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PROCEDURAL DEVELOPMENTS IN THE NATIONAL ASSEMBLY

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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 18th issue covers the fourth session of the Fourth Parliament from January to December 2012. Where no year appears next to a particular month in the text, the reference is made to 2012.

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PRESIDING OFFICERS, OFFICE-BEARERS AND OTHER OFFICE-HOLDERS

[1] DISMISSAL OF SECRETARY TO PARLIAMENT

On 1 December 2011, the Secretary to Parliament, Mr Z A Dingani requested approval from the Executive Authority of Parliament for a salary advance to build a security wall at his private residence. The request was acceded to on the basis that the Secretary asserted that Parliament's policies provided for the granting of advances against a salary in exceptional cases.

Later on, allegations were made that the advance was irregular and, in terms of the *Financial Management of Parliament Act* (No 10 of 2009), the Executive Authority sanctioned an inquiry by the Auditor-General into the allegations of financial misconduct against the Secretary who was also the accounting officer of the institution.

On 5 April, Mr Dingani was placed on special leave to allow investigations by the Auditor-General to take place. On 9 May, the Auditor-General recommended that disciplinary measures be considered against Mr Dingani. The Executive Authority duly established a disciplinary committee with Mr Dingani charged with nine counts of serious misconduct. On 3 September, Mr Dingani was found guilty of two charges of misconduct in that he misled the Executive Authority with regard to the existence of a policy on salary advances, and that he thus obtained an interest-free loan in contravention of the institution's procedures and/or practices and applicable legislation. On 6 September, the committee recommended that Mr Dingani be dismissed with immediate effect.

On 11 September, the NA and the NCOP passed a motion dismissing Mr Dingani with immediate effect.

[2] APPOINTMENT OF NEW SECRETARY TO PARLIAMENT

On 23 October, the NA resolved that Mr Michael Benjamin Coetzee be appointed Secretary to Parliament for a five-year period from 1 November, subject to the concurrence of the NCOP. That concurrence was provided on 30 October. Mr Coetzee was previously the Deputy Secretary to Parliament.

MEMBERS

[3] MEMBERSHIP OF THE ASSEMBLY

See Annexure 1.

[4] APPOINTMENT OF NEW MINISTERS AND DEPUTY MINISTERS

See Annexure 2

[5] CONDOLENCE MOTIONS AND TRIBUTES TO FORMER MEMBERS

See Annexure 3

PROCEDURAL AND RELATED ISSUES

[6] SELECTED RULINGS

1. Use of electronic devices in the Chamber

On 2 May, during a debate on Freedom Day, Mr D D van Rooyen raised a point of order concerning the Leader of the Opposition reading from her iPad during her speech. Mr van Rooyen contended that the rules of the House had not been amended to provide for a member to use an iPad in the House.

In a considered ruling given at the end of business on the same day, the Deputy Speaker confirmed that there had been rulings to the effect that laptops and cellphones may not be used during proceedings. The Deputy Speaker reminded members that the Chair had the responsibility to ensure the smooth running of proceedings and in this regard, the Chair had the discretion to decide whether certain behaviour was distracting or had a negative effect on the decorum of the House.

The Deputy Speaker stated that there was no rule that allowed members to use electronic devices but that members had quietly been allowed to read their speeches from their laptops as it made things easier for members. She emphasised that this did not mean that distracting behaviour such as taking pictures or answering cellphones in the Chamber would be allowed. The Deputy Speaker ruled that members would be allowed to use electronic devices that assist members in doing their work better until such time as the NA Rules Committee (NARC) had processed the issue.

2. Considered rulings delivered on 12 June

On 12 June, the Deputy Speaker delivered three considered rulings regarding points of order that were raised during the debate on the President's Budget Vote on 30 May, namely on personal and derogatory remarks, a member accused of engaging in hate speech and accusing the President of violating his oath of office.

Before the Deputy Speaker delivered her rulings, she clarified certain rules and procedures as follows –

Points of order must be about the order of proceedings in the House, not about the content of members' speeches, unless, of course, there are issues in a member's speech that are viewed as unparliamentary. A point of order should be raised when the incident takes place, or immediately thereafter. A member rising on a point of order must indicate the

alleged breach of procedure. Members should not raise spurious points of order to disrupt the member speaking, or in an attempt to respond to the member speaking. The Chair does not rule on points of debate. It is for the members to make their points of view known during their own speeches. While members are allowed to ask questions of the speaker at the podium, a member must first obtain permission to do so. If the speaker at the podium declines to take a question, members should respect that and not become disruptive.

If the use of a word or phrase is challenged, and it does not fall into the category of expressions that are obviously unparliamentary, the Chair will, in the main, refer to the context in which it was used to determine whether the expression is unparliamentary. Members should always be guided by the fact that nothing is gained by using excessive language.

The Deputy Speaker further stated that –

Members should pay attention to the manner in which they conduct themselves, as we all have a responsibility to ensure that the decorum of this House is maintained. More importantly, it is expected that the Whips will lead by example.

Personal remarks referring to a member's physical appearance in a derogatory manner are always unacceptable. Allegations of improper conduct on the part of another member are also unparliamentary. Such allegations may only be made by way of a substantive motion.

- **Personal and derogatory remarks**

The first considered ruling delivered by the Deputy Speaker dealt with a point of order raised by Mrs S V Kalyan in which she requested the Deputy Speaker to rule whether the Deputy Minister of Trade and Industry's reference to the Leader of the Opposition, Ms L D Mazibuko, as "*the lady with the funny hairstyle*" was parliamentary or not.

The Deputy Speaker ruled that personal remarks referring to a member's physical appearance in a derogatory manner were always unacceptable. The Deputy Speaker ruled that the remark was out of order and requested the Deputy Minister to withdraw the remark, whereupon the Deputy Minister withdrew the remark and unreservedly apologised to Ms Mazibuko.

The Deputy Speaker further ruled that –

... the hon Van Der Merwe's question regarding the hon Mazibuko's hairstyle was inappropriate. Members should refrain from making remarks that do not add value to the

proceedings. Surely, you understand it did not add value? It definitely had the potential to be offensive. I am not asking ... because there is nothing to withdraw.

Prince M G Buthelezi, on behalf of himself and the Inkatha Freedom Party, apologised unreservedly to Ms Mazibuko.

- **Member accused of engaging in hate speech**

The Deputy Speaker proceeded to deal with a point of order raised by Mrs J D Kilian during a speech by Mr M G P Lekota.

Mrs Kilian requested that the Deputy Speaker rule on the remark made by Ms T B Sunduza when she said: "*Could the hon member please stop with the hate speech?*"

The Deputy Speaker ruled that –

Hon members, propagation of hatred or use of hate speech is illegal. Therefore, to accuse another member of using hate speech is a reflection on that member's character. In fact, if a member were to be found guilty of engaging in hate speech, he or she would be in contempt of Parliament. Again, such allegations can only be made by way of a substantive motion.

The Deputy Speaker ruled Ms Sunduza's remark out of order and accordingly requested that Ms Sunduza withdraw it, whereupon the member withdrew the remark.

- **Violation of oath of office by President**

The Deputy Speaker lastly dealt with a point of order raised by the Minister of Higher Education and Training in which he requested the Deputy Speaker to rule on the remarks made by Mr M G P Lekota when he accused the President of having violated his oath of office.

In his speech, Mr Lekota more than once said that the President had violated the oath of office. Mr Lekota said:

"With regard to the owners of the Goodman Gallery, their rights were violated. The Office of the President did not defend, again violating the oath of office."

Later on, Mr Lekota said:

"And yet, we did not hear a word from the President, saying to our nation, saying to those who follow him and who work under them, 'It is wrong for you to undermine the judiciary of our nation.' This is a violation of the oath of office."

The Deputy Speaker ruled that –

Hon members, as regards the duty of members towards their fellow members, members should appreciate that their freedom of speech must, of necessity, be subject to the principle that they may not impute improper or unworthy motives or conduct on the part of other members, or cast personal reflections on their integrity, or verbally abuse them in any other way. This approach is in keeping with the practice in many other parliaments.

If such accusations made directly or by inference were to be generally allowed in debate in this House, they would not only seriously undermine members in the performance of their duties, but would also undermine the image and effectiveness of this Parliament itself. This is not to say that if a member has good reason to believe that another member may have acted improperly, such matter should not be brought to the attention of the House. However, there are proper ways of doing that. In such circumstances, it is sound practice to require that a member does this by way of a separate, clearly formulated and properly motivated substantive motion, which requires a distinct decision of the House. At this point, I must indicate that when the President of the Republic takes his seat in this Chamber, the Rules of the National Assembly also apply to him.

Hon members, as we all know, when the President takes office, he takes the oath of the office, in which he commits, amongst other things, to obey, observe, uphold and maintain the Constitution. As members will be aware, one of the grounds for removal of the President, in terms of section 89 of the Constitution, is a serious violation of the Constitution or the law.

Therefore, to accuse the President of the violation of the oath of office is a serious charge, indeed ... which, if proven correct, could have serious consequences. The remarks that the President has violated the oath of office are, in no doubt, a reflection on the integrity and competence of the President. Except upon a properly motivated, substantive motion, as indicated above, such allegation cannot be allowed in this House.

The Deputy Speaker ruled that the remarks by Mr Lekota that the President had violated his oath of office were out of order and accordingly asked Mr Lekota to withdraw the remarks.

Mr Lekota addressed the Chair and said –

Madam Deputy Speaker, I have listened to you very carefully, and in terms of section 89

of this Constitution, I do think I did not violate ... the rights given here under section 89 are that we are entitled, and in fact, we are obliged under the Constitution to scrutinise the performance of the President, and we must bring his failures to the attention of the nation. I continue to hold firmly the points that you made and others which I made as to why the President, I contend, broke his oath of office, remain valid, in our view. I am therefore unable to withdraw what I said before this House.

The Deputy Speaker repeatedly asked Mr Lekota to withdraw his remarks and each time Mr Lekota refused. The Deputy Speaker accordingly requested Mr Lekota to leave the House. After numerous further requests from the Deputy Speaker, Mr Lekota and other members of the opposition withdrew from the House.

Dr C P Mulder raised a point of order and requested that the Deputy Speaker clarify what had just transpired in the House. Dr Mulder asked whether it was in order to address the Chair on the ruling because there may be other arguments that the Chair could have considered before making the ruling. Dr Mulder contended that members were entitled in terms of Rule 72 to address the Chair on its rulings.

Mrs J D Kilian and Mrs S V Kalyan requested that the Deputy Speaker confirm on exactly which Rule the Chair based her ruling. Mrs Kalyan contended that members had a right to respond to the Chair's ruling.

