

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 South Africa.

This first issue covers the period from the start of the Second Parliament after the General Election in 1999, to the end of the year.

Compiled by:
Staff of the National Assembly Table
Parliament of the Republic of South Africa

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FIRST SITTING OF PARLIAMENT

1. OPENING

The Constitution provides that the President of the Constitutional Court presides over the swearing in of members after a general election, as well as the election of the President of the Republic and the Speaker. Accordingly, Mr Justice Arthur Chaskalson, President of the Constitutional Court, opened the proceedings of the Second Parliament on Monday, 14 June 1999 and presided over the relevant parts of the proceedings. The Speaker, once elected, presided over the election of the Deputy Speaker and other business.

The sequence of events in terms of the Agenda was: Swearing-in of Members; Election of Speaker; Election of Deputy Speaker; and in the afternoon, election of the President. However, when it became clear that the post of Deputy Speaker would be contested, and that a secret ballot would therefore have to be conducted, the necessary ballot was postponed until after the election of the President in the afternoon. [6-1470]

2. SWEARING-IN OF MEMBERS

The ceremony was conducted by having Members approach the Table in groups of up to ten. Standing before the Table, they made the Oath or Affirmation simultaneously in the language of their choice, after which they returned to their seats to subscribe the necessary form. Special arrangements were made for disabled Members who were not able to stand before the Table.

A small number of Members who were not able to be present for the ceremony, were sworn in at a later stage before Mr Justice Chaskalson in the Speaker's Chambers. [4-510]

3. ELECTION OF SPEAKER

ANC MP Dr Frene Noshir Ginwala, having been nominated by Mr A Mlangeni and seconded by Ms N Z Ncube, was elected unopposed as Speaker of the National Assembly.

The Serjeant-at-Arms conducted the Speaker to the Table and laid the Mace upon the Table. [5-160]

4. ELECTION OF DEPUTY SPEAKER

ANC MP Ms Baleka Mbete, having been nominated by Mrs N B Gxowa and seconded by Mr L Chiba, was elected as Deputy Speaker of the National Assembly after defeating Ms M Smuts of the Democratic Party in a secret ballot held in terms of the Rules made by the President of the Constitutional Court. [5-50]

5. ELECTION OF PRESIDENT

Mr Thabo Mvuyelwa Mbeki, having been

nominated by Dr N C Zuma and seconded by Mr M G P Lekota, was elected unopposed as President of the Republic. On announcing his election, the President of the Constitutional Court, on behalf of all those present, congratulated Mr Mbeki. [6-1680]

DEVELOPMENTS RELATING TO THE NEW PARLIAMENT

6. POST-ELECTION ARRANGEMENTS: DOCUMENTATION

Each Member elected to the National Assembly in the general election was presented with the following documentation –

- Before arrival in Cape Town, an information pack containing a selection of useful local information including maps and information on facilities in Cape Town such as accommodation, schooling and medical;
- an information file providing: details of the opening formalities; details of proceedings for the first few days; plans of the National Assembly Chamber and the Parliamentary Complex; as well as extensive practical information including financial details for MPs, the structure of the Administration and particulars of security arrangements at Parliament;
- a file containing copies of the Constitution, the Joint Rules of Parliament and the Rules of the two Houses, as well as financial and other information for Members; and
- On completion of the induction training programme (see below) an inscribed briefcase containing documents of interest to Members of Parliament issued by official bodies. [4-210]

7. POST-ELECTION ARRANGEMENTS: BRIEFING OF MEMBERS

A successful 4-day briefing session, designed to cater for the needs of both new and returning Members, was held from 21 to 24 June.

The programme was developed and managed by staff and presented by both external service providers and parliamentary staff, and covered the following areas: Salaries and allowances; personal financial management; the business of Parliament and functions of Members; managing racial diversity; gender awareness; the law-making process; committees; office-bearers; House procedures; information services; infrastructural services; and time management. Tours of the building for new Members formed part of the course. A course in presentation skills was attended by internal staff who presented material.

