



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

PROCEDURAL
DEVELOPMENTS
IN THE NATIONAL ASSEMBLY

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PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

PROCEDURAL DEVELOPMENTS IN THE NATIONAL ASSEMBLY

A record of recent events and developments of a procedural nature in the National Assembly of the Parliament of the Republic of South Africa. The 22nd issue covers the second session of the Fifth Parliament from January to December 2015. Where no year appears next to a particular month in the text, the reference is made to 2015.

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PRESIDING OFFICERS, OFFICE-BEARERS AND OTHER OFFICE-HOLDERS

[1] ROLES AND RESPONSIBILITIES OF THE DEPUTY SPEAKER

On 1 September, the Speaker announced in the ATC that in addition to the duties assigned to the Deputy Speaker in terms of any legislation and the rules and orders of the National Assembly (NA), in so far as they pertain to the Office of the Speaker, the Deputy Speaker is assigned responsibility for the following areas:

- State Institutions Supporting Democracy;
- Members' Facilities and Training;
- PARMED;
- Sectoral Parliaments;
- Parliamentary Villages;
- Implementation of Parliament's Language Policy; and
- Public Education and Relations.

In addition to the above, any other responsibility or function may subsequently be delegated as and when such a need arises.

[2] ROLES AND RESPONSIBILITIES OF HOUSE CHAIRPERSONS

On 1 September, the Speaker announced in the ATC that NA Rule 14 provides for the election of three House Chairpersons for the duration of the House. The rule further provides that the Speaker allocates functions and responsibilities to each House Chairperson and announces such allocation in the ATC. On 18 June 2014, the NA had elected Ms M G Boroto, Ms A T Didiza and Mr C T Frolick as House Chairpersons.

Allocation of functions

A. House Chairperson: Internal Arrangements – Didiza, A T

1. Ensuring the well-being and interests of Members, including –
 - a) Monitoring policies on travel privileges on behalf of Members;
 - b) Monitoring and reporting on the implementation of Members' facilities;
 - c) Monitoring the implementation of policies in respect of Members' leave, artworks management, exhibitions and the library; and
 - d) Ensuring the implementation of policy in regard to the needs of Members with disabilities.
2. Overseeing and ensuring alignment of structures dealing with Members' Interests and facilities, including –
 - a) Overseeing the implementation of internal household services to Members; and
 - b) Fostering and facilitating a working relationship between political representatives (Members of Parliament) and the Parliamentary administration.
3. Receiving and providing reports on issues of Members' Interests, including –
 - a) Alerting the Office of the Speaker to potential problems emanating or developments within internal arrangements; and
 - b) Presiding over the Quarterly Consultative Forum which deals with matters under the broad category of Members' Interests.
4. Ensuring the enhancement of capacity of Members, including –
 - a) Overseeing the implementation of strategy dealing with Members' training; and
 - b) Ensuring that approved training programmes are implemented.

5. Ensuring the development and implementation of policy in respect of former Members, including –
 - a) Proposing and ensuring the implementation of policy on benefits and facilities for former Members; and
 - b) Ensuring that the Members' support office implements the approved policies.
 6. Deputising for the Deputy Speaker on the Board of the Parliamentary Villages Committee, including –
 - a) Ensuring that there is co-ordination of transport for Members to and from Parliamentary villages; and
 - b) Ensuring that the needs of Members as residents of Parliamentary villages are provided for.
 7. Participating in various Parliamentary Committees, for example, the National Assembly Programme Committee, Chief Whips' Forum, National Assembly Rules Committee, Joint Rules Committee and Joint Parliamentary Budget Forum.
- a) Providing a framework for cooperation and engagement with United Nations agencies and other international bodies in South Africa;
 - b) Co-ordinating engagement between Parliament and United Nations agencies and other international bodies in South Africa; and
 - c) Providing structure to the engagement with United Nations agencies and other international bodies in South Africa.
3. Responsible for bilateral relations, including –
 - a) Ensuring the establishment of parliamentary groups in relation to South Africa's bilateral agreements;
 - b) Coordinating and leading delegations with friendship groups;
 - c) Advising on bilateral engagements with incoming and outgoing delegations; and
 - d) Coordinating the schedule for incoming and outgoing bilateral engagements.

B. House Chairperson: International Relations – Boroto, MG

1. Responsible for international relations, including –:
 - a) Ensuring and monitoring implementation of Parliament's International Relations Strategy;
 - b) Driving the formulation, implementation and monitoring of travel policy for Parliamentary delegations;
 - c) Attending to Parliamentary international obligations on behalf of the Speaker;
 - d) Co-chairing and co-ordinating the Parliamentary Group on International Relations (PGIR);
 - e) Facilitating public participation in the adoption of international instruments; and
 - f) Overseeing the functioning of the International Relations Division.
2. Responsible for relations with United Nations agencies and other international bodies in South Africa, including –
 - a) Determining priorities on multilateral bodies;
 - b) Coordinating South African branches of multilateral bodies;
 - c) Overseeing development of material and content support for issues to be discussed at multilateral bodies; and
 - d) Identifying issues for debate by the House in relation to multilateral bodies.
4. Responsible for multilateral relations, including –
 - a) Determining priorities on multilateral bodies;
 - b) Coordinating South African branches of multilateral bodies;
 - c) Overseeing development of material and content support for issues to be discussed at multilateral bodies; and
 - d) Identifying issues for debate by the House in relation to multilateral bodies.
5. Participating in various Parliamentary Committees, for example, the National Assembly Programme Committee, Chief Whips' Forum, National Assembly Rules Committee, Joint Rules Committee and Joint Parliamentary Budget Forum.

C. House Chairperson: Committees – Frolick, CT

1. Broadly responsible for implementing any policy, directive or guideline on the scheduling and co-ordination of committee meetings, as well as the

- general management of all National Assembly committees and subcommittees, including –
- a) Overseeing and reporting to the Programme Committee on progress with bills;
 - b) Overseeing the tabling in the Programme Committee of committee programmes;
 - c) Ensuring that input/concerns from the public, which are referred to committees, are attended to;
 - d) Assessing committee reports with a view to their consideration by the House;
 - e) Ensuring the provision of an agreed level of support to committees;
 - f) Assisting with and coordinating committee budgets and business plans;
 - g) Monitoring committee expenditure;
 - h) Authorizing proposed committee expenditure after political approval has been obtained for any proposed activity;
 - i) Coordinating and facilitating committee training;
 - j) Providing guidance on best practice in respect of committee reports and oversight functions and assisting in developing an effective oversight model for this purpose;
 - k) Chairing the Committee of Chairpersons which, in terms of the Assembly Rules, may make recommendations regarding any matter that affects the scheduling or functioning of any committee; and
 - l) Spearheading the formulation, implementation and monitoring of travel policy for Parliament in relation to committee visits internationally and nationally as well as planning and co-ordination of oversight visits.
2. Responsible for oversight and public participation, including –
 - a) Responsibility for the implementation and coordination of the Parliamentary Oversight Model;
 - b) Facilitating the development and implementation of a Public Participation Model for Parliament; and
 - c) Overseeing Parliamentary public participation services.
 3. Responsible for Information and Communication Technology, including –
 - a) Monitoring the implementation of the Information and Communication Technology policy;
 - b) Representing Parliament at the Global Centre for Information and Communication Technologies in Parliament; and
 - c) Collaborating with other Parliaments and international bodies in the pursuit of an e-Parliament strategy on how to utilise Information and Communication Technology to help Members fulfil their responsibilities.
 4. Participating in various Parliamentary Committees, for example, the National Assembly Programme Committee, Chief Whips' Forum, National Assembly Rules Committee, Joint Rules Committee and Joint Parliamentary Budget Forum.

MEMBERS

[3] MEMBERSHIP OF THE ASSEMBLY

See Annexure 1.

[4] CONDOLENCE MOTIONS

See Annexure 2

PROCEDURAL AND RELATED ISSUES

[5] WITHDRAWAL OF MOTION OF NO CONFIDENCE IN THE PRESIDENT

On 4 November 2014, Mr M A Plouamma, a member of Agang SA, gave notice in the House of a motion of no confidence in the President. The notice of motion was published on the Order Paper under "Further Business"

on 13 November 2014. Since the motion could not reasonably be scheduled for consideration by the end of the last sitting day of the annual session, it was scheduled for consideration by the House on 3 March in terms of Assembly Rule 102A(7).

On 3 March, Mr Plouamma read the motion as it appeared on the Order Paper and thereafter delivered his speech. He referred to *Plouamma and Others v Mbete, Speaker of the National Assembly and Another* heard in the Western Cape High Court in terms of which Agang SA, Cope and the UDM requested the court for an order to have the Speaker “declared unfit to hold the position of Speaker” and that the vote on the motion of no confidence in the President should take place by secret ballot.