Adv J H De Lange suggested that all members read the law of procedures and contended that an input should be made at the time when the objection is made. He further contended that when the chairperson in any meeting makes a ruling then that ruling is final and if a member wishes to comment on the ruling, the member may bring a substantive motion in the House to change the ruling.

The Deputy Speaker responded to the various points of orders as follows:

Thank you very much, hon member. Hon members, you would not ask the presiding officer to make a ruling on a matter if, after making that ruling, that ruling is going to be challenged and be the subject of debate. Now, as it was said earlier, and as I said, there is a precedent here.

As I said earlier - I think it was the hon Mluleki George – if a presiding officer makes a ruling, the responsibility that you have as members if you are not satisfied with that ruling, is to revisit that later. You cannot challenge a presiding officer at the time when the ruling is made and make it a subject of discussion. That ruling is final, as it is. Thank you very much.

3. Considered rulings delivered by the Speaker on 20 September

On 20 September, the Speaker delivered two considered rulings regarding points of order that were raised during the debate on the Lonmin tragedy on 21 August.

- **Minister is “nothing but an empty suit”**

During the debate, Ms M T Kubayi rose on a point of order asserting that the statement by Ms D Kohler-Barnard in reference to the Minister of Police when she said “*He is nothing but an empty suit*” was unparliamentary.

The Speaker, having had an opportunity to study the Hansard, ruled that –

The rules governing unparliamentary language are broadly framed in order to allow as much freedom of speech for hon members as possible. However, one established practice also dictates that any statement or remark that impairs a member’s dignity or affronts a member’s honour must place a curb on freedom of speech. In this particular case, I find hon Kohler-Barnard’s remark does not refer to the personal characteristics of the Minister; rather her remark refers to the manner in which the Minister, politically speaking, is perceived to be doing his job as a Minister. As the remark does not constitute an attack on the *persona* of the Minister, it cannot be ruled unparliamentary.

- **Member is a “bloodhound”**

Towards the end of the debate, Mrs S V Kalyan raised a point of order and objected to Ms A van Wyk’s reference to Ms D Kohler-Barnard as a “*bloodhound*”.

The Speaker ruled that –

This House has on numerous previous occasions decided that any statement or remark associating a member with an animal or linking any animal behaviour or sounds to a member, is derogatory, insulting and by its very nature unparliamentary. However, it is my considered opinion that applying such a blanket sanction to all references to animals effectively denudes the English language of its nuances, multi-inferences, and inherent capacity to assign more than one meaning to a word or term, depending on the context in which such word or term was used.

The term “bloodhound” denotes a specific breed of dog that was exclusively bred to search for its targets by being tenacious, persistent and without ever abandoning the search. It simply does not understand the concept of giving up. The argument may be made here for the purpose of this ruling only, that that is exactly how some members view

their role in holding the Executive to account: tenacious, persistent and never letting up.

The use of the term “bloodhound” by hon Van Wyk must be viewed within the context of the debate in question, the hon member to whom it was directed and taking into account the nuances of the English language. It should also specifically be noted that the hon Van Wyk did not refer to the relevant member as a dog. I would have ruled that out of order without hesitation.

Furthermore, regard should also be held to the fact that hon Kohler-Barnard did not raise any objection to the use of the term. In fact, hon Kalyan objected because she originally heard the remark as “black hound”, not “bloodhound”. Had that been the case, I would have immediately ruled it out of order. Having studied the Hansard, with regard to the context of the debate and the role of certain members as they perceive the role of the term “bloodhound” in this context, I rule that hon Van Wyk’s remark may stand, as it is not unparliamentary.

4. Considered rulings delivered by the Deputy Speaker on 20 September

- **Reflections on a political party**

On 20 September, the Deputy Speaker delivered a considered ruling regarding two points of order that were raised during Question Time on 15 August.

With regard to the first point of order, Mrs S V Kalyan requested that the Deputy Speaker rule a statement made by Mr K B Manamela out of order.

Mr Manamela said that:

The second aspect is that the DA has no right to speak about violence during strikes because they are the ones who went to incite violence in front of Cosatu house.

The Deputy Speaker, having had an opportunity to study the Hansard, ruled that –

Rule 63, which deals with offensive or unparliamentary language, is a broadly-framed rule that allows a presiding officer to take into consideration the context and tone of a particular remark or inference. The rule has been elucidated by years of established practice and convention.

Hon Manamela’s statement clearly reflected on a political party and not on the character of a particular member of this House. A reflection on a political party, as perceived by a member of a party is not out of order, as long as that member does not cast aspersions on the character of members of this House.

The Deputy Speaker confirmed that the approach that she had taken was consistent with previous rulings by presiding officers of the House; that reference to a political party in that manner was not out of order. The Deputy Speaker therefore ruled that the statement by Mr Manamela was not unparliamentary.

- **Reflections on Trade Union (Cosatu)**

With regard to the second point of order, the Minister of Higher Education and Training requested that a statement made by Mr A P van der Westhuizen be ruled unparliamentary.

Mr van der Westhuizen's statement was to the effect that "we also believe that the government, when dealing with Cosatu, should require Cosatu to discipline its members to stop inciting violence; to respect the laws of this country and to respect human life even when their majority status as a labour union comes under threat".

The Deputy Speaker, having had an opportunity to study the Hansard, ruled that –

Taking into account my earlier ruling about reflections on political parties not being out of order; and having due regard to the fact that Cosatu is not a political party represented in this House, I find that hon Van Der Westhuizen's remarks did not cast aspersions on the character of any member of this House and can thus not be ruled unparliamentary. Having said that, I would like to urge members, as other presiding officers have done previously, to refrain from making inflammatory, divisive and unsubstantiated statements in the House.

5. Considered rulings delivered on 30 October

- **Reflections on character, integrity and honour of Member**

On 30 October, the Deputy Speaker delivered considered rulings regarding statements made by the Minister of Mineral Resources and the Minister of Water and Environmental Affairs during the debate on the Lonmin tragedy on 21 August.

The Minister of Mineral Resources stated:

I must also indicate, Mr Lekota, that this government never called soldiers to attack communities. During your era as Minister of Defence, in Khutsong, you called soldiers to attack. You are the one who is more brutal than the ANC.

After Mr M G P Lekota denied the allegation, the Minister of Water and Environmental Affairs addressed the Chair and stated:

Hon Deputy Speaker, I would just like to enlighten the House. I am a living witness to the events to which the hon Minister has referred. Former Minister Lekota did that; I was there with him.

Mrs J D Kilian rose on a point of order and asked the Deputy Speaker to study Hansard and to rule whether the statement by the Minister of Mineral Resources was out of order.

The Deputy Speaker, having had an opportunity to study the Hansard, ruled that –

In terms of the Rules, the Chair is duty bound to adjudicate on statements or remarks that reflect on the character, integrity and honour of members.

The hon Minister's statement clearly offends hon Lekota's character, integrity and honour by accusing him of calling soldiers to attack and being brutal. In both instances, the statement ascribes characteristics and values to Mr Lekota that cannot be sustained in the absence of a substantive motion. The statement is thus out of order.

I am doing this, hon members, knowing, as I have been advised, that the Minister is not in the House. I however feel that the business of the House has to proceed. As soon as the Minister is in the House and I am in the Chair, I will ask her to withdraw these remarks. I have tried to get the Minister here, but obviously she is not. I stressed that this ruling had to be done today.

Furthermore, hon Minister Molewa's remarks are also out of order, as she essentially repeated the affront to hon Lekota's character, dignity and honour by claiming to be a witness to hon Lekota calling soldiers to attack and of being brutal. Even though she didn't say that verbatim, the statement she was supporting meant that. I am also advised that the Minister is not present in the House. In fact, I received an apology as I was coming here. I therefore rule that the Minister must also withdraw her remarks.

The Deputy Speaker confirmed that as soon as the Ministers were in the House and she was in the Chair, she would ask the Ministers to withdraw their remarks.

On 31 October, the Ministers both appeared in the House and were asked by the Deputy Speaker to withdraw their remarks, whereupon the Ministers withdrew their remarks.

- **Unsubstantiated allegations made against the President**

On 30 October, the Deputy Speaker delivered a further considered ruling regarding a point of order that was raised by the Chief Whip of the Majority Party

objecting to a statement made by Mr M G P Lekota during Members' Statements on 23 October.

The Chief Whip asked whether it was parliamentary for a member to make unsubstantiated allegations about the President instead of bringing the allegations to the House by way of a substantive motion.

The Deputy Speaker, having had an opportunity to study the Hansard, ruled that –

Hon Lekota indeed made allegations against the President that can only be made by way of a substantive motion, consisting of a properly formulated charge and *prima facie* evidence, as required by the Rules. He said, amongst other things, that the President “*is illegally refusing to be bound by section 165(5) of the Constitution, which binds all persons to obey a judicial order*”. He also said “*Cope requests the Speaker that impeachment procedures against the President be instituted for defying a lawful judicial order*”.

Hon Kilian correctly quoted Rule 105 as entitling a member to address the House on any matter. She omitted, however, to mention Rule 63 that governs unparliamentary language and which includes, through rulings and practice, the prohibition on reflections against the integrity and character of members of the House.

What concerns me about this incident, in addition to its disruptive effect on the proceedings of the House, is that in the recent past, hon Lekota was admonished about exactly the same transgression of the rules and practices. Hon Lekota is a long-standing member of this House, a former Presiding Officer who administered similar rulings in the NCOP and a former Cabinet Minister, no less, who as a senior politician is alive to the consequences of his conduct and speech. In addition to the ruling made with reference to his remarks, he will therefore also be aware of the numerous occasions over the years when precisely the same ruling was given by other Presiding Officers.

In view of all of this, it is difficult not to conclude that hon Lekota is deliberately acting in defiance of the rules and established practices of the House and challenging the authority of the Chair. Such contraventions of the rules have consequences. Therefore, I will appeal to hon Lekota to adhere to the procedures of this House. The President, though not a member of the House, enjoys the same protection under the rules. Should he consider the issues he referred to in his statement as important, he will have to use the correct and applicable rules to bring them before this House.

The Deputy Speaker accordingly ruled that the allegations by Mr Lekota were unparliamentary and asked Mr Lekota to withdraw his statement that the President had acted illegally by refusing to obey a court order.

Mr Lekota addressed the Chair as follows:

Madam Deputy Speaker, this matter is now before the courts, as you know. We have a matter coming up before the courts on 29 November, precisely because the ruling you made against me previously was not only unconstitutional but contrary even to the Rules of this House. To ask me to withdraw on a matter that is before the courts is to ask me to go ahead of the outcome of the court proceedings. I am not in a position to do that, because it would amount to the fact that I must withdraw my case in the courts.