The course was well attended, in particular the courses for new members, and feedback received was favourable. Financial and other assistance was provided by the European Union Parliamentary Support Programme. [4-210]



8. APPOINTMENT OF OFFICE-BEARERS

On 28 June the Speaker announced in the House that the following office-bearers had been appointed by their respective parties: Mr T S Yengeni, as Chief Whip of the Majority Party; Mr D H M Gibson, as Chief Whip of the Official Opposition; and Mr G Q M Doidge, as Deputy Chief Whip of the Majority Party.

The Speaker further announced that in terms of the Rules of the National Assembly, Mr C Nqakula, MP, had been designated as Parliamentary Counsellor to the President of the Republic.

On 18 August the Speaker announced the designation of Mr J H Jeffery, MP, as Parliamentary Counsellor to the Deputy President. [5-200]

9. ELECTION OF PRESIDING OFFICERS

On 18 August, in terms of a resolution moved by the Chief Whip of the Majority Party, the House elected Mr M J Mahlangu Chairperson of Committees of the House. On the same day, in terms of a resolution moved by a whip of the Inkatha Freedom Party for the senior whip of that party, Dr K Rajoo was elected Deputy Chairperson of Committees. [5-10]

10. NUMBERING OF SESSIONS

Because the new Constitution of 1996 had established in essence a new Parliament, with a new Second House, the next ensuing session was numbered, in official documents, "First Session, Second Parliament", and subsequent sessions were numbered accordingly. However, on the basis of an agreed and commonly understood principle that Parliaments are numbered sequentially from general election to general election, the Parliament elected at the second general election was formally identified as the Second Parliament. Official papers for this new Parliament were accordingly numbered as the "First Session, Second Parliament". The relevant documents are adequately identified by date. [6-2090]

11. PROPORTIONAL STRENGTH OF PARTIES

The 1999 General Election brought 13 parties to the National Assembly, in contrast to the seven parties represented before the election. The numerical strength of the various parties is as follows:

ANC: 266	UCDP: 3
DP: 38	PAC: 3
IFP: 34	FA: 2
NNP: 28	AEB: 1
UDM: 14	MF: 1
ACDP: 6	AZAPO: 1
FF: 3	

Certain adjustments had accordingly to be made to the manner in which the House functioned and to allow for proportional partici-

pation in proceedings.

On 29 June 1999 the Speaker reported to the Interim Rules Committee that she had discussed with party representatives, the issue of recognising 10 members as a unit for the purposes of including smaller parties in certain Parliamentary processes. There was general agreement on this principle. [6-1570]

12. ALLOCATION OF PARTY WHIPS

On 29 June the National Assembly Interim Rules Committee decided that whips would be appointed in a ratio of 1 whip for each 8.69 members. For the purposes of this calculation, the Chief Whip and Deputy Whip of the Majority Party, and the Chief Whip of the Official Opposition, would not be taken into account. In addition, representatives of parties too small to have a whip would be free to attend meetings of whips, and such parties would receive all relevant documentation.

On the basis of the above formula, the following posts of ordinary whip were allocated: ANC, 31; DP, 4; IFP, 4; New NP, 3; UDM, 2; ACDP, 1.

The Rules Committee did, however, agree that the smaller parties could consider grouping themselves together for the purposes of having a whip assigned to a group of parties. These parties were asked to submit any such request to the Speaker, indicating the cohesiveness of the grouping and what the functions of the relevant whip would be. This was not resolved during the period under review. [5-210]

13. INTERIM NATIONAL ASSEMBLY RULES COMMITTEE

The change in the number of parties represented in the National Assembly as a result of the general election, required a change in the Standing Rules relating to membership of the Rules committee. The Speaker convened an "Interim Rules Committee" on 29 June to consider this as well as urgent matters which had to be dealt with at the start of the new Parliament. This committee, made up of Members whose names had been provisionally submitted by parties to serve on a Rules Committee, acted until the membership of the new Rules Committee was finalised.