Mr Plouamma also stated the importance of motions of no confidence, that a vote of no confidence should be taken by secret ballot, and further discussed the duty of the Speaker to exercise and display the impartiality of a judge.

A point of order was raised arguing that the matter that was before the House was a motion of no confidence in the President but that Mr Plouamma was instead discussing the Speaker. The Speaker advised Mr Plouamma that the Western Cape High Court had found against Agang SA on the issue of the recusal of the Speaker and the issue of voting by secret ballot and that this judgment enabled the House to consider the motion on the Order Paper in his name.

Mr Plouamma responded by asking the Speaker whether she was prepared to recuse herself from presiding over the debate. The Speaker replied that she was presiding, that she had no intention of recusing herself and that the member was free to address the motion on the Order Paper as put by him. Mr Plouamma stated that he declined to move the motion and that he withdrew the motion.

Assembly Rule 102 provides that the member who has moved a motion, may move without notice that it be withdrawn. According to the National Assembly Guide to Procedure 2004 (p. 117), once a motion has been formally moved in the House, it becomes the property of the House and may only be withdrawn with the approval of the House. A motion is “moved” by reading it out, as was done by Mr Plouamma, or by moving it with reference to the motion as it appears on the Order Paper.

The Speaker thereafter afforded political parties an opportunity to address the House on the matter. Political parties agreed that the member had a right to withdraw the motion in terms of Assembly Rule 102, that motions of this nature should not be used lightly as it was an important mechanism to hold the Executive accountable, and that withdrawing the motion in the way that the member had withdrawn the motion, was irresponsible.

The motion, with leave, was withdrawn in terms of Assembly Rule 102.

[6] MOTION OF NO CONFIDENCE IN THE PRESIDENT

On 3 March, the Leader of the Opposition gave notice of the following draft resolution: “That the House -

- (1) notes that under the leadership of President Jacob G Zuma -
 - (a) independent institutions of the State have been politicised and weakened;
 - (b) unemployment has escalated to unprecedented levels;
 - (c) the economy is at its weakest point in recent history;
 - (d) the right of access to quality education has been violated; and
 - (e) corruption has spiralled out of control; and
- (2) resolves that it has no confidence in President Jacob G Zuma in terms of section 102(2) of the Constitution of the Republic of South Africa, 1996.”

Rule 102A(2) requires that the Speaker must accord such a motion of no confidence due priority and before scheduling it, must consult with the Leader of Government Business (LOGB) and the Chief Whip of the Majority Party. Rule 102(5) requires that after proper consultation and once the Speaker is satisfied that the motion of no confidence complies with the relevant law, rules, orders, directives or guidelines of the House, the Speaker must ensure that the motion of no confidence is scheduled, debated and voted on within a reasonable period of time given the programme of the Assembly.

The motion was programmed for debate on 17 March.

After the debate, the question that the motion be agreed to was put to the House. After a division was demanded, the question was not agreed to, and the motion was accordingly negated.

[7] SUSPENSION OF PROCEEDINGS AND RELATED MATTERS

On 18 June, before Questions to the President could be taken, members of the EFF insisted that the President reply to previous questions on the Nkandla matter and, specifically, whether the President would return a portion of the public funds spent on his private residence at Nkandla as recommended by the Public Protector before proceeding to answer the questions on the Question Paper.

Due to the proceedings not being able to be continued as a result of continuous disruptions, the Speaker suspended proceedings at 14:13 and requested parties to consult each other on the matter. Upon the resumption of proceedings at 15:52, the Speaker gave parties an opportunity to express themselves on the discussions held during the suspension of proceedings.

After further disruptions, the Speaker announced at 16:30 that she had applied the rules to enable the House to proceed with its business and that she would now direct the relevant structures of Parliament to attend to the matter of disruptive behaviour by members in the House. The House was adjourned at 16:35 without the President answering the questions on the Question Paper for the day.

[8] FIRST REPORT OF THE NA RULES COMMITTEE (NARC), 2015

The sittings of the House during the first half of the 2015 parliamentary session were marked by numerous instances of disruption of proceedings. Even though a review of the Assembly rules was in progress at the time, it was decided to draft urgent interim rules to deal with the disruption of proceedings and to ensure that the House could conduct its business in an orderly fashion. This task was referred to the NARC.

The NARC met on 24 June and 28 July to consider interim arrangements covering disruptions during proceedings of the NA. On 29 July, the committee recommended the

following rule amendments to the Assembly:

- (a) Section 1 (Definitions) to be amended by the insertion of a new definition:

1. Definitions

“Parliamentary Protection Services” means any employee authorised by Parliament to perform security and protection services within the precincts of Parliament, and includes all parliamentary staff members employed, appointed, assigned, delegated or contracted by Parliament to perform security and protection functions within the precincts of Parliament.

- (b) New Rule 53A to be inserted, as follows:

53A. Removal of member from Chamber

1. If a member refuses to leave the Chamber when ordered to do so by the presiding officer in terms of Rule 51, the presiding officer must instruct the Serjeant-at-Arms to remove the member from the Chamber and the precincts of Parliament forthwith.
2. If the Serjeant-at-Arms is unable in person to effect the removal of the member, the presiding officer may call upon the Parliamentary Protection Services to assist in removing the member from the Chamber and the precincts of Parliament.
3. A member who is removed from the Chamber in terms of subrule (2), is thereby immediately automatically suspended for the period applicable as provided for in Rule 54, and may not enter the precincts for the duration of the suspension.
4. If a member resists attempts to be removed from the Chamber in terms of subrules (1) or (2), the Serjeant-at-Arms and the Parliamentary Protection Services may use such force as may be reasonably necessary to overcome any resistance.

5. No member may, in any manner whatsoever, physically intervene in, prevent, obstruct or hinder the removal of a member from the Chamber in terms of these Rules.
6. Any member or members who contravene subrule (5) may, on the instruction of the presiding officer, also be summarily removed from the Chamber and the precincts of Parliament forthwith.
7. If proceedings are suspended for the purposes of removing a member or members, all other members must remain seated or resume their seats, unless otherwise directed by the presiding officer.
8. When entering the Chamber on the instruction of the presiding officer –
- (a) Members of the Parliamentary Protection Services may not be armed; and
 - (b) Members of the security services may not be armed, except in extraordinary circumstances in terms of security policy.
9. Members who have been removed from the Chamber will be escorted off the precincts by Parliamentary Protection Services personnel and will not be allowed to enter the House or precincts of Parliament as the Rules prescribe.
10. If a member(s) offers resistance to being removed from the precincts, members of the security services may be called upon to assist with such removal.
11. In the event of violence, or a reasonable prospect of violence or serious disruption ensuing in the Chamber as a result of a member(s) resisting removal, the presiding officer may suspend proceedings, and members of the security services may be called upon by the presiding officer to assist with the removal of members from the Chamber and the precincts of Parliament forthwith
- in terms of section 4(1) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (No 4 of 2004), or may intervene directly anywhere in the precincts in terms of section 4(2) of the Act when there is immediate danger to the life or safety of any person or damage to any property.
12. Whenever a member is physically removed from the Chamber in terms of this Rule, the circumstances of such removal must be referred by the Speaker, within 24 hours, to a multi-party committee for consideration
13. The House may approve Standard Operating Procedures, recommended by the Rules Committee, for the exercise of this function, in particular in relation to the use of the Parliamentary Protection Services and members of the security services for this purpose.
- Standard Operating Procedures: Member refusing to leave Chamber
- (1) If a member refuses to leave the Chamber, the presiding officer asks the Serjeant-at-Arms to remove the member from the Chamber.
 - (2) The Serjeant-at-Arms approaches the member(s) to explain in a respectful manner that the instruction of the presiding officer must be complied with and that failure to do so can constitute a grave offence and have serious implications, including that the member(s) may need to be physically removed from the Chamber.
 - (3) If the member still refuses to leave, the Serjeant-at-Arms indicates to the presiding officer that the member refuses to comply, whereupon the presiding officer informs the House that the Parliamentary Protection Services are to be called upon to assist.
 - (4) The Parliamentary Protection Services personnel enter the Chamber upon the instruction of the presiding officer, and proceed to remove the member(s)

concerned under the direction of the Serjeant-at-Arms.

- (5) Members of the public in the gallery who participate in disorderly conduct will be removed by the security services.

The Assembly approved the above rule amendments on 30 July.