I cannot do that, and I find it very significant that when the Ministers on the other side of the House had abused me as they had, and as you have also correctly ruled now, it has taken this long – to wait until I have acted in a certain way, then it becomes convenient to do it, so that you enable yourself to rule against me and compel me to go to against sub judice issues. I am not prepared to do this. All of us must be equal before the law. It cannot happen. I am sorry.

The Deputy Speaker again asked Mr Lekota to withdraw his allegations. Mr Lekota refused, arguing that a withdrawal of the statement would be tantamount to asking him to withdraw his case in the court that he brought against the Chair's previous ruling.

The Deputy Speaker responded that –

Hon Lekota, some of the issues raised may indeed be before the courts. However, the rules and practices of the House, as they are observed currently, must be upheld, until a different decision is made. At the moment, the courts haven't heard the case, and I am sure that I can say equally what you are saying. So, please, I am asking you to withdraw the remarks.

After requesting Mr Lekota to withdraw his remarks four times, the Deputy Speaker requested that he leave the Chamber.

Mrs J D Kilian addressed the Chair and stated:

We find it very inappropriate for the matter relating to the Minister of Water and Environmental Affairs and the Minister of Mineral Resources to have been placed on the backburner for several weeks; yet you come here before the National Assembly and you rule on a matter that was before the Assembly

last week. You are acutely aware, and your advisers are acutely aware, of the fact that this matter is sub judice at present before the courts. So, we would like to request you to reconsider. You have given your ruling on the matter, but we want to ask you to please make the execution thereof pending until the court has made its finding on the unconstitutionality of the ruling, as we presented it to the courts.

The Deputy Speaker responded as follows:

Hon member, I hear what you are saying. Just as a courtesy, let me respond to the delay about the ruling on the Ministers' remarks. This House is quite aware that part of that ruling I made some weeks ago in early September. The fact that the two Ministers' rulings were not made, and I said in this House that I cannot do it in their absence – this is why I have said today that whether they were here or not, I had to make the ruling. It was done so many weeks ago. Other people who spoke on that very topic withdrew. Now, the Ministers are not here. I am unable to drag them to the House. This is why I am doing it in their absence today. As far as the court is concerned, there would be chaos in this Chamber if the rules are not upheld, court or no court. It is definitely not only I who understand that hon Lekota took me to court. It should be hon Lekota himself to abide by the rules until the court makes a decision. He hasn't done that. Why must it be the Chair who now has to say that the Rules can be messed up until the courts decide? Please, I am not entertaining any discussion on this. I took a considered view, after looking at all aspects of this. If Mr Lekota is not able to withdraw the remarks, which is simple ... because now he has even brought a substantive motion, which means that he knew when he was doing that that he was supposed to do it only with a substantive motion. If he is unable to withdraw, he knows what must be done. If you defy the Chair's ruling, you leave the Chamber.

After numerous further requests from the Deputy Speaker, Mr Lekota was escorted from the Chamber.

6. Considered ruling delivered by the Deputy Speaker on 22 November

- **Member is a “spoiled brat”**

On 22 November, the Deputy Speaker delivered a considered ruling regarding a point of order that was raised by Dr M G Oriani-Ambrosini objecting to a remark that was made by Mr A D Mokoena during debate on a Subject for Discussion in the name of Mr N J J van R Koornhof on 8 November.

Mr Mokoena said:

“Dr Ambrosini we miss you in the Portfolio Committee on Public Enterprises. I respect you as a lawyer, you have good legal brains but you surprised me when you acted like a spoiled brat when you clashed with the previous chairperson of the portfolio committee, hon Vytjie Mentor”.

Dr Oriani-Ambrosini contended that the reference to him by Mr Mokoena as a “spoiled brat” did not only demean the intelligence of the Speaker but also the recipient of such an insult.

The Deputy Speaker, having had an opportunity to study the Hansard, ruled that –

The objection to the remarks is based on Rule 63, which states that no member shall use offensive or unbecoming language; offensive or unbecoming language includes the use of personal attacks on members, insults and obscene language. The expression, spoiled brat, refers to a child who is ill-mannered - not an adult, a child who is ill-mannered or unruly and therefore it is derogatory. It is most inappropriate when used against a hon Member of Parliament. I must therefore, ask the hon Mokoena to withdraw the remark.

Mr Mokoena replied that the member was definitely anything but a spoiled brat. The Deputy Speaker again requested that Mr Mokoena withdraw the remark, whereupon Dr Oriani-Ambrosini addressed the Chair and confirmed that he was satisfied with Mr Mokoena's response.

7. Considered rulings delivered by the Speaker on 22 November

- **Reflections on the Office of the National Prosecuting Authority**

On 22 November, the Speaker delivered a considered ruling regarding a point of order that was raised by Adv T M Masutha objecting to a statement made by the Leader of the Opposition, Ms L D Mazibuko, during questions to the Deputy President on 7 November.

Ms Mazibuko stated:

From the police force's abuse of power at Marikana to the unconstitutional decision by the National Prosecuting Authority, NPA, not to hand over the spy tapes as mandated by an order of the Supreme Court of Appeals, the respect of our Constitution has been eroded.

Adv Masutha contended that Ms Mazibuko had cast aspersions on the National Prosecuting Authority (NPA) and had made disparaging remarks against the institution: an institution whose removal from office was subject to a decision of the House.

The Speaker, having had an opportunity to study the Hansard, ruled that –

Hon Masutha's objection to this statement by the Leader of the Opposition was based on his interpretation of Rule 66. Rule 66 states that—

... no member shall reflect upon the competence or honour of a judge of a superior court, or of the holder of an office ... whose removal from such office is dependent upon a decision of this House, except upon a substantive motion in this House alleging facts which, if true, would in the opinion of the Speaker *prima facie* warrant such a decision.

Remarks by members can only be regarded as unparliamentary if they are made against an office bearer whose removal from office is dependent upon a decision of the House. A reflection on the actions of an office, as perceived by a member, is not out of order, as long as that member does not cast aspersion on the character of such office holder.

The Speaker ruled that in this case, the Leader of the Opposition's statement reflected on the office of the NPA and not on any particular office holder and was therefore not unparliamentary.

- **Member's right to present different interpretations of events**

On 22 November, the Speaker delivered a considered ruling regarding a point of order that was raised by the Minister for the Public Service and Administration during ministerial responses to Members' Statements on 13 November.

The Minister contended that Mr B M Bhanga misled the House when he claimed that the President rejected the outcomes of the National Census.

The Speaker ruled –

I would like to take this opportunity to reaffirm that the Presiding Officers cannot be expected to adjudicate on the accuracy or otherwise of statements, as this would indeed lead to endless disputes of facts. Members must be allowed to present different interpretations of events in political discourse as, of course, it will be the right of Ministers to have a different interpretation.

The Speaker accordingly did not rule Mr Bhanga's statement out of order.

- **Reflections on the character of a member or political party**

On 22 November, the Speaker delivered considered rulings regarding remarks made by the Minister for the Public Service and Administration and the Deputy Minister of International Relations and Cooperation

during ministerial responses to Members' Statements on 13 November.

The Minister for the Public Service and Administration referred to Mr D J Maynier as possessing "*a flea-infested body*" and the Deputy Minister of International Relations and Cooperation referred to the leader of the Democratic Alliance (DA) in the Western Cape as being "*soos 'n werfbobbejaan*" [a lackey].

With regard to the Minister for the Public Service and Administration's remark, the Speaker ruled –

I think in hindsight the Minister will accept that her remarks reflected on the character of the member and cannot, therefore, be appropriate.

Hon members, the hon Minister is not present in the House today, but I have decided to deliver this ruling now in the interest of discharging the responsibility of the Speaker to rule timeously on points of order. I will ask the Minister to formally withdraw her statement at the first opportunity in 2013.

With regard to the remark by the Deputy Minister of International Relations and Cooperation, the Speaker ruled –

I must indicate that the rule only applies to members of the House and the leader of the DA in the Western Cape is not a member of the National Assembly.

Consequently, while I find the remarks in question and indeed all references to people as less than human distasteful, they are not strictly unparliamentary, as they would have been if directed at another member. I would, nevertheless, urge members to refrain from using insulting language, as it does not contribute to the quality of the debate.

The Deputy Minister was therefore not required to withdraw the remark.

- **Statement not unparliamentary in terms of Rule 63**

On 22 November, the Speaker delivered a considered ruling regarding a point of order that was raised by Adv T M Masutha during Question Time on 15 November. Adv Masutha requested that the Chair rule a statement by Dr W G James out of order in terms of Rule 63.

Dr James stated –

So, why, Mr President, instead of investing in rural areas everywhere, millions of rand is wasted on the indulgence and luxurious quarters fit for the emperor without clothes, which is you, sir, to sit in the pseudomonarchic seat of Nkandla.

The Speaker, having had an opportunity to study the Hansard, ruled that –

Rule 63 and the rules governing offensive or unparliamentary language are broadly framed in order to allow hon members to enjoy their constitutional rights to freedom of speech. However, well-established practice also dictates that any statement or remark, which impairs the dignity of the person to whom it is directed or affronts the person's honour must place a limitation on that right.

Hans Christian Andersen's fable "The Naked Emperor" or "The Emperor's New Clothes" is often used in political and social contexts as criticism against the rule of heads of state or heads of government. Criticism and opposition is normal and accepted practise in democratic parliaments all over the world. I find that hon James' expression constitutes political criticism against the hon President, which happens in the normal course of politics.

His use of the metaphor of the emperor without clothes to reflect on the hon President does not make his expression offensive, per se. It is his reflection, politically speaking, on how he perceived the hon President to be doing his job. His expression remains his political opinion, which may be countered by other political views or opinions, which may reflect positively on how the hon President is doing his job.

The Speaker accordingly ruled that the statement made by Dr James was not unparliamentary in terms of Rule 63.

[7] REPORTS OF THE RULES COMMITTEE OF THE NATIONAL ASSEMBLY, 2012

Three reports were adopted by the National Assembly Rules Committee (NARC) for consideration by the Assembly during 2012.

On 24 May, the First Report of the NARC was adopted and contained the following amendments to the NA Rules as agreed to by the Committee on 18 April:

- (a) Rule adjustments to increase the number of statements by members and ministerial responses.
- (b) Rule adjustment to determine the order and time allocated for party responses to executive statements.
- (c) Rule adjustment to appoint chairpersons of extended public committees.