On 29 June 1999 the Interim Rules Committee agreed that parties would be represented on the Rules Committee as follows: ANC - 26; DP - 4; IFP - 3; NNP - 3; other parties 1 each. [1-600]

Subcommittees of the Rules Committee - The Rules Committee in addition agreed that party representation on the Subcommittees of the Rules Committee would consist of 8 members as follows: ANC - 3; DP - 1; IFP - 1; NNP - 1; 2 members from the other 9 parties. One exception was the House Subcommittee on International Relations, which is chaired by the Speaker and

consists of the Speaker and Deputy Speaker, three members of the majority party, one member from each of the three largest minority parties, one member from each of two of the other minority parties, one member from the Portfolio Committee on Foreign Affairs, the Chairperson of Committees and three Chairpersons of Assembly Committees. [1-340]

14. SIZE OF PORTFOLIO COMMITTEES

On 12 August the National Assembly Rules Committee agreed that there would be 25 portfolio committees, mirroring government departments, to deal with government affairs. The standard size of a portfolio committee was set at 17 members, composed as follows: ANC 10, DP 2, IFP 1, New NP 1, and 3 other parties 1 each, plus alternates. A meeting was held with representatives of the smaller parties with a view to accommodating their needs in regard to committee representation. At this meeting it was agreed (and confirmed at the subsequent Rules Committee Meeting) that in the case of certain portfolio committees (Education; Justice and Constitutional Development; Finance; and Safety and Security) the above formula be adapted to allow for two extra members, such that four rather than three 'other parties' be accorded one representative each, while the majority party obtained one additional member. [1-380]

15. NOTICES OF MOTION – SEQUENCE IN WHICH MEMBERS ARE CALLED

By agreement, the party sequence in which members are called to give notice of motions, is as follows:

ANC; DP; IFP; ANC; NNP; UDM; ANC;
[two notices of motion from the seven smaller parties, in a sequence to be decided amongst those parties]. After this the sequence begins again with the ANC.

Fifteen minutes are allowed for notices of motion. A member giving notice of a motion is allowed one minute; however even if the notice is not delivered in full within that time, it is printed in full on the Order Paper. No member may give notice of more than one oral motion on the same day. [6-1440]

16. SITTING HOURS OF THE HOUSE

On 28 June, on a motion by the Chief Whip of the Majority Party, the House decided that hours of sitting for the remainder of 1999 would be as follows:

- (a) Mondays to Thursdays: 14:00, or such later time as the Speaker would determine, to adjournment; and
- (b) Fridays: 09:00, or such a later time as the Speaker would determine, to adjournment. [6-2110]

PROCEDURAL AND RELATED ISSUES

17. STATUS OF A PARTY AS AN 'OPPOSITION PARTY'

On 30 June the Chief Whip of the Majority Party moved a motion designating six Members of the National Assembly to serve on the Judicial Services Commission in terms of section 178(1)(h) of the Constitution, 1996. This section stipulates that three of these Members "must be members of opposition parties represented in the Assembly". None of the Members designated were from the Official Opposition, and the Chief Whip of the Official Opposition moved an amendment to substitute a Member of that party for one of those designated. In moving his amendment, he argued that since the Inkatha Freedom Party (IFP) – one of whose Members had been designated – was in a coalition alliance with the Government, members of that party were not in opposition to the Government and an insufficient number of opposition members had accordingly been designated.

It was argued in response that the fact that some members of the IFP had been chosen by the President to be in his Cabinet, did not make it a government party, and that it continued to sit on the opposition benches.

The motion by the Chief Whip of the Majority Party was agreed to after a division. [6-1570]

18. JUDGMENT OF SUPREME COURT OF APPEAL REGARDING SUSPENSION OF MEMBER

In 1997 the National Assembly had appointed an *ad hoc* committee to report to the House on the conduct of a member, Mrs P de Lille, in making serious allegations without substantiation against members of the House, and to recommend appropriate action. In November of that year the Assembly adopted a report by the committee, recommending that Mrs De Lille, firstly, be directed to apologise to the members named by her and to the Assembly by means of a letter, and, secondly, be suspended for 15 parliamentary working days. Mrs De Lille appealed to the Cape High Court, challenging the resolution of the Assembly regarding her suspension. Implementation of the resolution was suspended pending the court's finding.

