masina
Ms L S Chikunga
Ms T Xasa
Ms P Tshwete

Deputy Minister appointed in terms of section 93(1)(b) of the Constitution

Annexure 3

CONDOLENCE MOTION

On 18 June, the National Assembly agreed to a motion without notice commemorating the passing of former Secretary to Parliament, Mr M B Coetzee, who died after a prolonged illness on 13 June. The House also sent condolences to his family and friends. Members paid tributes to Mr Coetzee on 24 June in a debate in the House.





PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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