Following a report by the Subcommittee on the Review of Assembly Rules, the NARC, on 6 June, agreed to proposed rule adjustments for First Reading debates. The Second Report of the NARC containing the proposed rule adjustments was published in the ATC and placed under further business on the Order Paper. The Assembly did not consider this report during 2012.

On 9 October, the Constitutional Court, in a majority judgment, found that the rules of the NA that impose restrictions on an individual member of the Assembly to introduce private legislation by requiring him or her to obtain permission before he or she may introduce a bill were inconsistent with the Constitution, and therefore invalid.

Following the court judgment, the Rules Committee agreed to interim procedures to bring the rules into line with the judgement. On 22 November, the House, following a division, agreed to the Third Report of the NARC which contained the following interim measures for the introduction and consideration of private members' bills:

- (a) A member may introduce a bill in the NA as envisaged in section 73(2) of the Constitution;
- (b) a bill dealing with substantially the same subject matter may not be introduced more than once in the same annual session;
- (c) all bills must subscribe to applicable pre-introductory procedures as set out in Rules 237 and 241, while a bill seeking to amend the Constitution must also comply with Rule 258;
- (d) a member introducing a bill must publish the explanatory summary of the bill or the bill as it is to be introduced in the *Government Gazette*, and if the bill is published, the *Gazette* may contain an invitation for public comment to be submitted to the Secretary to Parliament;
- (e) the Secretary to Parliament shall only be liable for costs incurred in the publication of bills;
- (f) a member introduces a bill in the Assembly by submitting to the Speaker–
 - (i) a copy of the bill or, if the bill as it is to be introduced was published in the *Gazette*, a copy of the *Gazette*;
 - (ii) a copy of the explanatory summary if the bill was not published;
 - (iii) a supporting memorandum which must –
 - (aa) explain the objects of the bill;
 - (bb) give an account of the expected financial implications for the State; and
 - (cc) state the proposed classification of the bill;
- (g) upon introduction the bill will be published in the *Announcements, Tablings and Committee Reports*;
- (h) upon introduction the bill will be deemed to have been read a first time and must, together with all relevant documentation, be referred to the relevant committee for consideration and report;
- (i) a committee to which a private member's bill has been referred must–
 - (i) provide reasonable notice to the member in charge of the bill before it considers the legislation; and
 - (ii) after due deliberation, consider a motion of desirability on the subject matter of the bill;
- (j) if the motion of desirability on the bill is rejected, the committee must immediately table its report on the bill;
- (k) if the motion of the desirability is adopted, the committee can proceed to deliberate on the details of the legislation and report accordingly; and
- (l) once the committee has reported on the bill referred to in (k), it must be placed on the Order Paper for its second reading.

[8] COMPREHENSIVE REVIEW OF ASSEMBLY RULES

On 18 April, at a meeting of the NARC, the Subcommittee on Review of the Assembly Rules reported that it had determined that there was a need for a comprehensive review of the Rules. The subcommittee usually reviewed the rules in a piecemeal fashion, but felt there was a need for a more comprehensive review that would make the rules easier to follow and rectify anomalies. In addition, the development of the Oversight Model, the Report of the Independent Panel Assessment of Parliament and an in-depth study of the legislative process meant that new rules were required in these areas. The NARC agreed to the proposal and instructed the subcommittee to table an operational plan for the review of rules process. This was done on 6 June with the NARC agreeing to the following operational plan:

(i) Capacity-building workshop

Preparations for the comprehensive review process should include capacity-building activities for members of the Subcommittee on Review of the Assembly Rules and support staff, including a workshop to provide background on the origin and application of the current Rules of the NA.

(ii) Submissions by parties and compilation of consolidated report

- (a) Parties should be given until the end of August 2012 to submit broad proposals on suggested areas of review;
- (b) submissions from parties in that period should not consist of actual drafted amendments, but should essentially be broad proposals accompanied by a motivation for the suggested changes, inclusions and/or deletions to and from the existing rules;
- (c) a report should be drafted during that period, under the guidance of a specialist consultant assisted by a dedicated team from the NA Table, consolidating the recommendations from completed reports currently before various fora of Parliament for inclusion in the review process; and
- (d) fora still processing other reports should use the time to complete their work, where possible.

(iii) Process to be followed in the Subcommittee

In the review process, the Subcommittee should –

- (a) deliberate and agree in principle on policy issues;
- (b) present such agreed proposals to the Rules Committee for approval;
- (c) then proceed to draft the necessary rules or rule amendments; and
- (d) complete the review by June 2013.

(iv) Referral of matters affecting the Joint Rules of Parliament

If matters arise that require an adjustment of the Joint Rules, they should be presented to the JRC for referral to the Joint Subcommittee on Review of the Joint Rules for processing.

(v) Technical support

- (a) A specialist consultant with a thorough knowledge and understanding of the rules and practices of the National Assembly, as well as vast practical experience in their implementation and application, should be appointed to coordinate the review process on an administrative level;
- (b) the specialist consultant to be supported by a dedicated team from the NA Table and staff from relevant divisions of the Parliamentary Service, as and when required; and
- (c) should any further expertise from outside the institution be required, the Subcommittee on Review of the Assembly Rules could approach the Speaker for permission to obtain such expertise.

The comprehensive review process started on 17 August with the capacity-building workshop mentioned above.

[9] GUIDELINES FOR MOTIONS

Guidelines on notices of motion and motions without notice are not contained in the NA Rules and since they had last been considered in 2003 (*see Item 11, Issue 7; and Item 6, Issue 8*); the NARC referred the issue to the Chief Whips' Forum on 18 April for consideration and report. Proposed guidelines for motions of condolence were also referred to the Chief Whips' Forum for consideration and report.

The NARC, at a meeting on 6 June, agreed to the following guidelines for motions of condolence, motions without notice and notice of motion. These guidelines, as detailed below, were published in the ATC of 11 October for members' information.

1. Motions without Notice

- A motion which would otherwise require notice may be moved without notice provided not a single member present objects.
- It is common practice, but not required to consult the other parties before the House meets when seeking to move a motion without notice, and to inform the presiding officer of the intention to do so.
- Motions without notice are to be moved when the presiding officer calls for any formal motions in terms of Rule 29, usually near the beginning of the day's sitting.
- A signed copy must be presented at the Table.
- When a motion is moved without notice, the presiding officer gives members the opportunity to object. If there is any objection, the motion is not moved. In this case it may instead be converted to a notice of motion.

2. Notice of Motion

The Rules provide for two types of motions to come before the House, namely subjects for discussion (debate only) and draft resolutions for consideration (decision with or without debate).

a) General guidelines for notices of motion

- Notices of motion should be limited to matters that members specifically intend should be brought before the Assembly for debate or decision.
- With some exceptions (listed below) notice must be given of every motion, since in principle the House must be informed in advance of any substantive motion, to give members and parties time to prepare to debate it.
- Giving notice of a motion can only be dispensed with provided each and every member present in the House agrees.
- *Exceptions:* The following motions do not require notice: Motions -
 - By way of amendment to a draft resolution;
 - Raising a point of order or a question of privilege;
 - For the postponement or discharge of, or giving precedence to, an order of the day;
 - Referring a bill to a committee;
 - By the member in charge, proposing a draft resolution on the report of a committee immediately after the debate on the report has been concluded; or
 - In regard to which notice is dispensed with by the unanimous concurrence of all the members present.
- Contingent notices: Members may give contingent notices of motion, that is, notices that particular motions will be moved contingent upon some event occurring in the course of the proceedings of the Assembly, such as the moving of another motion.
- Speaker may amend notices: The Speaker may amend or otherwise deal with a notice of motion which offends against practice or the Assembly Rules.
- A practice has developed of not amending offending notices, but ruling them out of order and referring them back to the member concerned.

b) Procedure

- Notice can be given of a motion by reading the motion aloud in the House when the presiding officer calls for notices of motion, or by delivering to the Secretary a signed copy of the notice on any parliamentary working day.

- The leave of the House is required to give oral notice of a motion at any other time.
- Having given oral notice of a motion in the House, a member is required immediately afterward to deliver to the Table a signed, written copy of that notice.
- If the signed version differs from the oral version, the written version is treated as a standard written notice of motion, while the verbal notice is not placed on the Order Paper. The member is advised accordingly.
- If authorised to do so, a member may give notice of a motion on behalf of another member.
- Oral notices of motion given on any sitting day by agreement and the Speaker's authority appear on the Order Paper of the second sitting day thereafter.
- A written notice of motion received by the Secretary before 12:00 on any day will appear on the Order Paper for the following sitting day.
- When notice has been given of a motion, the full text is printed on the Order Paper once. Thereafter it is listed as a page reference under Further Business, until it is programmed for debate when it will once again be published in full.
- The NA Rules Committee has agreed that notices of motion will lapse 6 weeks after notice was given.

c) Draft Resolutions

Draft resolutions may be further divided into:

Substantive motions, which are independent, self-contained proposals concerning a concrete item of business.

Formal motions, which are substantive motions of a specifically procedural nature, including motions to amend sitting hours, to postpone or to give precedence to an order of the day. As they normally deal with the business of the House, the Chief Whip of the Majority Party usually introduces them.

Motion which has constitutional consequences: Another form of draft resolution that may be distinguished is a motion, adoption of which has constitutional consequences. Examples are a motion of no confidence in terms of section 102 of the Constitution, or a motion to dissolve in terms of section 50.

d) Guidelines for draft resolutions

Generally, draft resolutions should be short and succinct and framed so as to express with as much clarity as possible the distinct opinion or decision of the House.

A draft resolution –

- must deal with matters within the competence of the NA;
- must deal with only one substantive matter;
- must consist of a clear and succinct proposed resolution or order of the House. Any extraneous matter meant to motivate a decision should be omitted, and can be put forward when the member introduces the motion in the House;
- must not contain statements, quotations or other matters not strictly necessary to make the proposed resolution or order intelligible;
- is subject to the Rule of Anticipation. A notice of motion on the Order Paper on a particular topic will therefore block all other notices on substantively the same topic;
- may not be the same in substance as a draft resolution that has been approved or rejected during the same session;
- may not contain unbecoming or offensive expressions;
- may not issue an instruction to the Executive;
- should observe the principles of co-operative government (Chapter 3 of the Constitution); and
- must be handed to the Table immediately after notice has been given in the House (a signed written copy).