[9] APPLICATION OF RULE 53A (REMOVAL OF MEMBER FROM CHAMBER)

On 9 September, House Chairperson Ms M G Boroto gave a considered ruling on remarks made by Mr J S Malema during the debate on the Marikana Commission of Inquiry Report on 13 August and directed him to withdraw the remarks. Mr Malema refused and, having disregarded the authority of the Chair was ordered, in terms of Rule 51, by the House Chairperson to withdraw from the Chamber for the remainder of the day's sitting.

Mr Malema refused to leave the Chamber and the House Chairperson called upon the Serjeant-at-Arms to remove the member in terms of Rule 53A(1). Mr Malema still refused to leave the Chamber after the intervention of the Serjeant-at-Arms and the House Chairperson then called upon the Parliamentary Protection Services to assist in removing Mr Malema from the Chamber in terms of Rule 53A(2).

In terms of Rule 53A(3), a member removed from the Chamber in terms of Rule 53A(2) is immediately automatically suspended for the period prescribed in Rule 54. In this particular case, Mr Malema was suspended for five parliamentary working days.

On 10 September, the Speaker announced in the ATC that Mr Malema's removal from the Chamber of the NA on 9 September, together with the unrevised Hansard, minutes and video recording of the proceedings in question, had been referred to the Rules Committee in terms of Rule 53A(12) for consideration of the circumstances of his removal.

On 21 October, after causing serious disruption in the House, a number of members, having disregarded the authority of the Chair, were ordered, in terms of Rule 51, to leave the House. The members refused to leave the Chamber and the House Chairperson called upon the Serjeant-at-Arms to remove the members in terms of

Rule 53A(1). The members continued to refuse to leave the Chamber after the intervention of the Serjeant-at-Arms and the Parliamentary Protection Services were called upon to assist in removing the members from the Chamber in terms of Rule 53A(2).

The members removed from the Chamber were automatically suspended for five parliamentary working days in terms of Rule 54.

The Speaker announced in the ATC of 22 October that the removal of the members from the Chamber of the NA on 21 October, together with the unrevised Hansard, minutes and video recording of the proceedings in question, had been referred to the Rules Committee in terms of Rule 53A(12) for consideration of the circumstances of their removal.

The two referrals to the Rules Committee were not dealt with during the 2015 parliamentary session. The next issue of Procedural Developments will report on how these referrals were processed.

[10] SITTING HOURS OF THE HOUSE

NA Rule 23(2) states that the business of the Assembly may be considered by it on Mondays to Thursdays at 14:00 and on Fridays at 09:00, or at such later time as the Speaker determines, to adjournment.

On 16 April, the NA agreed to a motion proposing that Extended Public Committees (EPCs) sit as agreed to by the NA Programme Committee (NAPC).

EPCs are usually scheduled to meet from 14:00 on Tuesdays to Thursdays and from 09:00 on Fridays, until adjournment. However, on Tuesday, 19 May, an EPC was scheduled to meet at 10:30 as agreed to by the NAPC.

[11] DECISIONS OF QUESTION POSTPONED

After the debate on the Division of Revenue Bill [B 5 – 2015] was concluded on 12 March, the question on the Second Reading of the bill was put to the House. A division was called for on the question in terms of NA Rule 83. The result of the division showed that the required majority of members of the NA was not present for a decision to be taken on the bill, as required by NA Rule 25(2)(a). The decision of the question on the Second Reading of the bill was therefore postponed.

On 17 March, the decision of question on the Second

Reading of the bill was put again and the bill was passed and sent to the NCOP for concurrence.

On 4 August, after the debate on the First Reading of the Rates and Monetary Amounts and Amendment of Revenue Laws Bill [B 15B – 2015] was concluded, a division was called for on the question in terms of NA Rule 83. The result of the division showed that the required majority of members of the NA was not present for a decision to be taken on the bill, as required by NA Rule 25(2)(a). The decision of question on the First Reading of the bill was therefore postponed.

Subsequent to the decision of the question on the First Reading of the bill being postponed, the Second Reading of the bill stood over in compliance with NA Rule 294(2) which provides that when the First Reading of a money bill which has no schedule has been approved, the bill must be placed on the Order Paper for Second Reading.

On 12 August, the decision of question on the First Reading of the bill was put again to the House. A division was called for and the bill's First Reading was approved. Thereafter, the Second Reading of the bill was approved. The bill was communicated to the NCOP for concurrence.

[12] SUSPENSION OF RULES

The rules provide that any provision of the rules relating to the business or proceedings at a meeting of the NA may be suspended by resolution of the House. The suspension of any rule is limited in its operation to the particular purpose for which suspension was approved.

The following rules were suspended during the course of 2015:

Rule 29

This rule provides for the sequence of proceedings in the Assembly. It was suspended on the following dates:

- 24 February to limit the business for Wednesday, 25 February, to the introduction of the Appropriation Bill and the tabling of the Division of Revenue Bill, and related matters.
- 10 March to limit the business for the sitting on 11 March to Questions to the President.

- 16 April to (a) give precedence, after notices of motion on the Order Paper, to an executive statement by the President of the Republic in terms of Rule 106, followed by party responses; and (b) deal with notices of motion and motions without notice after Questions to the President on the day.
- 20 May in order that there would be no notices of motion and motions as referred to in Rule 97(g) on 20, 26, 27 May and 2 June.
- 4 June that there would be no notices of motion and motions as referred to in Rule 97(g) on 9 and 10 June.
- 17 June to limit the business for the sitting on 18 June to Questions to the President.
- 30 July in order to take notices of motion and motions without notice after Orders of the Day on the day.
- 4 August to limit the business for the sitting on 6 August to Questions to the President.
- 10 September to (1) give precedence to motions on the Order Paper followed by an Executive Statement and Members' Statements; and (2) deal with notices of motion and motions without notice before the Orders of the Day for the day.
- 27 October to give precedence, before notices of motion, motions without notice and members' statements to the debate on higher education transformation and the introduction of bills by the Minister of Finance as they appeared on the Order Paper.
- 3 November to determine that the sequence of proceedings for 3, 10 and 17 November would be reflected on the Order Paper as agreed to by the Programme Committee.
- 5 November that there would be no notices of motion and motions without notice on 12, 19 and 20 November.
- 25 November that there would be no notices of motion and motions without notice on the day and on 26 November. On the same day, the NA also agreed to suspend Rule 29 for the day and 26 November to allow the sequence of proceedings to be as reflected on the Order Paper.

Rule 253(1)

This rule provides 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 on the bill was tabled. It was suspended on:

- 12 March for the purposes of conducting the Second Reading debate on the Division of Revenue Bill [B 5 - 2015].
- 24 June for the purposes of conducting the Second Reading debate on the Eskom Special Appropriation Bill [B 16 - 2015] and the Eskom Subordinated Loan Special Appropriation Amendment Bill (2008/09 - 2010/11 Financial Years [B 17 - 2015].
- 12 November for the purposes of conducting the Second Reading debate on the Division of Revenue Amendment Bill [B 27 - 2015].
- 26 November for the purposes of conducting the Second Reading debate on the Adjustments Appropriation Bill [28 - 2015].
- 26 November for the purposes of conducting Second Reading debates on the Taxation Laws Amendment Bill [B 29 - 2015] and Tax Administration Laws Amendment Bill [B 30 - 2015].

Rule 110

On 3 November, the NA also agreed to suspend Rule 110(2)(b), which provides that Questions to the Deputy President may not be scheduled within the same week in which the Deputy President is scheduled to answer questions in the Council; Rule 110(6), which provides, *inter alia*, that questions to the Deputy President must be submitted before 12:00 on the Monday 9 days before the Question day on which they are to be answered; and Rule 110(1) which provides that Questions to the Deputy President must be scheduled for a question day once every second week, for the purpose of scheduling Questions to the Deputy President on 12 November.

Rule 23

This rule provides for the sitting days and sitting hours of the Assembly. It was suspended on:

- 6 May to provide for the hours of sitting from 09:00 to adjournment.

- 29 October to provide for the hours of sitting for 3, 10 and 17 November to be 11:00 to adjournment.
- 25 November to (1) condone the 10:00 commencement of proceedings of the House on the day; and (2) resolve that on 26 November the hours of sitting would be 10:00 to adjournment.

[13] APPLICATION OF NA RULE 111(6)

On 21 August 2014, Question Time to the President was interrupted and adjourned due to grave disorder. Proceedings had reached question three on the Question Paper. The National Assembly Programme Committee (NAPC) subsequently discussed the implications of this matter and how the President could complete the remaining questions. In February, the President submitted written responses to the outstanding questions. It was also agreed that the President would answer supplementary questions on the outstanding questions in the House at an agreed time.