The Cape High Court upheld Mrs De Lille's application on 8 May 1998 and granted an order declaring void the relevant resolution of the Assembly. The judgment included a number of additional findings which had direct implications for how Parliament, as an independent arm of state, conducts its affairs in accordance with the Constitution. In view of these implications, it was decided to request leave to appeal.

The Supreme Court of Appeal delivered its judgment on the appeal on 26 August 1999. The court limited its judgment to an inquiry as to whether or not the Assembly had the lawful authority to suspend Mrs De Lille. For that purpose, the court examined the provisions of the Constitution to establish whether suspension, in the circumstances, was constitutionally sanctioned.

In regard to section 57 of the Constitution, which provides that the Assembly may “determine and control its internal arrangements, proceedings and procedures”, the court remarked:

There can be no doubt that this authority is wide enough to enable the Assembly to maintain internal order and discipline in its proceedings by means which it considers appropriate for the purpose. This would, for example, include the power to exclude from the Assembly, for temporary periods, any member who is disrupting or obstructing its proceedings or impairing, unreasonably, its ability to conduct its business in an orderly or regular manner acceptable in a democratic society. Without some such internal mechanism of control and discipline, the Assembly would be impotent to maintain effective discipline and order during debates.

The court considered whether the Assembly had the authority to suspend the member as a punishment or disciplinary measure for making a speech which was not in any way obstructive or disruptive of proceedings in the Assembly, but which was nevertheless open to justifiable objection, and concluded that it did not. This finding was based on the fact that section 58(1) of the Constitution guarantees freedom of speech in the Assembly, subject to its rules and orders. However, the rules and orders of the House do not make specific provision for suspension of a member in the circumstances of this case. No other legislation authorised such suspension.

On 1 September 1999, the first sitting day after this judgment, the Speaker made an announcement in the House outlining the judgment and the events which had led up to it. She stated that the effect of the judgment was that the suspension of the member in question was set aside, but not the directive that she apologise. However, since this directive had been issued by the previous Parliament, it had no force or effect in the Second Parliament.

The Speaker pointed out that it was now an urgent necessity to give consideration to the implications for Parliament of the substance of the judgment, and recommended that the text of the judgment be given priority attention by the Joint Subcommittee on Powers and Privileges. [6-700]

19. MINISTERIAL AND EXECUTIVE STATEMENTS

(a) Occasions

During the session from 14 June to 18 November, the following ten Ministerial and Executive Statements were made:

- Minister for Public Service and Administration (18 August) – Public Service wage negotiations.
- Deputy President (2 September) – Progress made by Government.
- Minister of Education (8 September) – World Literacy Day.
- Minister for Justice and Constitutional Development (9 September) – Efficiency of the courts.
- Minister of Defence (15 September) – Arms procurement package.
- Deputy President (20 October) – Remembrance of Dr Nyerere, former President of Tanzania.
- Minister for Justice and Constitutional Development (21 October) – African Human Rights Day.
- Minister of Finance (27 October) – IMF / World Bank.
- Minister of Finance (29 October) – Medium Term Budget Policy.
- Minister of Health (16 November) – AZT

(b) Time allocated

Assembly Rule 106 provides for Ministerial Statements, and specifies that the Minister may use 20 minutes and that each party may respond for up to 3 minutes. In practice it has been found necessary to adapt these time allocations to meet the particular needs in each case. By agreement there were no party responses to the two statements by the Minister of Finance. On each other occasion the House, before proceeding to the statement and party responses, adopted a resolution specifying the time allocations that would apply.

c) Follow-up on Ministerial Statements

Consideration of a Ministerial Statement in the House is normally concluded after parties have had their opportunity to respond. On two occasions, however, further steps followed:

On Wednesday, 20 October, the statement and party responses in remembrance of Dr Nyerere were given precedence over all other business and were followed immediately by the adoption of a motion without notice expressing the condolences of the House. (Other motions without notice on that day were considered in the normal sequence after Interpellations and Questions).