Rules of debate apply: All motions are subject to the rules of debate of the House, including the rule on offensive language and the *sub judice* rule.

e) Subject for discussion

- A subject for discussion provides an opportunity for the House to debate a particular topic without the House being required, at the end of the debate, to take a decision.
- The wording of a subject for discussion should be limited to identifying the topic, which should be clearly established. The wording determines the scope and focus of the debate. A topic that is too vague or broad will lead to an unstructured general debate.
- A member proposing such a motion should identify it as a subject for discussion.
- A motion proposing a subject for discussion also requires prior notice.

3. **Motions of condolence**

- The Assembly should always stand to acknowledge the passing of a serving member of the House but this should be accompanied by an appropriate motion on the Order Paper and a debate. This would include members of the Executive who are not members of the NA.
- The Assembly should stand to acknowledge the passing of a former member of the House (after 1994), a debate on the motion will only take place on the recommendation of the Chief Whips' Forum to the NACP.
- For the purposes of these Guidelines, the reference to members should include members of the NCOP.
- The Assembly should stand and consider and debate a motion, placed on the Order Paper, to acknowledge the passing of a prominent person. Discretion would have to be exercised in terms of deciding who qualifies as a prominent person. In each case, it may be appropriate for the Speaker to consult the NACP or Chief Whips before making such a determination. One criterion to consider may be a person's citizenship of South Africa.

[10] MOTION OF NO CONFIDENCE IN THE PRESIDENT

On 8 November, the Leader of the Opposition, Ms L D Mazibuko, mandated by the Democratic Alliance, the Inkatha Freedom Party, Congress of the People, African Christian Democratic Party, the Azanian People's Organization, Freedom Front Plus, the United Christian Democratic Party and the United Democratic Movement, moved a draft resolution that the House, in terms of section 102(2) of the Constitution, 1996, resolves that it has no confidence in President Jacob G Zuma on the grounds that under his leadership the justice system has been politicised and weakened; corruption has spiralled out of control; unemployment continues to increase; the economy is weakening; and the right of access to quality education has been violated.

The effect of section 102(2) of the Constitution is that should the draft resolution be supported by a majority of members of the NA, the President and the other members of the Cabinet and any Deputy Ministers must resign.

The motion was placed on the Order Paper of 9 November, pending programming by the NA Programme Committee (NAPC). Before it went to the NAPC, this matter was discussed in the Chief Whips' Forum on 14 November, but no consensus could be reached on the date for the motion's scheduling for debate.

The NAPC manages the business programme of the NA. It is chaired by the Speaker and consists of the presiding officers, the Leader of Government Business, and whips of all parties, including the Chief Whip of the Majority Party. It meets weekly and, among others, decides on the short and medium-term legislative and other programme of the Assembly. Decisions of the NAPC are reached by consensus.

The NACP met on 15 November and considered the motion of no confidence proposed by the Leader of the Opposition. The Committee could not reach consensus on the scheduling of the motion and the motion could thus not be programmed for debate.

Later that day, legal representatives of the Leader of the Opposition and the political parties that had mandated her wrote to the Speaker demanding that he invokes Rule 2 (1) of the NA Rules. Rule 2 is titled "Unforeseen eventualities" and its sub-rule (1) provides that the Speaker may give a ruling or frame a rule in respect of any eventuality for which the NA Rules do not provide. The legal representatives further requested that should the Speaker be of the view that his power under Rule 2 (1) was not the appropriate power he should confirm that he would take whatever steps were appropriate and necessary to ensure that their clients' notice was scheduled for debate on or before 22 November, the last sitting day of the session. Exchanges of correspondence between attorneys from both sides followed.

Notwithstanding this correspondence, Ms Mazibuko made an application to the Western Cape High Court, Cape Town, on 16 November, requesting that the Court direct the Speaker to take whatever steps were necessary to ensure that the motion of no confidence in the President of the Republic of South Africa was scheduled for debate and a vote in the NA on or before Thursday, 22 November. It would later appear in the Court's judgment that Ms Mazibuko was concerned that there was every indication that the majority party, the African National Congress, the Speaker and Chief Whip of the Majority Party were intent on frustrating the conduct of the debate. In her view, the Speaker and the Chief Whip of the Majority Party had set up what amounted to a series of insurmountable hurdles to the debate on the motion.

In his analysis of the case, Mr Justice D Davis indicated that the questions that the application raised were:

- Whether the NA had a constitutional obligation to ensure that a motion of no confidence is debated in the House when so tabled, and in this particular case where it is initiated by a minority party or parties?
- If there is an obligation, is the debate to be treated as a matter of sufficient urgency so that it cannot be postponed for an unreasonably lengthy period?
- If so, do the Rules of the NA provide for the vindication of this right enjoined by the party proposing the motion?
- If not, does the first respondent (the Speaker) have a residual power to schedule the debate, no matter the views of the majority party?

In delivering judgment on 22 November, the court found that:

- Ms Mazibuko had a right to introduce a motion of no confidence;
- A motion of no confidence should be treated as a matter of urgency;
- Time should have been found to ensure that debate took place expeditiously;

- Rules should be created to ensure that the NA, rather than the courts, make the determination as to when debate on the motion occurs; and
- A specific Rule was important in this regard, as a result of the express provision in the Constitution for a motion of no confidence.

Justice Davis held that a motion of no confidence found express provision in the Constitution and it must take place; the judge however further held that it was not up to the High Court to dictate when exactly the motion of confidence should be debated. He held that Rules should deal with deadlocks in the NACP, and that Parliament may have failed its constitutional obligation by omitting to provide such a Rule. The judge ruled that the Constitutional Court had sole jurisdiction to determine whether the fact that there is no Rule which caters for deadlocks in the NACP does not meet constitutional compatibility. He also wondered whether the matter should not be sent back to Parliament for consideration of a Rule which would ensure that the difficulties that he encountered in this case should never occur. He concluded that the absence of such a Rule was a problem, although not one that the High Court could fix.

Ms Mazibuko's application requesting that the Court direct the Speaker to take whatever steps were necessary to ensure that a motion of no confidence in the President be scheduled for debate and a vote in the NA on or before Thursday, 22 November, was dismissed.

On 23 November, Ms Mazibuko appealed to the Constitutional Court against the decision of the Western Cape High Court. She applied that the application be heard as a matter of urgency. On 30 November, the Constitutional Court considered the application to set down the case to be heard as a matter of urgency and came to the conclusion that the application should be refused. Instead, the matter was scheduled for hearing on 28 March 2013. The Court ordered the Speaker to file a report with its Registrar by Thursday, 14 March 2013 on the progress achieved in the process of ensuring that motions of no confidence are appropriately provided for in the NA Rules.

[11] 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 legislation, seek the permission of the Assembly to inquire into amending other provisions of that legislation not originally included in an amendment bill. During 2012, the House gave permission to three committees to inquire into amending other provisions of legislation. These were:

- On 20 September, permission was granted to the Portfolio Committee on Higher Education and Training in respect of the *Higher Education Act* (No 101 of 1997);
- On 23 October, permission was granted to the Portfolio Committee on Labour in respect of the *Labour Relations Act* (No 66 of 1995); and
- On 22 November, permission was granted to the Portfolio Committee on Transport in respect of the Transport Laws and Related Matters Amendment Bill [B30B-2012].

[12] REVIVAL OF LAPSED BUSINESS

On 21 February, the Assembly resolved, in terms of NA Rule 298(1), that the Implementation of the Geneva Conventions Bill [B 10B – 2011], which was on the Order Paper under 'Further Business' for Second Reading debate, be revived and resume its consideration from the stage it reached at the end of the 2011 parliamentary session.

On 28 February, the Bill was read for a second time and transmitted to the National Council of Provinces (NCOP) for concurrence.

[13] REVIVAL OF PUBLIC PROTECTOR REPORT

On 29 May, the Assembly resolved that Report No 12 of the Public Protector for 2008-2009, entitled *An Investigation into an Allegation of the Misappropriation of Public Funds by the Kungwini Local Municipality in the Gauteng Province*, tabled in the NA on 1 September 2008, be revived and referred to the Powers and Privileges Committee for processing in terms of NA Rule 194 and the Schedule to the NA Rules. The committee did not report before the end of the 2012 session.

[14] REQUEST FOR DOCUMENTS BY ARMS PROCUREMENT COMMISSION

The Chairperson of the Commission of Inquiry into the Allegations of Fraud, Corruption, Impropropriety or Irregularity in the Strategic Defence Procurement (the Commission), Mr Justice W L Seriti, wrote to the Speaker on 15 May requesting Parliament to provide it with:

- copies of all reports generated by or submitted to Parliament or any of its committees relating to the procurement of arms that is the subject of the Commission's inquiry, prior to and after the acquisition of the military equipment in question; and
- the names and contact details of the members of the parliamentary committees seized with the issues relating to the procurement of the arms in question.

The Commission requested the documents and information by no later than 15 June.

The reports in question were requested in terms of section 3(1) of the *Commission Act* (No 4 of 1947) which gives a commission of inquiry the same powers as a court of law to call for "the production of books, documents or objects". After having established that there was nothing in the *Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act* (No 4 of 2004) that prohibited Parliament from submitting the documents and information requested by the Commission, the Speaker agreed to the request.

The documents requested by the Commission relating to the arms procurement process that were in the possession of Parliament were in two categories, namely –

- documents generated through the work of parliamentary committees as well as internal correspondence; and
- confidential documents received from the Ministry of Defence on 6 February 2001 and 22 May 2001, and from the Armaments Corporation of SA Ltd, also on 6 February 2001 (see *Issue 4, Item 17*).

To expedite the Commission's request, the Speaker constituted a team led by the NA Table and consisting of representatives from Legal Services, the Committee Section and Research Unit to determine the documents that were to be submitted. After the team had completed its task, it submitted for the Speaker's approval a list of all documents that were to be submitted to the Commission. After the Speaker had approved the documents to be submitted, to ensure that confidentiality was maintained, the documents were delivered by two senior parliamentary officials to the Pretoria offices of the Commission on 14 June. The officials were from the NA Table and Parliament's Protection Service. The list of documents and reports submitted to the Commission were announced by the Speaker in the ATC of 5 July. With regard to the names of the members of the parliamentary committees seized with issues relating to the procurement of the arms in question, the Speaker informed the Commission that those could be gleaned from the minutes of the Joint Standing Committee on Defence, the Portfolio Committee on Defence and the Standing Committee on Public Accounts (Scopa).

In his letter to the Commission, dated 14 June, the Speaker indicated that the documents submitted by the Ministry of Defence and the Armaments Corporation of SA Ltd were classified as confidential and had been placed in Parliament's custody for controlled access by members of Scopa. He requested the Commission to treat them as secret and confidential, and that they should be returned to Parliament when the Commission had completed its work.