The President next answered questions on 11 March. Before the session, members in the NAPC raised Rule 111(6) which states that: "Where the order in which questions are put to the President according to Rule 108(9) is interrupted at the end of a question session, the next question to the President starts from the point where the next order was interrupted". It was argued that this rule provided that the outstanding questions should be concluded first before new questions were put to the President.

Before commencing with questions on 11 March, the Speaker ruled that Rule 111(6) should be read with Rule 108(9) which provides for a sequence in which parties may put questions to the Executive. The Speaker explained that the party sequence for the Fifth Parliament was determined by the Chief Whips' Forum and published in the ATC on 26 June 2014. The sequence restarted at the beginning of each annual session. Furthermore, the Speaker elaborated that the questions not reached the previous session, 21 August 2014, had lapsed. Owing to these facts, the Question Session of 11 March involved new questions to the President in the original sequence and did not include the outstanding questions of 21 August 2014. The President did, however, by agreement, respond to the outstanding supplementary questions in the House on 16 April (see item below).

[14] REPLIES TO SUPPLEMENTARY QUESTIONS BY THE PRESIDENT

The questions on the Question Paper that were not called in the House as a result of the Speaker having adjourned the sitting of 21 August 2014 were questions asked by Ms H H Malgas (ANC), Mr M A Mncwango (IFP) and Prof N M Khubisa (NFP).

On 10 February, the President submitted written replies to the questions that were not called in the House on 21 August 2014, and which subsequently lapsed in terms of the rules. On 25 March, the NAPC agreed to have a sitting of the NA on 16 April for supplementary questions to be put to the President in respect of the questions that were not called in the House. The questions and the replies of the President thereto were published in the ATC of 14 April for ease of reference and the information of members of the Assembly and the public for the sitting of 16 April.

On 16 April, Mr B A Radebe, on behalf of the Chief Whip of the Majority Party, moved that, notwithstanding the provisions of Rule 111, the opportunity to put supplementary questions to the President on that day be limited to the questions originally asked by Ms H H Malgas, Mr M A Mncwango and Prof N M Khubisa on 21 August 2014 and which subsequently lapsed in terms of the rules; that four supplementary questions be allowed in respect of each answer; the first opportunity for a supplementary question be given to the member in whose name the question originally stood; and in accordance with Rule 113(6), a member who asks a supplementary question may make a statement or express an opinion, but may not speak for more than one minute.

The draft resolution as moved by Mr Radebe was agreed to after a division was called. The President subsequently replied to the relevant supplementary questions.

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

NA Rule 249(3)(b) provides that a committee may, if it is considering a bill that amends provisions of legislation, seek the permission of the Assembly to inquire into amending other provisions of that legislation.

The Portfolio Committee on Health considered the

Medicines and Related Substances Amendment Bill [B6 – 2014] which sought to amend the Medicines and Related Substances Act (No 101 of 1965) in order to address implementation challenges posed by the Act. After its public participation process, the committee wished to make further improvements to the bill and go beyond amending section 18A in the Act, as envisaged in the amendment bill.

The Portfolio Committee on Agriculture, Forestry and Fisheries considered the Performing Animals Protection Amendment Bill [B9 – 2015], and realised that it might be necessary to amend other provisions of the Performing Animals Protection Act (No 24 of 1935) which were not included in the amendment bill.

On 4 and 24 June, respectively, the Assembly granted the Portfolio Committee on Health and the Portfolio Committee on Agriculture, Forestry and Fisheries permission in terms of Rule 249(3)(b) to inquire into amending other provisions of the relevant principal Acts.

[16] FAREWELL TO MR A M MPONTSHANE, MP

Although it is not a common occurrence for farewell speeches to be made in honour of members who had resigned, precedent for such farewells was created as far back as 27 February 2007 when farewell speeches were made by parties on the resignation of Mr S Manie (ANC), or long serving members of the Assembly.

At the sitting of the House on 30 July, Mr N Singh moved a motion without notice, noting that Mr A M Mpontshane, a member of the IFP, would resign from the Assembly with effect from 1 August. Mr Mpontshane had been a member of the Assembly for 19 years.

Parties were afforded an opportunity to make farewell speeches upon his resignation, whereafter the member was afforded an opportunity to respond.

[17] APPOINTMENT OF MEMBERS TO CHAIR EXTENDED PUBLIC COMMITTEES

NA Rule 33 provides that the Chair of an Extended Public Committee (EPC) can be taken by a House Chairperson or a member appointed by the Speaker for that purpose. On 4 May, the Speaker announced in the ATC that Ms L M Maseko, Mr M R Mdakane, Ms Y N Phosa and Ms X S Tom had been appointed in terms of Rule 33 to chair EPCs.

[18] BUSINESS SUSPENDED DUE TO GRAVE DISORDER

On 24 November, prior to the commencement of the sitting of the NA, protesting staff members of Parliament who were involved in strike action, occupied the public gallery of the Assembly and engaged in conduct that created a disturbance in the Chamber.

After the commencement of the sitting, House Chairperson Ms M G Boroto addressed the protesting staff members as follows:

I would like to advise the members of staff in the gallery that in terms of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (No 4 of 2004), a person may not improperly interfere with or impede the exercise or performance of Parliament, or a House or committee of its authority or functions. This includes interference with the performance of a member in the process of carrying out his or her functions. You cannot, while Parliament or a House or committee is meeting, create or take part in any disturbance within the precincts.

Behaving in the manner listed above constitutes an offence in terms of the Act. I am now appealing to the members of staff in the gallery to keep quiet and allow the proceedings to continue uninterrupted.

Notwithstanding repeated calls from the Chair for staff members in the gallery to be silent and to allow proceedings to continue, they continued protesting. For this reason, the House Chairperson suspended proceedings due to grave disorder in terms of Assembly Rule 56 and the House was adjourned.

LEGISLATION AND COMMITTEES**[19] BILL RETURNED TO ASSEMBLY FOR CONSIDERATION OF PRESIDENT'S RESERVATIONS**

A letter dated 16 January was received from the President, informing the NA that he had reservations about the constitutionality of the Mineral and Petroleum Resources Development Amendment Bill [B15B – 2013] and that, consequently, he was referring the bill back to the NA for reconsideration in terms of section 79(1) of the Constitution.

On 23 January, the bill and the President's reservations were referred to the Portfolio Committee on Mineral Resources for consideration and report in terms of Joint Rule 203. The President's reservations pertained to the following:

- The elevation of codes of good practice to the status of national legislation.
- The power provided to the Minister by the bill to amend or repeal the codes as and when the need arose by effectively bypassing the constitutionally mandated procedures for amendment of legislation.
- Certain sections of the bill appeared to be inconsistent with South Africa's obligations under the General Agreement on Trade and Tariffs (GATT) and the Trade, Development and Cooperation Agreement (TCDA) insofar as they appeared to impose quantitative restrictions on exports in contravention of GATT and TCDA, and thus could render the state vulnerable to challenges in international fora.
- A view that the NCOP and provincial legislatures did not sufficiently facilitate public participation when passing the amendment bill as required by sections 72 and 118 of the Constitution, in that the consultation period was highly compressed and there appeared to be insufficient notice of the public hearings held by the provincial legislatures.
- The bill should have been sent to the House of Traditional Leaders for its comments in terms of Section 18 of the Traditional Leadership and

Governance Framework Act (No 41 of 2003) since the bill would:

- impact on customary law or the customs of traditional communities by allowing persons to enter upon land to conduct an investigation after notifying and consulting with the owner, occupier or person in control in terms of section 50 and in so doing would ignore the consent principle in customary law; and
- would amend the definition of “community” in section 1 of the amendment bill.

The committee did not report on this matter during the remainder of the 2015 parliamentary session.

[20] PERMISSION TO PROCEED WITH LEGISLATIVE PROPOSALS

A. REFUGEES ACT, 1998

In terms of NA Rule 230(1), the Assembly initiates legislation through its committees and members acting with the permission of the Assembly in terms of the Rules.

The Portfolio Committee on Home Affairs intended to introduce the Refugees Amendment Bill, 2015 in order to amend the Refugees Act (No 130 of 1998) subsequent to a Constitutional Court decision which rendered one of its sections inconsistent with the provisions of the Constitution.

Assembly Rule 238(1) requires that for the purpose of obtaining the Assembly’s permission to introduce legislation, a committee must table a memorandum which sets out particulars of the proposed legislation, explains the objects of the proposed legislation and states whether the proposed legislation will have financial implications for the State and, if so, gives an account of those implications. The committee tabled the required memorandum in the ATC of 20 May.