After the Minister of Finance had made a policy statement to the House on 29 October regarding the Medium Term Budget Policy, there were

no party responses to the statement but the Chair announced that the statement would be referred to the Portfolio Committee on Finance for consideration (Hansard, col 1509).

(d) Content of statements

The purpose of Ministerial statements, according to Rule 106, is for a Cabinet member to make “a factual or policy statement relating to government policy, any executive action or other similar matter of which the Assembly should be informed.”

The Minister of Defence was given an opportunity on Wednesday, 15 September to make a statement in the House on the arms procurement package. The statement was given precedence over Interpellations and Questions.

The Minister used the opportunity to respond to an allegation made a week earlier in the House about corrupt practices relating to the arms deal. In reply to a point of order, the Deputy Speaker requested the Minister “to deal with the statement as it was communicated by his office to the Office of the Speaker”. The Minister then made a brief announcement about the Cabinet’s approval of the arms deal. In a further point of order the Chair was asked to consider the conduct of the Minister in the light of the special dispensation which had been agreed by the Whips to accommodate and give precedence to the statement. At a later sitting the Minister in a personal explanation explained the reasons for the brevity of his statement, conceding that “that was not sufficient for purposes of the debate”. He then apologised to the House in that regard. (Hansard, cols 807, 822, 1032). [6-2210]

20. DEBATES ON NATIONAL ISSUES (SPEAKER’S DEBATES)

(a) Introduction of Speaker’s Debates

Amongst the Assembly’s constitutional functions as a body consisting of elected representatives of the people, is that of “providing a national forum for public consideration of issues” (Constitution, Sec 42(3)).

At the first Assembly Programme Committee of the Second Parliament, on 19 August, the Speaker proposed that, in addition to party motions and members’ motions, special debates be held on important national issues. These debates would not be approached primarily in a party-political context but rather as a mechanism for the collective leadership in the Assembly to give the country guidance on such national issues. Sufficient time should be allocated to such debates to allow meaningful discussion. The Speaker circulated a list of suitable topics covering constitutional, international, social and parliamentary issues. On 9 September the Programme Committee agreed

to accommodate debates on national issues as proposed by the Speaker. A procedure for introducing and conducting such debates was still to be determined. In the meantime, the Office of the Speaker would put forward topics and arrange the debates. Parties were invited to submit topics for inclusion on the list.

(b) Topics debated

Up to adjournment on 18 November three Speaker’s debates, as they have become known, were accommodated. In each case the time allocation was a little over 2 hours. The debates were:

- Promotion of linguistic, cultural and religious rights (16 September). The debate was introduced by the Chairperson of the Portfolio Committee on Arts, Culture, Science and Technology.
- Incidence of rape and other forms of violence against women – causes and solutions (26 October). The debate was introduced by the Chairperson of the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women.
- Commemoration of Anglo-Boer/South African War and lessons learnt from it (16 November). The debate was introduced by the Leader of the New National Party, which had earlier proposed this topic.

(c) House resolutions following upon Speaker’s debate

Speaker’s debates are regarded as an opportunity to discuss a topic of national importance without the House being required to take a decision at the conclusion of the debate as happens with the consideration of draft resolutions. However, at the conclusion of the Speaker’s debate on “The incidence of rape and other forms of violence against women – causes and solutions” on 26 October, the House allowed a motion to be moved without notice on behalf of the Chief Whip of the Majority Party, capturing the response of the House to the subject that had just been debated. The motion was passed unanimously. (Minutes, 26 October). [6-2140]

21. JOINT SITTING FOR MILLENNIUM DEBATE

At the request of the President, a joint sitting between the two Houses of Parliament was held on Friday, 19 November for the purpose of a Millennium debate.

22. MOTIONS BY BALLOT AND PARTY MOTIONS

Most of the business on the programme of the National Assembly is initiated by the Government. In order to structure into the programme additional opportunities for members and parties to introduce subjects for debate, the



National Assembly has two mechanisms for placing on the Order Paper motions emanating from parties or members. "Slots" for such motions are determined by the Programme Committee, which also determines whether the slot will accommodate a 'motion by ballot' or a 'party motion'.