[15] SUSPENSION OF RULES

On 8 March, the House suspended Rule 253(1) which provided that the Second Reading debate on the Division of Revenue Bill [B4 – 2012] may not commence before at least three working days have elapsed since the committee's report was tabled.

On 31 May, the House suspended the following Rules for the purposes of conducting the Second Reading debate on the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill [B 19 - 2012] (National Assembly – sec 75):

- Rule 253(1), which provided inter alia that the debate on the Second Reading of a Bill may not commence before at least three working days had elapsed since the committee's report was tabled;
- With the concurrence of the NCOP, Joint Rule 154, which provided for the submission of views on the classification of a Bill to the Joint Tagging Mechanism (JTM) in writing within a specified period but not less than three working days; and further that a Bill may not be classified before the expiry of the specified period; and
- Joint Rule 220(2), which required that a translation of a Bill's official text must have been received by Parliament at least three days before the formal consideration of the Bill by the House in which it was introduced.

On 13 June, the House suspended Rule 251(3)(c), which provided that a committee must in its report specify each amendment of an amended bill that was considered by it, and for a reason other than its being out of order, was rejected by it, in respect of the Prevention and Combating of Trafficking in Persons Bill [B7B – 2010].

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

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

[17] SITTING HOURS OF THE HOUSE

On 23 May, the House agreed that, notwithstanding the hours of sitting of the House as provided for in Rule 23(2), the hours of sitting for Tuesday, 12 June, would be 11:00 to adjournment.

The sitting time was adjusted to enable the House to conclude the First Reading debate on and consideration of the Votes and Schedules of the Appropriation Bill [B 3 – 2012].

[18] DETERMINATION OF PRESIDENT'S SALARY

Section 2(1) of the *Remuneration of Public Office-Bearers Act* (No 20 of 1998) states that the NA must, with due regard to criteria set out in the Act, determine the salary and allowances paid to the President of the Republic on an annual basis.

On 18 September, the House resolved that, in terms of the Act, the President's salary would be R2 622 561, with effect from 1 April. The House further resolved that a portion of the President's salary amounting to R120 000 per annum be regarded as the portion to which section 8(1)(d) of the *Income Tax Act* (No 58 of 1962) applied.

[19] JOINT SITTINGS AND ADDRESS TO NATIONAL ASSEMBLY

The following Joint Sitzings were held in 2012:

- State of the Nation Address by the President – 9 February
- National Women's Day – 8 August
- Handing over of the National Development Plan (NDP) to the President – 15 August
- Congratulations to the South African Olympic Team on its performance in the 2012 Olympic Games – 28 August
- Heritage Day – 12 September
- Congratulations to Dr N C Dlamini Zuma on her election as Chairperson of the African Union (AU) Commission – 19 September
- Congratulations to the South African Paralympic team on its performance in the 2012 Paralympic Games – 16 October

NA Rule 43 states that the Speaker may invite any Head of State who is on a State visit to the Republic, to address the NA. The Deputy President and Leader of Government Business, Mr K P Motlanthe, requested the Speaker to honour President Hifikepunye Pohamba of Namibia with an invitation to address a sitting of the NA considering the historical and fraternal relations between South Africa and Namibia. The Speaker acceded to the request and President Pohamba addressed the NA on 6 November.

[20] ELECTION OF MEMBER TO PAN-AFRICAN PARLIAMENT

In terms of Article 4(2) and (3) of the *Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament* (PAP), member states are represented in the PAP by five members of Parliament, at least one of whom must be a woman; and that the representation of each member state must reflect the diversity of political opinions in each national Parliament or other deliberative organ.

Owing to the passing away of Ms M N Matladi, an elected member of the PAP (see *Item 44, Issue 15*), it was necessary for the Assembly to elect a member from the opposition parties to replace her.

Although members of the PAP are elected from both Houses of Parliament, only two members of the Assembly were nominated, namely Mrs C Dudley and Mrs Z B N Balindlela. There were no further nominations.

On 23 May, the Assembly considered the nominations and elected Mrs Z B N Balindlela as a member of the PAP.

In a sitting on 29 May, the Council concurred with the election of Mrs Z B N Balindlela as a member of the PAP.

[21] REPORTS BY THE PUBLIC PROTECTOR

In terms of section 8(2) of the *Public Protector Act* (No 23 of 1994), the Public Protector regularly submits reports on its investigations and findings to Parliament. A summary of the reports tabled during 2012 follows below.

Alleged improper procurement of communication services

The Speaker tabled Public Protector Report No 1 of 2012-13 on 8 June after an investigation into the alleged improper procurement of communication services by the Department of the Premier of the Western Cape Provincial Government.

The Public Protector had investigated complaints that the Department of the Premier of the Western Cape Provincial Government had awarded a tender for communications services without following the relevant Treasury Regulations and procurement procedures. The investigation found certain irregularities that amounted to maladministration and wasteful expenditure, and made a number of recommendations for remedial action.

Alleged breach of Executive Ethics Code by Minister

Public Protector Report No 3 of 2012-13 on an investigation into allegations of a breach of the Executive Ethics Code by the Minister of Agriculture, Forestry and Fisheries, Ms Tina Joemat-Pettersson, MP was tabled by the Speaker on 26 November.

The report found that the Minister had breached the Executive Ethics Code by failing to take into account the prudent use of public funds for hotel accommodation, and that this failure represented reckless use of public money and improper and unethical conduct. The Public Protector recommended that the President consider reprimanding the Minister for her conduct.

On 10 December, the Speaker received a letter from the President in which he acknowledged that the Public Protector had submitted the report to him as required by section 3(2) of the *Executive Members' Ethics Act* (No 82 of 1998), according to which the Public Protector had to submit reports on allegations against Ministers to the President.

The President further informed the Speaker that he would, in terms of section 3(5)(a) of the Act, revert to the NA regarding the action he had taken after considering the report.

Investigation into Deputy President

The Speaker tabled Public Protector Report No 4 of 2012-13 on 11 October on an investigation into an allegation of the improper involvement of the Deputy President of the Republic of South Africa in a business transaction with the Islamic Republic of Iran.

The report followed a request by the Deputy President of the Republic, Mr K P Motlanthe, to the Public Protector to conduct a preliminary investigation into allegations that a bribe had been solicited to obtain government support for a South African company to secure a sanctions-busting deal with Iran. Parliament had been informed of this request by a letter from the Public Protector to the Speaker on 19 March.

The report found that Deputy President Motlanthe was not involved in any of the negotiations or meetings on the deal and he was therefore exonerated in full.

[22] REQUEST FOR ASSISTANCE FROM PUBLIC PROTECTOR

The Speaker received a letter, dated 13 July, from the Public Protector, Adv T N Madonsela, informing the Assembly of allegations of maladministration and governance failures against the Public Protector and her Office and requesting the Assembly to inquire into the allegations. This request was referred to the Portfolio Committee on Justice and Constitutional Development for consideration and report on 10 September.

The committee did not report before the end of the 2012 parliamentary session.

LEGISLATION AND COMMITTEES

[23] INTRODUCTION OF LEGISLATIVE PROPOSALS BY COMMITTEES

A. INTRODUCTION OF CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT AMENDMENT BILL AS AN URGENT MATTER

NA Rule 238 provides that an Assembly committee intending to introduce a bill in the Assembly must table a memorandum on the bill which sets out the particulars of the proposed legislation, explain the purpose of the legislation and state whether the proposed legislation will have financial implications for the state. The Speaker must place the proposal and the relevant information on the Order Paper for the Assembly to make a decision on the request. The Assembly may accede to the request and allow the committee to proceed with the proposal, refer the proposal back to the committee for reconsideration or turn down the request. However, if the Assembly agrees to the request, it may express itself on the desirability of the proposal or place certain conditions on its permission.

Furthermore Rule 241 provides that a bill may be introduced in the Assembly if prior notice has been given in the *Gazette* and the notice must also contain an invitation to interested persons and institutions to submit written representations on the draft legislation to the Secretary of Parliament within a specified period. An explanatory summary of the bill as introduced should be published in the *Gazette* together with a memorandum setting out the purpose of the bill.

Notwithstanding the provisions of Rule 238, the Portfolio Committee on Justice and Constitutional Development requested the Assembly to approve its request to introduce the Criminal Law (Sexual Offences and Related Matters) Amendment Bill as an urgent matter, thus removing itself from the requirements of Rules 238 and 241. The committee had noted that, since the Act's promulgation, certain provisions, specifically those relating to the determination of offences, had been potentially defective. As a result, the committee proposed to introduce an amending bill to address these concerns.

On 24 May, on a motion of the Chief Whip of the Majority Party, the House acceded to the request of the committee and instructed it to immediately publish the full particulars of its legislative proposal in the *ATC* and suspended Rules 238(1) and 241(1), (2) and (3). Rule 230 provides that any committee may introduce a bill it has initiated in the Assembly. On 30 May, the committee introduced the bill and it was referred to the JTM for classification in terms of Joint Rule 160. It also called for submission of written views on its classification in terms of Joint Rule 154. The committee reported on the bill the same day.

On 31 May, the Chief Whip of the Majority Party moved a motion requesting the House to suspend the following Rules for the purposes of conducting the Second Reading debate on the bill:

- Rule 253(1), which provides *inter alia* that the debate on the Second Reading of a bill may not commence before at least three working days have elapsed since the committee's report was tabled;
- With the concurrence of the NCOP, Joint Rule 154, which provides for the submission of views on the classification of a bill to the JTM in writing within a specified period but not less than three working days and further that a bill may not be classified before the expiry of the specified period; and
- Joint Rule 220(2), which requires that a translation of a bill's official text must be received by Parliament at least three days before the formal consideration of the bill by the House.

The House agreed and after the Second Reading debate, the bill was passed and referred to the NCOP for concurrence.

B. LEGISLATIVE PROPOSAL BY COMMITTEE TO AMEND THE REPEAL OF THE BLACK ADMINISTRATION ACT AND AMENDMENT OF CERTAIN LAWS ACT

Section 44(1)(b) of the Constitution confers on the NA the power to pass legislation with regard to any matter, including a matter within a functional area listed in Schedule 4 of the Constitution, but excluding, subject to subclause (2), a matter within a functional area listed in Schedule 5.

Bills in the NA are initiated by the Executive (NA Rule 231), private members and parliamentary committees (NA Rule 230), but not by joint committees. In terms of NA Rule 230, an Assembly committee intending to introduce a bill in the Assembly must first obtain the Assembly's permission. To this end, the committee must, in terms of NA Rule 238, table in the Assembly a memorandum which sets out particulars of the proposed legislation, explain the objects of the proposed legislation, state whether the proposed legislation will have financial implications for the State and, if so, gives an account of those implications.