On 4 June, the Assembly granted the committee permission to proceed with the Refugees Amendment Bill, 2015 in terms of Rule 238(3)(a).

B. IMMIGRATION ACT, 2002

The Portfolio Committee on Home Affairs intended to introduce the Immigration Amendment Bill, 2015 in order to amend section 32 of the Immigration Act (No 13 of 2002). Having met the rule requirements for obtaining the Assembly’s permission to introduce legislation as outlined above, the committee tabled the required memorandum in the ATC on 18 November.

On 25 November, the Assembly gave the committee permission to proceed with the Immigration Amendment Bill, 2015 in terms of Rule 238(3)(a).

[21] FIRST REPORT OF JOINT RULES COMMITTEE (JRC), 2015

The JRC agreed to its First Report of 2015 at a meeting on 11 November. The report, which was published in the ATC of 20 November, contained the following amendments to the Joint Rules as agreed to by the committee:

- Establishment and composition of the Joint Standing Committee on Financial Management of Parliament (JSCFMP);
- New rules and rule amendments pertaining to the functions of the Joint Standing Committee on Defence (JSCD);
- New rules and rule adjustments for disruptions in joint sittings; and
- Standard operating procedures required in terms of the new rules pertaining to disruptions in joint sittings.

The JSCFMP was established as an oversight mechanism as required by section 4 of the Financial Management of Parliament and Provincial Legislatures Act (No 10 of 2009). The joint standing committee must maintain oversight over the financial management of Parliament and exercise the functions assigned to it in terms of the Act. The committee consists of Assembly and Council members (Assembly 9 members: ANC 5, DA 2, EFF 1 and other parties 1; and 5 members from the Council). New Joint Rule 96D(2) provides that the Assembly and the Council may, by resolution, assign any other function, task or duty to the joint standing committee within its area of competence.

The functions of the JSCD were augmented by the insertions of new Joint Rules 120D, E and F, as follows:

120D. Functions

- (1) The joint standing committee must –
- (a) report to both Houses on the employment of the South African National Defence Force by the President of the Republic in fulfilment of an international obligation, in defence of the Republic or in cooperation with the South African Police Service;
 - (b) report to both Houses on a declaration of a state of national defence by the President of the Republic, and do so within seven days of the declaration should the joint standing committee want to recommend its approval;
 - (c) report to both Houses on all reports submitted to Parliament in terms of section 23 of the National Conventional Arms Control Act, No 41 of 2002;
 - (d) in order to give effect to the principles of transparency and accountability as envisaged in section 199(8) of the Constitution –
 - (i) conduct a strategic overview of the South African National Defence Force mid-term in the life of a particular Parliament and submit recommendations to both Houses on its transformation, integration, equity, morale and defence readiness; and
 - (ii) submit to both Houses, at the end of that parliamentary term, a report on the implementation of the mid-term recommendations.
 - (e) liaise with civil society and the military and report to both Houses on civil-military relations;
 - (f) where applicable, and in cooperation with the relevant portfolio and select committees, report to both Houses on matters affecting military veterans; and
 - (g) perform any other functions and exercise any other powers assigned to the joint standing committee by statute or in terms of resolutions adopted by both Houses.

(2) The joint standing committee must report to both Houses at least annually on its activities.

120E. Quorum

- (1) The majority of members of the joint standing committee constitutes a quorum.
- (2) The joint standing committee may proceed with business irrespective of the number of members present, but may decide a question only if a quorum is present.

120F. Decisions

- (1) A question before the joint standing committee is decided when there is agreement on the question among the majority of members present.

The NA and the NCOP adopted the report on 26 November.

[22] ESTABLISHMENT OF AD HOC COMMITTEE ON REPORT BY THE MINISTER OF POLICE IN REPLY TO RECOMMENDATIONS OF AD HOC COMMITTEE ON REPORT BY THE PRESIDENT REGARDING SECURITY UPGRADES AT NKANDLA PRIVATE RESIDENCE OF THE PRESIDENT

On 28 May, the Minister of Police submitted for tabling in the Assembly a report in reply to the recommendations in the Report of Ad Hoc Committee on Report by President Regarding Security Upgrades at Nkandla Private Residence of the President, as adopted by the House on 13 November 2014.

On 2 June, the Assembly resolved to establish an ad hoc committee, the committee to –

- (1) consider the report by the Minister of Police tabled on 28 May 2015 in reply to recommendations in the Report of Ad Hoc Committee to Consider the Report by the President regarding Security Upgrades at the Nkandla Private Residence of the President, as adopted by the National Assembly on 13 November 2014;

- (2) consist of 14 voting members, as follows: African National Congress 8, Democratic Alliance 3, Economic Freedom Fighters 1 and other parties 2;
- (3) further consist of 16 non-voting members, as follows: African National Congress 5, Democratic Alliance 2, Economic Freedom Fighters 1 and other parties 8 designated by the remainder of the other parties;
- (4) exercise those powers in Rule 138 and the rules applicable to committees and subcommittees generally that may assist it in carrying out its functions; and
- (5) submit a report to the House with its findings and recommendations, where applicable, by 7 August 2015.

On 11 June, the committee elected Mr C T Frolick as its chairperson. After lengthy deliberations, including two briefings by the Minister of Police, a briefing by the Minister of Public Works and an in loco inspection at the private residence of the President in Nkandla, KwaZulu-Natal, the committee reported on 6 August. It made the following recommendations:

- That the Executive ensure that all necessary steps are taken to ensure that the safety of the Head of State and his family is not compromised;
- The Portfolio Committees of Public Works, and Police and the Joint Standing Committee on Intelligence must ensure continuous monitoring of corrective actions to be taken by the relevant national departments;
- That the relevant departments and law enforcement authorities ensure the expeditious conclusion of civil, criminal and disciplinary matters.
- That the Report of the Minister of Police be adopted; and
- That the Report of the Minister of Public Works be adopted.

The Assembly agreed to the committee report on 18 August.

[23] ESTABLISHMENT OF AD HOC JOINT COMMITTEE TO INQUIRE INTO VIOLENCE AGAINST FOREIGN NATIONALS

On 6 May, the Assembly passed a resolution establishing an Ad Hoc Joint Committee to Inquire into Violence against Foreign Nationals in terms of Joint Rule 142. The NCOP passed a similar resolution on 7 May. The committee consisted of 11 Assembly members and 9 members of the Council. On 4 June, Ms N R Bhengu (Assembly member) and Mr T C Mtlashuping (Council member) were elected as co-chairpersons of the committee.

The resolution mandated the committee, amongst others, to probe the incidences of violence against foreign nationals and related matters, and take into account the recommendations of the previous Task Team of Members of Parliament that had probed violence against foreign nationals in 2008. The committee was set a deadline of 30 August to report.

On 11 August, the committee submitted an interim report in which it reported, amongst others, that it would be unable to do full justice to its mandate to engage with all identified stakeholders within the time allocated to it by Parliament. It therefore requested an extension of the deadline from 30 August to the end of September. On 18 August, the Assembly agreed to the extension of the deadline for reporting to 30 September.

The committee failed to report by the deadline set by Parliament. In terms of Joint Rule 138(5), an ad hoc committee ceases to exist when the date for the completion of its work has expired. Since the committee's deadline was 30 September, it ceased to exist when that deadline passed.

The Assembly resolved on 29 October to re-establish the Ad Hoc Joint Committee on Probing Violence against Foreign Nationals with the same composition, mandate and powers of the previous committee. The resolution also instructed the committee to incorporate in its work the proceedings and all the work of the previous committee and set 20 November as its deadline for reporting.

The committee reported on 20 November and the Assembly adopted the report on 25 November.

INTERNATIONAL RELATIONS

[24] TRANSFORMATION OF SADC-PF INTO REGIONAL PARLIAMENT

The Southern African Development Community Parliamentary Forum (SADC-PF) was established in 1997 in accordance with Article 9(2) of the SADC Treaty as an autonomous institution of SADC. The SADC-PF is a regional inter-parliamentary body composed of thirteen parliaments representing over 3500 parliamentarians in the SADC region. The member parliaments are Angola, Botswana, the Democratic Republic of the Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

The Forum seeks to bring regional experiences to bear at the national level, to promote best practices in the role of parliaments in regional cooperation and integration as outlined in the SADC Treaty and the Forum's Constitution. Its main aim is to provide a platform for parliaments and parliamentarians to promote and improve regional integration in the SADC region through parliamentary involvement.

On 26 May 2009, the South African Parliament designated a presiding officer and four representatives to the SADC-PF in accordance with section 6(3) of the SADC-PF Constitution. Upon becoming a regional parliamentary structure, it would serve as the legislative body of SADC in terms of Article 8(3)(B) of its Constitution.