In the case of the former, a name is drawn at random from the list of Members of the National Assembly, and that Member may select and introduce a motion. In the case of a party motion, parties, in a rotational sequence agreed by Whips, may select and introduce a topic.

By agreement, these motions are limited to subjects for discussion and do not therefore lead to a decision of the House.

During the period under review six party motions were debated, and three motions by ballot. [6-110]

23. REQUESTS FOR SNAP DEBATES

Requests for snap debates on matters of public importance and urgent public importance are submitted, in terms of the rules, to the Speaker, and in her absence, to the Deputy Speaker. Such a request will be acceded to if, in the presiding officer's view, the request satisfies relevant criteria, which include: the matter is sufficiently topical and urgent to justify inclusion in the pre-arranged programme; no other opportunity to debate the matter is available soon; and – where appropriate – the relevant Minister is available. Eleven such requests were received during the period under review, of which the following three were acceded to:

- Controversy surrounding the draft Arms and Ammunition Control Bill with reference to the principle of foreign funding of government department. (Requested by NNP; debated on 26 August)
- Tragic Shooting of Soldiers at the Tempe Military Base. (Requested by DP; debated on 16 September)
- The alarming carnage on South Africa's roads. (Requested by UDM; debated on 7 October). [6-1760]

24. RESOLUTION ON PARLIAMENTARY SYMBOLS

On 22 September, the House adopted a motion without notice moved by the Deputy Chief Whip of the Majority Party noting that Parliament was embarking on a national campaign involving the public in the development of new parliamentary symbols, and calling on members of all legislatures and the media to promote the campaign and stimulate public participation in the development of new symbols to reflect "the unity of the people, inclusivity, the stature and dignity of the institution as accorded by the Constitution

and history". This process was not completed during 1999. [2-225]

25. QUESTION TIME: ABSENCE OF PRESIDENT

On 27 October, the Minister deputed to answer questions addressed to the President declined to answer any supplementary questions arising out of the answer given. After persistent attempts had been made to obtain answers to such questions, the Deputy Speaker stated that a way should be found of ensuring that the House can obtain answers to supplementary questions to the President "...without putting the Minister in the dock". She added: "At the same time, we must satisfy the needs of the members of Parliament to get answers to questions as well as to supplementary questions."

No further formal action was taken to pursue the Deputy Speaker's remarks during the period under review. [6-1380]

26. PERSONAL EXPLANATION RELATING TO NOTICE OF MOTION

In a ruling given on Thursday, 16 September, the Deputy Speaker stated that the signed copy of a notice of motion given on Thursday, 9 September, had contained an unparliamentary reference to corruption by members of Parliament, which had been excluded from the version given orally in the House. She had accordingly deleted the offending reference under the Speaker's powers. In a personal explanation in the House, the member concerned explained that owing to time constraints she had left out the reference in question while giving verbal notice of the motion. [6-1590]

27. NOTIFICATION OF EMPLOYMENT OF DEFENCE FORCE

The Constitution stipulates that the President must inform Parliament of the employment of the Defence Force in co-operation with the police service, in defence of the Republic, or in fulfilment of an international obligation. Four such communications were received, in respect of employment of the Defence Force in the Democratic Republic of the Congo and surrounding Southern African states, in the United Republic of Tanzania (2), and in the Republic of Mozambique.

The President also informed Parliament by letter, of the continued employment of the Defence Force in co-operation with the police service. [6-680]

28. PROVISION MADE FOR DISABLED MEMBERS

Seven disabled members were sworn in at the commencement of the second Parliament; the disabilities included blindness, physical disability and deafness. Another disabled

member was later sworn in.

Four seats were removed to make room for wheelchairs for paraplegic and quadriplegic members. Loose ramps and other removable fixtures were provided to facilitate movement of wheelchairs to and from the seat of the relevant members. One, a member of the Official Opposition, had to access the Chamber and his seat through the door to the left of the Speaker's chair. Part of the dividing fixture between the floor of the House and the Officials' Bay had to be removed for this purpose.