On 23 October, the Portfolio Committee on Justice and Constitutional Development tabled a memorandum in terms of NA Rule 238 in the ATC, requesting the permission of the House in terms of NA Rule 230(1) to introduce a bill to amend the *Repeal of the Black Administration Act and Amendment of Certain Laws Act* (No 28 of 2005) (Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Bill) in order to substitute a date.

This legislative proposal was considered and approved by the House in terms of NA Rule 238(3) on 24 October. The Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Bill was classified by the Joint Tagging Mechanism (JTM) in terms of Joint Rule 160(6) as a section 75 Bill and as a Bill falling within the ambit of section 18(1) of the *Traditional Leadership and Governance*

Framework Act (No 41 of 2003). In terms of Rule 332, the Bill was accordingly referred to the National House of Traditional Leaders on 21 November, in order for it to make any comments it wished to make within 30 days from the date of referral.

For the purpose of conducting a Second Reading debate on the bill on 22 November, the Acting Deputy Chief Whip of the Majority Party moved on behalf of the Chief Whip of the Majority Party that Rule 249(3)(i) be suspended. This rule requires that a committee may report to the Assembly on a Bill introduced in the Assembly and classified as being subject to section 18(1) of the Traditional Leadership and Governance Framework Act, only after 30 days had passed since the referral of the Bill to the National House of Traditional Leaders. The motion was approved and the report of the committee was accordingly considered and adopted. The Bill was read a second time without debate.

[24] RECOMMITTAL OF TRANSPORT LAWS AND RELATED MATTERS AMENDMENT BILL

The Transport Laws and Related Matters Amendment Bill was introduced in the NA on 5 October. The purpose of the bill was to facilitate the collection of tolls and to empower the Minister of Transport to publish regulations required for the collection of tolls for the Gauteng Freeway Improvement Project.

On 13 November, the Leader of Government Business wrote to the Speaker requesting the NA to prioritise and finalise the bill before the end of the 2012 annual session. The Portfolio Committee on Transport published its report on the bill in the ATC of 21 November and it was scheduled for Second Reading debate on 22 November, the day on which the Assembly was scheduled to rise for the annual session.

NA Rule 253(1)(a) provides that the Second Reading debate on a bill may not commence before three days have passed since the committee tabled its report on the bill. However, in terms of Rule 3, any provision of the Rules relating to the business or proceedings at a meeting of the House may be suspended by resolution of the House.

With the bill scheduled for Second Reading on 22 November, the day after it was reported on, Rule 253(1)(a) had to be suspended to enable the Assembly to consider it. Consequently a motion suspending the Rule was placed on the Order Paper for House decision.

Rule 254 provides for members of the Assembly to propose amendments to bills, by having them placed on the Order Paper, after a bill is reported on but before its consideration by the Assembly. Rule 254(2) provides that amendments delivered to the Secretary after 12:00 on any working day may be placed on the Order Paper for the second sitting day thereafter and not earlier, unless the Speaker determines otherwise in a particular case. At 13:00 on 22 November, the day the bill was scheduled for consideration, the Speaker received proposed amendments to the bill in terms of Rule 254.

In view of the procedural challenges that became apparent before consideration of the bill by the Assembly, shortly before the commencement of the sitting an agreement was reached among the parties that the debate on the bill not be proceeded with but that the bill would be recommitted to the committee for further consideration. The Assembly also agreed to grant the committee permission to inquire into other provisions of the legislation before it and not only into the amending provisions of the bill, as specified by Rule 249(3)(b).

[25] REFERRAL OF COMMITTEE REPORT TO JRC AND NARC

The Report of the Portfolio Committee on Defence and Military Veterans on the Joint Workshop of the Joint Standing Committee on Defence and Portfolio Committee on Defence and Military Veterans held in Arniston, Western Cape on 9 May was scheduled for consideration in the NA on 8 November. However, on a motion moved by the Chief Whip of the Majority Party, the House referred the report to the Joint Rules Committee (JRC) and the NARC for consideration.

The report stated, among others, that membership of the JSCD in the Fourth Parliament, in terms of Joint Rule 120B, stood at 37 and that that negatively affected the functioning and decision-making capacity of the committee as it often lacked a quorum and its size made it difficult to manage its affairs. As a result, the report proposed that the composition of the committee should be changed by a decision of the JRC and in doing so it should take into account the provisions of section 228(3) of the Constitution.

Neither the JRC nor the NARC considered the report before the end of the 2012 session.

[26] AD HOC COMMITTEE ON THE GENERAL INTELLIGENCE LAWS AMENDMENT BILL: EXTENSIONS OF DEADLINE TO REPORT AND RE-ESTABLISHMENT

Item 35, Issue 17 reported on the establishment of an Ad Hoc Committee by House resolution on 24 November to consider and report on the General Intelligence Laws Amendment Bill. The committee was given a deadline to report on 29 February. However, the deadline to report was extended by House resolution, first to 8 June and later to 17 August. The committee did not report by the latter deadline and therefore ceased to exist in terms of NA Rule 214(6).

On 7 November, the House resolved to reestablish the Ad Hoc Committee with the same membership and mandate as its predecessor and instructed the committee to incorporate in its work the proceedings and all the work of the previous committee up to and including 17 August. The resolution set a new deadline for the committee to report to 28 March 2013.

[27] BILL REFERRED BACK BY PRESIDENT

A letter dated 19 September was received from the President, informing the NA that he had reservations about the constitutionality of the Intellectual Property Laws Amendment Bill [B 8B - 2010] and that, consequently, he was referring the Bill back to the NA for reconsideration in terms of section 79(1) of the Constitution.

On 26 September, the Bill and the President's reservations were referred to the Portfolio Committee on Trade and Industry for consideration and report in terms of Joint Rule 203. The President's reservations pertained to the following:

- The bill is not a money bill;
- Provisions of the bill affect certain matters listed in Schedule 4 of the Constitution, in particular, traditional leadership and cultural matters, and should therefore be dealt with in terms of section 76 of the Constitution; and
- For this reason, the bill ought to have been referred to the National House of Traditional Leaders in terms of section 18(1) of the *Traditional Leadership and Governance Framework Act* (No 41 of 2003).

The committee did not report before the end of the 2012 session.

[28] ESTABLISHMENT OF AD HOC COMMITTEE TO CONSIDER THE CODE OF JUDICIAL CONDUCT AND THE REGULATIONS ON JUDGES' DISCLOSURE OF REGISTRABLE INTERESTS

On 28 February, the NA agreed to a motion by the Chief Whip of the Majority Party that the House establishes an *ad hoc* committee to consider the Code of Judicial Conduct and the Regulations on Judges' Disclosure of Registrable Interests tabled on 20 October 2010 in terms of the *Judicial Service Commission Act* (No 9 of 1994). As part of the motion, the House agreed that this committee should take into account the proceedings of the *Ad hoc* Joint Committee on the Code of Judicial Conduct and Regulations on Judges' Disclosure of Registrable Interests initially established to consider this matter, but whose term had expired on 21 February. The *ad hoc* committee had to report to the House by 6 June.

On 23 May and 7 August, the House extended the deadline for reporting by the *ad hoc* committee to 14 August and 23 November, respectively. On 31 August, the *ad hoc* committee reported on the Code of Judicial Conduct with amendments. The Assembly adopted the report of the *ad hoc* committee on 18 September.

The Assembly extended the deadline for reporting of the *ad hoc* committee on 22 November to 15 March 2013 to enable the committee to finalise the Regulations on Judges' Disclosure of Registrable Interests.

MONEY BILLS AND RELATED MATTERS

[29] REVIEW OF THE MONEY BILLS AMENDMENT PROCEDURE AND RELATED MATTERS ACT

The *Money Bills Amendment Procedure and Related Matters Act* (No 9 of 2009) was promulgated in April 2009. This Act provides for a procedure to amend money bills before Parliament and for norms and standards for amending money bills before provincial legislatures.

On 24 May, the NA passed a resolution to review the Act, citing technical challenges that had become apparent during its implementation. The resolution instructed the Standing Committee on Finance to review the Act with a view to introducing amending legislation, if necessary. In particular, the committee was mandated to evaluate the application of the Act including, but not limited to, the timeframes and sequencing associated with the different financial instruments and bills, the procedures to be developed in the rules, and the functions and management of the Parliamentary Budget Office. On 20 September, the committee reported on progress and indicated that it planned to convene a workshop with all stakeholders to discuss the Act.

[30] REVIEW OF FINANCIAL MANAGEMENT OF PARLIAMENT ACT

The *Financial Management of Parliament Act* (No 10 of 2009) was passed in 2009. The Act provides, *inter alia*, for financial and accounting systems for Parliament and for norms and standards for provincial legislatures.

On 20 September, the NA passed a resolution for the Standing Committee on Finance to review the Act due to apparent challenges. In particular, the resolution made reference to the authority of provincial legislatures to enact financial management legislation and the timeframes associated with various reporting instruments. The committee was mandated to report progress by 22 November.

On 20 November the committee reported that, on 11 August 2011, in *Premier: Limpopo Province v Speaker: Limpopo Provincial Legislature and Others* (CCT 94/10), the Constitutional Court held that provincial legislatures do not have authority to pass legislation with respect to their financial management. The Court also found various provincial Acts dealing with financial management of provincial legislatures unconstitutional. The declarations of invalidity of these Acts were suspended for a period of 18 months. The Court ordered that the parties to the matter, including Parliament, must file a report with the Court indicating what steps had been taken to remedy the defect by 9 September 2013.

Another matter that required attention was the alignment of section 4 of the Act, which referred to an oversight mechanism, with the governance structures of Parliament.

Based on these considerations the committee reported that it had agreed to convene a workshop in the first term of 2013 to receive inputs from all stakeholders. The House adopted this report on 22 November.

STATUTORY FUNCTIONS

[31] RECOMMENDATION OF CANDIDATE FOR APPOINTMENT AS DEPUTY PUBLIC PROTECTOR

The Minister of Justice and Constitutional Development, in a letter dated 16 October, requested the NA to recommend a suitable candidate for appointment as Deputy Public Protector in terms of section 2A of the *Public Protector Act* (No 23 of 1994), upon the expiry of the term of office of the incumbent, Adv M Shai, on 30 November. The request was referred to the Portfolio Committee on Justice and Constitutional Development for consideration and report on 18 October.

The committee received five nominations, and after conducting interviews with the candidates, reported on 21 November that it recommended Mr Kevin Sifiso Malunga for appointment as Deputy Public Protector in accordance with section 2A(3) of the Act. On 22 November, the House agreed to the committee's recommendation.