On 23 June, the House agreed to a motion by the Chief Whip of the Majority Party for it to continue supporting the transformation of the SADC-PF into a regional parliament that would establish a regional parliamentary framework for dialogue on issues of regional interest and concern.

The House further expressed its support for the lobbying efforts of the leadership of the Forum to present to the SADC Heads of State and Government, Council of Ministers and SADC Secretariat the case for such transformation that would, inter alia –

- (a) facilitate the effective implementation of SADC policies and projects, including SADC protocols and other legal instruments;
- (b) promote the principles of human rights, gender equality and democracy within the region;

- (c) encourage good governance, transparency and accountability in the region and in the operation of SADC institutions;
- (d) facilitate the ratification and harmonisation of policies and laws, while recognising the sovereignty of member states; and
- (e) provide a forum for discussion on matters of common interest to SADC countries.

STATUTORY FUNCTIONS

[25] VACANCIES IN ELECTORAL COMMISSION

In a letter dated 21 November 2014, the Chief Justice of the Republic of South Africa, Mr Justice Mogoeng Mogoeng, submitted to the NA the following list of recommended candidates and their curricula vitae in terms of section 6(4) of the Electoral Commission Act (No 51 of 1996) (the Act) for the filling of a vacancy in the Electoral Commission:

Mrs Sheila Margaret Camerer, Mrs Hlaleleni Kathleen Dlepu, Mrs Rebecca Queendy Madipoane Gungubele, Adv Salome Ngwanamathiba Khutsoane, Ms Janet Love, Mr Vuma Glenton Mashinini, Mr Lumko Caesario Mtimde and Mr Maruping Michael Wildebees.

The matter was referred to the Portfolio Committee on Home Affairs on 25 November 2014 for consideration and report. On 24 February, the committee recommended that the House approve the nomination of Mr Vuma Glenton Mashinini for appointment to fill the vacancy in the Electoral Commission. The Assembly agreed to the nomination on 3 March.

On 24 June, the Chief Justice of South Africa wrote to the Speaker to inform her of the existence of a further vacancy in the Electoral Commission. In the same letter, he submitted a list of candidates and their abbreviated curricula vitae as required by section 6(4) of the Act and requested the Assembly to recommend a candidate to the President of the Republic for appointment to the Electoral Commission. On 16 July, the request of the Chief Justice was tabled and referred to the Portfolio Committee on Home Affairs for consideration and report.

On 19 August, the committee tabled its report for consideration by the Assembly. The committee noted that, in terms of section 193(2) of the Constitution, a Commission should broadly reflect the race and gender

composition of South Africa. It added that the Electoral Commissioners then in office were not representative of gender and race as required. The list of candidates received from the Chief Justice on 24 June contained seven African males and females, and one white male. The committee stated that, given the need for race and gender representivity, the list of candidates did not provide the committee with sufficient choices. It recommended therefore that the President should consider re-initiating the process of advertising and interviews to identify more candidates meeting the equity requirements. On 26 August, the Assembly adopted the report of the committee.

On 30 September, the President wrote to the Speaker informing the Assembly that he had decided to request the Chief Justice to reinitiate the process of filling a vacancy in the Electoral Commission with due regard to the issues highlighted in the report of the committee. The President's letter was referred to the committee for information.

At the end of 2015, the Assembly had not received further submissions from the Chief Justice on this matter.

[26] VACANCY IN PUBLIC SERVICE COMMISSION (PSC)

A letter, dated 12 September 2014, 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 2014.

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 NA 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 and Evaluation for consideration and report on 23 September 2014.

The committee appointed a multi-party subcommittee from its members to conduct the short-listing and

interviews of applicants in November 2014. The following six candidates were short-listed:

- Prof Sesh Paruk
- Ms Prudence Esther Gwala-Mahaya (withdrew)
- Ms Xolisa Hloma
- Prof Patrick FitzGerald
- Dr Tholumuzi Bruno Luthuli
- Mr Ben Mkhonto Mthembu

On 1 September, the committee recommended Mr Ben Mkhonto Mthembu (the previous chairperson) for appointment to the PSC. The Assembly agreed to the nomination on 27 October in accordance with section 196(8)(a) of the Constitution.

[27] DESIGNATION OF MEMBER TO MAGISTRATES COMMISSION

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

The Magistrates Commission experienced a vacancy as a result of opposition member, Mr M M Tshishonga's (Agang SA) loss of seat in terms of section 47(3)(c) of the Constitution. After informal discussions in the Chief Whips' Forum on 4 November, Mr N Singh (IFP) informed the Speaker by letter that Prof C T Msimang had been nominated to fill the vacancy on the Magistrates Commission. On 25 November, the Assembly agreed to the designation of Prof Msimang to the Magistrates Commission.

[28] RECOMMENDATION OF CANDIDATES FOR APPOINTMENT TO THE INFORMATION REGULATOR

A letter, dated 22 May, was received from the Minister of Justice and Correctional Services informing the Assembly that the process of determining the remuneration of the chairperson and ordinary members of the Information Regulator, as required by section 46 of the Protection of Personal Information Act (No 4 of 2013), had been concluded. The Minister therefore requested the Assembly to commence with the process of recommending, in accordance with the principles and prerequisites set

out in section 41 of the Act, five suitable candidates for appointment as members of the Information Regulator for a period of five years.

The Minister's request was referred to the Portfolio Committee on Justice and Correctional Services for consideration and report on 10 June. The committee had not reported by the end of the 2015 parliamentary session.

[29] VACANCIES ON MEDIA DEVELOPMENT AND DIVERSITY AGENCY (MDDA) BOARD

On 10 December 2014, the Speaker tabled and referred to the Portfolio Committee on Communications for consideration and report, a letter dated 9 December 2014 from the President of the Republic informing members of the Assembly that MDDA board member Dr René Alicia Smith had tendered her resignation in terms of section 6(1)(b) of the Media Development and Diversity Agency Act (No 14 of 2002); and that the term of office of Mr Phenyó Nonqane would expire on 13 January in terms of section 8(2) of the Act. The letter also requested the Assembly to commence with the process of recommending, in accordance with the provisions of section 4(1)(b) of the Act, suitable candidates to fill these vacancies.

A second letter, dated 11 March, was received from the President informing the Assembly that MDDA board member, Mr Robert Dangisa Nkuna, had tendered his resignation. The letter further requested the Assembly to commence the process of recommending, in accordance with the provisions of section 4(1)(b) of the Act, a suitable candidate to fill the vacancy for the unexpired portion of the relevant term of office. On 19 March, the Speaker tabled and referred the second letter to the Portfolio Committee on Communications for consideration and report.

On 22 April, the committee tabled its report in the ATC recommending that Ms Palesa Kadi and Mr Thamsanqa Ntenteeni be appointed to serve the full term on the board, and that Mr Jabulane Blose be appointed to serve the unexpired portion of the term of Mr Nkuna. The Assembly agreed to these recommendations on 3 June.

[30] VACANCIES ON COUNCIL OF INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)

A letter, dated 4 August 2014, was received from the Minister of Communications informing the Assembly that the terms of office of Icasa councillors Mr William Currie and Mr Joseph Lebooa would expire on 30 September 2014; and that the terms of office of Mr William Stucke and Ms Ntombizodwa Ndhlovu would expire on 31 October 2014. On 23 September 2014, the Speaker tabled and referred the letter to the Portfolio Committee on Communications for consideration and report.

On 25 March, the Speaker tabled and referred a letter dated 1 January from the Minister of Communications informing the Assembly that she had accepted the resignation of Icasa councillor, Dr Marcia Socikwa, with effect from 31 January to the Portfolio Committee on Communications for consideration and report.

Section 5(1A)(a) of the Independent Communications Authority of South Africa Act (No 13 of 2000) requires the NA to submit to the Minister a shortlist of suitable candidates at least one and a half times the number of councillors to be appointed.

On 9 June, the committee recommended to the House that the following eight names be sent to the Minister in order to fill the five vacancies in the Icasa Council: Ms Botlenyana Mokhele; Adv Dimakatso Qocha; Mr Lumko Mtimde; Mr Thamsanqa Ntenteeni; Mr Yengwayo Kutta; Mr Peter Zimri; Mr Keabetswe Modimoeng and Mr Paris Mashile. The committee noted the objection of the DA to the nominations of Mr Lumko Mtimde and Mr Thamsanqa Ntenteeni in its report.

On 24 June, the Chief Whip of the Majority Party moved that the report of the committee be referred back to the committee for further consideration. The House agreed to the motion.