When making brief contributions, e.g. giving notices of motion, a quadriplegic or paraplegic member addresses the House from his or her seat. For longer speeches the member is wheeled by another member or a service officer to a place in front of the podium.

For the purpose of a brief contribution, a blind member is led by another member to one of the microphones on the floor of the House. In order to deliver a longer speech such a member is led to the podium by another member. Speeches for blind members are prepared in-house in Braille.

Two sign language interpreters were provided for the deaf member to interpret for the purposes of parliamentary proceedings and other activities. The deaf member was allocated a seat next to the Officials' Bay where her sign language interpreters are seated, interpreting for her as proceedings progressed. The area of the bay where the interpreters are seated has been cordoned off to prevent them from being disturbed by officials using the bay. When the member makes a short speech, an interpreter moves to a point in front of the Table of the House, where a lapel microphone is provided for him or her to "voice-over" the member. [4-130]

29. ALTERATION OF GALLERY BAYS

At the request of the Speaker, the following alterations of the gallery bays were completed in time for the official opening of the Second Parliament:

1. The capacity of the President's and Speaker's Bays were increased to improve the visual vantage point from the President's Bay.
2. In order to do this, the Diplomat's Bay was split into two sections, one on either side of the Gallery. [6-500]

30. REPORT OF PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION ON NEPOTISM ALLEGATIONS – PROPOSAL OF CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

On 17 November 1999 the Portfolio Committee on Public Service and Administration reported on the Report of the Public Protector on the

Investigation of Allegations of Nepotism in Government (ATC 17.11.99 p 479). The Report by the Public Protector was the result of a request by the New National Party to the Public Protector to "investigate the extent of new senior appointments since May 1994 that have family connections in political parties, Parliament and/or the Cabinet. Such investigation should look comprehensively at all three levels of government, as well as parastatals, to ascertain the extent of this massive problem".

In accepting the Report of the Public Protector, the committee made *inter alia* the following recommendations:

- That the President give effect to the provisions of section 2 of the Executive Members' Ethics Act, 1998, by publishing a Code of Ethics by 1 June 2000;
- That the Joint Rules Committee give consideration to the development of a Code of Conduct for Members of Parliament that would incorporate measures aimed at preventing nepotism and favouritism;
- That Speakers of Provincial Legislatures consider the development of a code along similar lines, and the incorporation of a Code of Conduct.

The House agreed to the Report of the Portfolio Committee on 18 November. (ATC 17.11 House 18.11) [4-80]

LEGISLATIVE PROCEDURE

(see also "Programming of Business" below)

31. JOINT COMMITTEE ON SECTION 76 BILL

A "section 76 bill" (so named after the relevant section of the Constitution) is a bill dealing with a functional area of concurrent national and provincial legislative competence. Consideration of such bills by the National Council of Provinces requires detailed provincial participation and the obtaining of provincial mandates. The first bill of this kind to be referred to a joint committee was the Preferential Procurement Policy Framework Bill. The Joint Committee was established on 11 November. Procedures had to be developed to accommodate the detailed Council processes in a joint process. No separate sitting of the NCOP component took place to attend to specifically NCOP committee business. The necessary briefings of provincial legislatures took place during periods set aside for constituency work. [1-270]

32. AD HOC JOINT COMMITTEES TO CONSIDER LEGISLATION

Ad hoc joint committees were established in terms of Joint Rule 138 to consider four pieces of legislation: the Open Democracy Bill; the Intelligence Services Control Amendment Bill;

provided with the names of 10 persons for such appointment. The President reminded Parliament that the term of office of the existing Commissioners would end on 30 June.

As Parliament was in recess at the time, and in view of the urgency of the matter the Presiding Officers, acting in terms of Joint Rule 138, decided to establish an *Ad Hoc* Joint Committee to deal with the request from the President. Both Houses ratified this decision at their first subsequent sitting.