On 3 November, the committee agreed to remove Mr Ntenteeni's name from the list of recommended candidates. Due to the removal of Mr Ntenteeni's name, the recommended list of candidates addressed only four vacancies on the Icasa Council in terms of section 5(1A)(a) of the Act. The committee recommended that the following seven candidates be approved in order to fill four vacancies in the Council: Ms Botlenyana Mokhele; Adv Dimakatso Qocha; Mr Lumko Mtimde; Mr Yengwayo Kutta; Mr Peter Zimri; Mr Keabetswe Modimoeng and Mr Paris Mashile. The DA further objected to Mr Lumko Mtimde based on his participation in the Media Tribunal discussions and due to his alleged political affiliation.

On 18 November, the Assembly agreed to the committee's recommendations and the seven candidates above were recommended for appointment as Icasa councillors.

**[31] EXPIRY OF TERM OF OFFICE OF ICASA
CHAIRPERSON**

A letter was received from the Minister of Communications on 31 July informing the Assembly that the term of office of Dr S Mncube, chairperson of the Independent Communications Authority of South Africa (Icasa), expired on 30 June; and requesting that the Assembly commence with the process of filling the vacancy in terms of section 5 of the Independent Communications Authority of South Africa Act (No 13 of 2000). On 11 August, the Speaker tabled and referred the letter to the Portfolio Committee on Communications for consideration and report. This matter was not finalised in the 2015 parliamentary session.

**[32] RECOMMENDATION OF CANDIDATES
FOR APPOINTMENT TO APPEAL BOARD
ESTABLISHED IN TERMS OF SECTION 26 OF
SAFETY AT SPORTS AND RECREATIONAL
EVENTS ACT, 2010**

A letter, dated 7 November 2014, was received from the Minister of Sport and Recreation containing additional information pertaining to his request tabled on 3 October 2014 for the Assembly to recommend at least seven suitable candidates for appointment to the Appeal Board established in terms of section 26 of the Safety at Sports and Recreational Events Act (No 2 of 2010).

The Minister informed the Speaker that he had received legal advice that, because the original shortlisting of candidates had taken place two years previously, the processes pertaining to the appointment of the members of the Appeal Board should be started afresh. The Minister added that he had accepted the legal advice that the nomination process followed by the Department of Sport and Recreation and the shortlist of candidates forwarded to the Assembly should be withdrawn, and requested that the Assembly should initiate the nominations process in terms of section 26(3) of the Act. The Speaker tabled and referred the letter of 7 November 2014 to the Portfolio Committee on Sport and Recreation for consideration on 12 November 2014.

On 23 September, the committee recommended nine candidates to be appointed to the Appeal Board, as follows: Mr Khehla Humphrey Khoza, Adv Lufuno Tokyo Nevondwe, Mr Frederick Baruti Komane, Mr Ramesh Vassen, Mr Mongezi Gladstone India, Ms Nomthandazo Fortunate Mdanda, Ms Thembeke Semane, Mr Malatse Stephen Pila and Dr William Peter Rowland. The Assembly agreed to the committee's recommendations on 25 November.

**[33] INVITATION TO NOMINATE CANDIDATES FOR
LAND BANK BOARD**

A letter, dated 17 March, was received from the Minister of Finance, inviting 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 management, risk management, financial management and auditing, as well as agriculture and human resource management, for appointment to the board of the Land Bank. The letter from the Minister of Finance indicated that the nomination of candidates should reach his office by no later than 20 April.

On 12 May, the Speaker tabled and referred the letter to the Standing Committee on Finance and the Portfolio Committee on Agriculture, Forestry and Fisheries for consideration. This matter was not processed as the referral took place after the deadline of 20 April set by the Minister of Finance.

**[34] INSPECTOR-GENERAL OF INTELLIGENCE:
FILLING OF VACANCY**

In terms of section 210(b) of the Constitution, provision is made for civilian monitoring of the intelligence services by an Inspector-General appointed by the President, and approved by a resolution adopted by the NA with a supporting vote of at least two-thirds of its members. The term of office of the Inspector-General of Intelligence, Adv F D Radebe, who was appointed on 17 February 2010, ended on 31 March.

On 17 April, the President requested the Assembly to expedite the process of filling the vacancy as outlined in section 7(1) of the Intelligence Services Oversight Act (No 40 of 1994). The matter was referred to the Joint Standing Committee on Intelligence (JSCI) for consideration and report.

The committee reported on 17 June that it had received 57 applications and had shortlisted eight candidates. Following deliberations on the matter, the committee decided not to nominate a candidate, and subsequently re-advertised the position. A further 58 applications were received of which three more candidates were shortlisted. A total of 11 candidates were interviewed on 9 and 10 June. The committee reported on 18 June that it had nominated Mr C V Burgess to fill the vacant position of Inspector-General of Intelligence.

On 24 June, the Assembly was scheduled to consider the nomination of a candidate for appointment as Inspector-General of Intelligence. However, before the matter could be considered, the Chief Whip of the Majority Party moved a motion in terms of rule 97(c) of the Assembly Rules that the matter stand over. In terms of this rule, a motion can be moved without notice calling for the postponement or discharge of, or giving precedence to an order of the day. The House agreed to the motion.

The matter was not finalised by the Assembly by the end of the 2015 parliamentary session.

[35] APPOINTMENT OF MEMBER TO TECHNOLOGY INNOVATION AGENCY (TIA) BOARD

In Issue 19, Item 41, it was reported that the Assembly had recommended the appointment of candidates to the board of the TIA. The board was appointed from 1 May 2013 to 30 April 2017 for a four-year term of office. In terms of the Technology Innovation Agency Act (No 26 of 2008), the board is responsible for the management and control of the Agency and it must prepare an Investment Framework Policy and review the policy on an annual basis. Members of the board are appointed by the Minister, on the advice of an independent panel appointed by the Minister, on the grounds of their knowledge and experience in technological innovation, technology management, intellectual property and the commercialisation thereof, and business skills.

In terms of section 7(2) of the Act, if a member of the board ceases to hold office or is removed from office, the Minister may, after consideration of the shortlist compiled by the independent panel or in any other transparent manner, appoint a person who meets the criteria as contemplated in the Act in that member's place for the remaining part of the term of office. Section 7(4) of the Act provides that the Minister must, within 30 days, report on any decision taken in terms of this section, as

well as confirm compliance with the requirements set out in this section, to the Assembly.

On 23 November, the Minister of Science and Technology wrote to the Speaker, submitting to the Assembly a report in terms of section 7(4) of the Act on the appointment of Prof Diane Hildebrandt from 1 November to 30 April 2017. Prof Hildebrandt replaced Dr Bonakele Mehlomakulu, who had tendered her resignation in May. The purpose of the Minister's report was to notify Parliament that the filling of the vacancy on the board had been finalised in terms of the Act.

The Minister's letter and report were referred to the Portfolio Committee on Science and Technology on 2 December.

[36] INVITATION TO NOMINATE CANDIDATES TO SERVE ON NATIONAL AGRICULTURAL MARKETING COUNCIL (NAMC)

In a letter to the Speaker, dated 29 October, the Minister of Agriculture, Forestry and Fisheries, indicated that the term of office of all the members of the NAMC would expire on 31 October. The Minister added that he had extended the term of office of the NAMC members for a period of six months, until 30 April 2016. The Minister furthermore invited the relevant parliamentary committees of both Houses 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.

The Minister's request was referred to the Portfolio Committee on Agriculture, Forestry and Fisheries for consideration on 29 October.

The matter was not finalised by the committee at the end of the 2015 parliamentary session.

[37] RESIGNATIONS FROM SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BOARD AND FILLING OF VACANCIES

On 17 December 2014, the Speaker received a letter from the President of the Republic informing the Assembly of the resignation of Ms Ellen Zandile Tshabalala from the Board of the SABC with effect from 17 December 2014; and requesting the NA to recommend, in accordance with the provisions of the Broadcasting Act (No 4 of

1999), a suitable candidate to fill the vacancy for the unexpired portion of the period for which the vacating member had been appointed. The Speaker referred the request to the Portfolio Committee on Communications for consideration and report on 23 January.

On 27 March, the Speaker received a further letter from the President of the Republic informing the NA of the resignations of Adv Tembinkosi Bonakale and Prof Bongani Khumalo from the board of the SABC, and requesting the NA to recommend, in accordance with the relevant provisions of the Broadcasting Act (No 4 of 1999), suitable candidates to fill the vacancies for the unexpired portion of the period for which the vacating members had been appointed. The Speaker referred the request to the Portfolio Committee on Communications for consideration and report on 1 April.

The matter of filling the three vacancies on the SABC Board was not finalised by the Assembly by the end of the 2015 parliamentary session.

[38] VACANCIES IN SA HUMAN RIGHTS COMMISSION (SAHRC)

The South African Human Rights Commission Act (No 40 of 2013) was assented to by the President of the Republic on 20 January 2014 and came into operation on 5 September 2014 by proclamation in the Government Gazette (Proclamation No 63, Gazette No 37977). Among others, the Act repealed the Human Rights Commission Act (No 54 of 1994) and provided anew for the powers and functions of the SAHRC and the appointment procedures for commissioners. The Act also decreased the number of commissioners from ten to eight of which no more than six would be full-time commissioners and not more than two would be part-time commissioners. The commissioners would still be appointed by the President on the recommendation of the NA in terms of section 193(4) and (5) of the Constitution.

A letter, dated 23 March, was received from the Minister of Justice and Correctional Services, requesting the Assembly to recommend, in terms of section 193(4) and (5) of the Constitution, a suitable candidate for appointment as full-time commissioner to the SAHRC to fill a vacancy that arose following the operationalisation of the SAHRC Act, 2013.

The Minister's request was referred to the Portfolio Committee on Justice and Correctional Services for

consideration and report on 1 April. The committee did not report on this referral during the 2015 parliamentary session.

Another letter, dated 25 September, was received from the SAHRC, as required by section 8(3) of the SAHRC Act, 2013, informing the Assembly that a vacancy for a full-time commissioner would occur upon the expiry of the term of office of Dr Pregs Govender on 30 November, which had to be filled in accordance with section 193(4) and (5) of the Constitution.

The Commission's letter was referred to the Portfolio Committee on Justice and Correctional Services for consideration and report on 21 October. This matter was not finalised during the 2015 parliamentary session.

[39] RECOMMENDATION OF CANDIDATES FOR APPOINTMENT TO NATIONAL YOUTH DEVELOPMENT AGENCY (NYDA) BOARD

In a letter, dated 6 August, the Minister of Planning, Monitoring and Evaluation requested Parliament to recommend seven candidates for appointment to the board of the NYDA in terms of section 9 of the National Development Youth Agency Act (No 54 of 2008).

The letter from the Minister was tabled on 28 August and referred to the Portfolio Committee on Public Service and Administration as well as Monitoring and Evaluation for consideration and report.

The committee did not report on this matter by the end of the 2015 parliamentary session.

UNPARLIAMENTARY EXPRESSIONS

[40] EXPRESSIONS RULED UNPARLIAMENTARY DURING 2015

A fool elected by a fool will be led by a fool, but the biggest fool is the fool who elected that fool
Corruption ... by your leader like taking monies from municipalities, ... chasing after the municipality leaders to give him tenders (with reference to a member)
Coward

Drug lord
 Economical with the truth (with reference to Public Protector)
 Honourable Wouter (with reference to member Basson)
 (Note: Dr Wouter Basson was a chemical warfare expert in the apartheid regime and headed the secret chemical and biological war-fare project)
 Idi Amin, are you related to
 Kids (with reference to members)
 Rubbish, member is talking
 ... siza kunibetha emzimbeni ngoku [we are going to hit you physically now]
 This bunch (with reference to members)
 Mouthpiece of monopoly capital
 Moruti wa tsotsi [a fake pastor]
 Puppet of the master
 Ranting Member of Parliament
 Sell out
 Sex pest
 Shut up
 Spineless
 Traitor

**[41] EXPRESSIONS CHALLENGED BUT NOT RULED
UNPARLIAMENTARY DURING 2015**

Doesn't see justice as a particularly important area,
 political party
 German cut
 Howling
 Induct you, [committee] will provide services of hon
 [member] to
 I think she needs help (with reference to the Public
 Protector)
 The nyaope (street drug) delinquent speech diarrhea
 characterised by his political inarticulation
 (with reference to a member)
 Sick, President is

ABBREVIATIONS

ATC	Announcements, Tablings and Committee Reports (a daily parliamentary paper which is effectively an appendix to the Minutes of Proceedings)
EPC	Extended Public Committee (a mechanism that enables the NA to conduct more than one public debate simultaneously)
Icasa	Independent Communications Authority of South Africa
JRC	Joint Rules Committee
JSCD	Joint Standing Committee on Defence
JSCFMP	Joint Standing Committee on Financial Management of Parliament
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
NYDA	National Youth Development Agency
SABC	South African Broadcasting Corporation
SADC-PF	Southern African Development Community – Parliamentary Forum

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 second 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.

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

The following vacancies occurred and were filled during 2015:

Mr S S A Mphethi (PAC – National) lost his membership in terms of section 47(3)(c) of the Constitution with effect from 23 December 2014. Replaced by Mr L R Mbinda with effect from 14 January.

Ms M Moonsamy (EFF – National) resigned with effect from 12 January. Replaced by Ms V Ketabehle with effect from 21 January.

Mr H F Nkoana (ANC – Mpumalanga) passed away on 18 January. Replaced by Ms T D Chiloane with effect from 24 February.

Mr L W Greyling (DA – National) resigned with effect from 1 March. Replaced by Mr P van Dalen with effect from 1 March.

Mr O C Chabane (ANC – National) passed away on 15 March. Replaced by Mr M J Maswanganyi with effect from 27 May.

Ms K Litchfield-Tshabalala (EFF – Gauteng) lost her membership in terms of section 47(3)(c) of the Constitution with effect from 13 April. Replaced by Dr H Chewane with effect from 20 May.

Mr R P Ramakatsa (EFF – National) lost his membership in terms of section 47(3)(c) of the Constitution with effect from 13 April. Replaced by Mr M M Dlamini with effect from 13 April.

Mr J A Mngxitam (EFF – National) lost his membership in terms of section 47(3)(c) of the Constitution with effect from 13 April. Replaced by Ms M O Mokause with effect from 13 April.

Mr B D Joseph (EFF – WC) resigned with effect from 20 May. Replaced by Mr N Paulsen with effect from 20 May.

Dr D T George (DA – National) resigned with effect from 1 June. Replaced by Mr B R Topham with effect from 6 October.

Ms S P Boshielo (ANC – LP) resigned with effect from 5 June. Replaced by Ms B J Maluleke with effect from 23 June.

Mr D L Twala (EFF – GP) resigned with effect from 16 July. Replaced by Mr S P Mhlongo with effect from 17 July.

Mr A M Mpontshane (IFP – KZN) resigned with effect from 1 August. Replaced by Inkosi R N Cebekhulu with effect from 1 August.

Mr S J Masango (DA – National) resigned with effect from 26 August. Replaced by Mr K P Robertson with effect from 6 October.

Mr K S Mubu (DA – GP) passed away on 31 August. Replaced by Ms B S Masango with effect from 6 October.

Mr T R J E Ramokhoase (ANC – FS) resigned with effect from 2 September. Replaced by Mr M J Zwane with effect from 2 September.

Mr K Z Morapela (EFF – FS) resigned with effect from 31 October. Replaced by Mr T Rawula with effect from 31 October.

Mr J J McGluwa (DA – National) resigned with effect from 12 November. Replaced by Mr H B Groenewald with effect from 12 November.

Mr I Mosala (ANC – NW) resigned with effect from 9 December. Replaced by Mr H P Chauke with effect from 9 December.

Mr N M Nene (ANC – KZN) resigned with effect from 9 December. This vacancy was not filled during 2015.

Annexure 2

LIST OF CONDOLENCE MOTIONS AND TRIBUTES TO FORMER MEMBERS

- Mr N Diale was a member of the Assembly from 1994 to 2014. At the time of his passing away, he was no longer a member of the Assembly. His condolence motion was debated on 24 February and agreed to, with members standing.

- Ms Y R Botha was a sitting ANC member of the Assembly when she passed away. She was previously a member of the Northern Cape Provincial Legislature (MPL) and the Northern Cape Head of the Department of Social Development before being elected to the national Parliament. The motion on her passing away was debated on 26 February and agreed to, with members standing.

- Mr F H Nkoana was a sitting member of the Assembly, representing the ANC. The condolence motion on his passing away was debated on 26 February and agreed to, with members standing.

- Mr C O Chabane was a sitting ANC member of the Assembly who was appointed as Minister of Public Service and Administration, as well as Performance Monitoring and Evaluation. The Assembly debated his condolence motion on 17 March which was agreed to, with members standing.

- Mr K S Mubu was a sitting member of the Assembly, representing the DA. The condolence motion on his passing away was debated on 10 September and agreed to, with members standing.







PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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