On 27 July the *Ad Hoc* Joint Committee reported to the President on its recommendations concerning five persons for appointment as full-time Commissioners, and five as part-time Commissioners. [ATC-1999; pp 43, 50, 90; Minutes NA 18/8/99; NCOP 23/7/99] [1-20]

46. RECOMMENDATION OF PERSON AS AUDITOR-GENERAL

On 2 September 1999 the House appointed an *Ad Hoc* Committee to make proposals to enable the House to recommend to the President, in terms of section 193 of the Constitution, a person for appointment as Auditor-General and also the relevant term of office.

The House on 18 November approved the proposal of the *Ad Hoc* Committee that Mr S A Fakie be appointed as Auditor-General for a term of 7 years and informed the President accordingly. Mr Fakie was subsequently duly appointed. [ATC 1999 p 514; Minutes NA 8.9.99 & 18.9.99] [1-10]

47. RECOMMENDATION FOR APPOINTMENT OF CHAIRPERSON OF THE NATIONAL GAMBLING BOARD

On 17 November the Portfolio Committee on Trade and Industry, having considered, in terms of section 3(3) of the National Gambling Act, 1996 (Act 33 of 1996), a request to make recommendations on a chairperson for the National Gambling Board, recommended that either Mr C L Fisser or Mr M J Nwedamutswu be appointed as chairperson and that the person not so appointed be deployed in the regulation of the gambling industry. On 18 November the House approved this recommendation. [ATC 1999 p 514; Minutes NA 18.11.99; NCOP 18.11.99] [6-10]

48. RECOMMENDATIONS FOR APPOINTMENT OF NON-EXECUTIVE MEMBERS OF THE SABC BOARD

On 17 November the Portfolio Committee on Communications, having considered, in terms of section 13(1) of the Broadcasting Act, 1999 (Act 4 of 1999), the request of the House to make recommendations for the appointment of the 12 non-executive members of the Board of the South African Broadcasting Corporation Limited, recommended that the House advise the President to

appoint the following persons as non-executive members of the Board: Chait, M; Kok, F J; Maphai, T V; Masekela, B; Mazwai, E T; Memani, K; Muthien, Y; Nene, S D; Rowland, W; Swartz, D; Teer-Tomaselli, R; Trikamjee, A H.

The House, after a division, approved the recommendation. [ATC 1999 p 500; Minutes National Assembly 18.11.99] [6-1980]

49. APPOINTMENT OF MEMBERS TO MAGISTRATES COMMISSION

On 16 September, the House appointed the following members of the National Assembly to the Magistrates Commission in terms of section 3(1)(a)(x) of the Magistrates Commission Act, 1993 (Act 90 of 1993): Delpont, T; Holomisa, S P; O'Jana, D P; Ndabandaba, L B G. (Minutes 16.9). [6-1190]

50. REQUEST TO AUDITOR-GENERAL TO AUDIT ACTIVITIES OF SATRA

On 9 November the Portfolio Committee on Communications, having conducted a fact-finding exercise into alleged irregularities, corruption and maladministration amongst councillors at the South African Telecommunications Regulatory Authority (SATRA) recommended that the Auditor-General urgently conduct an audit of SATRA's activities for the period 1998 to November 1999 with special attention being paid to the allegations in the report. The report also recommended that the relevant Executive Authority be requested to take urgent steps to safeguard public confidence in the SATRA council, and to restore its credibility pertaining to decision-making, including evaluating the conduct of each individual councillor's behaviour and performance in office.

The House adopted the recommendations. [ATC 1999 p 366; Minutes NA 18.11.99] [6-2010]

ABBREVIATIONS USED

ATC	Announcements, Tablings and Committee Reports
IPU	Inter-Parliamentary Union
Minutes	Minutes of the National Assembly
NCOP	National Council of Provinces
JPC	Joint Programme Committee
JPSC	Joint Programme Subcommittee

Parties:

ANC	African National Congress
DP	Democratic Party
NNP	New National Party
UDM	United Democratic Movement
ACDP	African Christian Democratic Party
FF	Freedom Front
UCDP	United Christian Democratic Party
PAC	Pan Africanist Congress
FA	Federal Alliance
AEB	Afrikaner-Eenheidsbeweging
MF	Minority Front
AZAPO	Azanian People's Organisation