[32] REQUEST FROM PUBLIC PROTECTOR FOR NA TO REVIEW CONDITIONS OF EMPLOYMENT OF DEPUTY PUBLIC PROTECTOR

The Public Protector, Adv T N Madonsela wrote to the Speaker on 31 May 2010 requesting the NA to review and re-determine the remuneration and other terms and conditions of employment of the Deputy Public Protector in terms of section 2(5) of the *Public Protector Act* (No 23 of 1994). At the time, the request was not formally tabled and referred in the ATC, but was sent to the Chairperson of the Portfolio Committee on Justice and Constitutional Development for consideration and report under the signature of the Deputy Speaker as Acting Speaker.

The committee reported on the matter on 19 September. It stated that:

- On the recommendation of the NA, the President appointed the Deputy Public Protector (DPP) with effect from 1 December 2005 for a period of seven years. At that time, in accordance with the Public Protector Act, the NA, on the advice of the Portfolio Committee on Justice and Constitutional Development, determined the remuneration and other terms and conditions of employment of the Deputy Public Protector;
- The committee learnt that, in 2007, the former Public Protector revised the Deputy Public Protector's salary. The committee also learnt that the DPP had received inflationary linked annual increases;
- The issue of disparities in remuneration and conditions of service was not only peculiar to the Office of the Public Protector but had also been raised by other Chapter 9 institutions. The committee had been

- informed that legislation was planned to require the Independent Commission for the Remuneration of Public Office Bearers to make recommendations relating to the salaries, allowances and benefits of the Public Protector and members of any commission provided for in the Constitution;
- The committee, therefore, recommended that the remuneration and conditions of service of the Deputy Public Protector not be redetermined at this time, but that the revision that took place in 2007 by the then Public Protector be condoned.

The House agreed to the committee's recommendation on 23 October.

[33] FILLING OF VACANCIES IN THE COMMISSION FOR GENDER EQUALITY (CGE)

Item 42, Issue 17 reported on the establishment of an *Ad Hoc* Committee, in accordance with section 193 (5) of the Constitution, to identify suitable candidates for the filling of vacancies in the Commission for Gender Equality (CGE). The committee was required to report by 21 February.

The committee tabled its report on 27 January, in which it recommended that nine candidates be recommended by the House for appointment to the Commission. The nine candidates were:

1. Mr Mfanozelwe Shozi
2. Ms Lulama Nare
3. Ms Sylvia Desiree Stevens-Maziya
4. Ms Janine Hicks
5. Ms Ndileka Eumera Portia Loyilane
6. Mr Wallace Amos Mgoqi
7. Ms Nondumiso Maphazi Ranuga
8. Ms Thoko Mpumlwana
9. Prof Amanda Gouws

This report was considered and adopted by the Assembly on 21 February.

In a letter dated 5 June, the President of the Republic informed the Assembly that he had, in terms of section 193 of the Constitution and on the recommendation of the NA, appointed the following persons to the Commission:

- Mr Mfanozelwe Shozi, as full-time commissioner and Chairperson of the Commission with effect from 1 June 2012 to 31 May 2017;
- Ms Thoko Mpumlwana, as full-time commissioner with effect from 1 June 2012 to 31 May 2017;
- Ms Janine Hicks, as full-time commissioner with effect from 1 June 2012 to 31 May 2016;
- Ms Sylvia Desirée Stevens Maziya, as full-time commissioner with effect from 1 June 2012 to 31 May 2014;
- Mr Wallace Amos Mgoqi, as full-time commissioner with effect from 1 June 2012 to 31 May 2014;
- Ms Ndikela Eumera Portia Loyilane as full-time commissioner with effect from 1 June 2012 to 31 May 2014;

- Ms Nondumiso Maphazi Ranuga, as full-time commissioner with effect from 1 June 2012 to 31 May 2014;
- Ms Lulama Nare, as part-time commissioner with effect from 1 June 2012 to 31 May 2014; and
- Prof Amanda Gouws, as part-time commissioner with effect from 1 June 2012 to 31 May 2014.

[34] REQUEST FOR RECOMMENDATIONS OF CANDIDATES TO RECONSTITUTE CENTRAL DRUG AUTHORITY (CDA)

In a letter dated 26 June, the Minister of Social Development requested Parliament's committees for social development to recommend suitable candidates to reconstitute the Central Drug Authority (CDA) in accordance with section 2(3) of the *Prevention and Treatment of Drug Dependency Act* (No 20 of 1992). Section 2(3) provides for instances where the Minister is of the opinion that a member of the Drug Advisory Board (the Board) should have his or her membership terminated before the expiry of the member's statutory five-year term if there are good reasons to do so, or the reappointment of a member of the Board on the expiration of any period for which he or she was appointed. The Minister's request was referred to the Portfolio Committee on Social Development for consideration and report.

The committee published its report in the ATC of 31 August, recommending that the following candidates be appointed to the Board:

Mr C P Ucko, Prof D Stein, Ms A M Salter, Mr M M Gama, Dr R Eberlein, Mr D Bayever, Dr L Silva, Mr C Mpyane, Dr M Manyedi, Mr J Kruger, Mrs C Du Toit and Ms S Ndlovu,

The report was considered and adopted by the NA on 20 September.

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

In a letter dated 25 July, the Minister of Agriculture, Forestry and Fisheries invited the relevant parliamentary committees in terms of section 4(4)(a) of the *Marketing of Agricultural Products Act* (No 47 of 1996) to nominate candidates to serve on the National Agricultural Marketing Council (NAMC).

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

members as is required from the list of candidates recommended by the parliamentary committees.

This request was referred to the Portfolio Committee on Agriculture, Forestry and Fisheries for consideration on 16 August. In its report dated 13 November, the committee recommended the nomination of Ms Nonqaba Esther Dula and Ms Jill Mandy Atwood-Palm to serve on the NAMC.

[36] RESIGNATION FROM SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BOARD AND REQUEST FOR FILLING OF VACANCY

In accordance with section 13 of the *Broadcasting Act* (No 4 of 1999), the President appoints 12 non-executive members to serve on the South African Broadcasting Corporation (SABC) Board, on the advice of the NA. The Board members hold office for such period as determined by the President, which period must however not exceed five years (see *Item 32, Issue 13*).

A letter dated 25 April was received from the President, informing the NA of the resignation of Mr C Motsepe, in terms of section 15(2) of the Act, from the SABC Board with effect from 13 April. The letter further requested the NA to recommend a candidate for appointment, in accordance with section 13 of the Act, for the unexpired portion of the period for which Mr Motsepe was appointed, i.e. until 9 January 2015. The request was referred to the Portfolio Committee on Communications for consideration and report.

The committee reported on 19 September, and on 20 September the House agreed that Ms Noluthando Gosa be recommended for appointment as non-executive member of the SABC Board.

[37] SOUTH AFRICAN BROADCASTING CORPORATION (SABC) SECTION 15A INQUIRY

The SABC Board lodged a complaint against Adv C Mahlati (a Board member) with the Portfolio Committee on Communications after the Board had conducted an inquiry into Adv Mahlati's conduct on 18 September. On the basis of the inquiry findings, the Board had passed two votes of no confidence in Adv Mahlati on the grounds of misconduct. The committee gave Adv Mahlati an opportunity to respond to the allegations against her.

In terms of the *Broadcasting Act* (No 4 of 2009), there are two ways to remove a SABC Board member. The first is in terms of section 15 of the Act, which empowers the appointing authority (the President) to remove a member from office on account of misconduct or inability to perform his or her duties efficiently after due inquiry and upon the recommendation of the Board. The second way is in terms of section 15A(1) of the Act which empowers the NA, after due inquiry and by the adoption of a resolution, to recommend the removal of a member of the Board from office on account of:

- misconduct;

- inability to perform duties efficiently;
- absence from three consecutive meetings of the Board without its permission;
- failure to disclose an interest in terms of section 17; or
- becoming disqualified in terms of section 16.

Furthermore, section 15A(2) empowers the appointing body to suspend a Board member from office at any time after the start of the NA proceedings for the removal of that member, and directs the appointing body to act in accordance with the recommendation of the NA.

On 30 October, the committee recommended to the House that an inquiry should be conducted in terms of section 15A of the Act into Adv Mahlati's conduct. The House approved this recommendation on 8 November. The committee had not finalised the inquiry by the end of the 2012 parliamentary session.

[38] FILLING OF VACANCIES IN INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (Icasa)

The Minister of Communications, in a letter dated 20 April, informed the Assembly that the terms of office of Mr Thabo Makhakhe, Ms Nomvuyiso Batyi and Mr Fungai Khumbulani Sibanda, councillors of Icasa, would expire on 9 July, 3 August and 30 September respectively; and requested the Assembly to commence with the process of filling the vacancies in terms of section 5 of the *Independent Communications Authority of South Africa Act* (No 13 of 2000). The request was referred to the Portfolio Committee on Communications for consideration and report on 16 May.

The committee reported on 19 September that it recommended that three of the following candidates be appointed to serve on the Icasa Council: Ms Nomvuyiso Batyi, Mr Khulile Boqwana, Ms Nomonde Gongxeka, Mr Manyara Rubben Mohlaloga and Ms Katharina Gloria Shirley Pillay. The House approved the recommendation on 20 September.

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

Section 4(1) of the *Land and Agricultural Development Act* (No 15 of 2002), directs the Minister of Agriculture, Forestry and Fisheries to appoint a Board of Directors to manage the business of the Land Bank by calling for nominations in the *Gazette*, the media and, by written invitation, to the relevant parliamentary committees. The candidates to form the Board of Directors are required to have a strong credit risk background and experience.

The administrative powers of the bank had been transferred to the Minister of Finance on 14 July 2008 in terms of section 97 of the Constitution. Section 8(1) of the Act provides that the Board should consist of no fewer than seven and no more than 12 members. Although National Treasury was administering the Bank, oversight remained the responsibility of the Portfolio Committee on Agriculture, Forestry and Fisheries.

The Minister of Finance wrote to the Speaker on 5 October, inviting the relevant parliamentary committees to nominate candidates for the Board of the Land Bank. The deadline for the relevant parliamentary committees to nominate candidates was 31 November. On 29 November, the Portfolio Committee on Agriculture, Forestry and Fisheries nominated Mr Vusumzi Matikinca and Dr Edwin Alfred Conroy for appointment to the Board. The Speaker transmitted the nominations to the Minister of Finance as the House is not required to take a decision on the matter.

[40] APPOINTMENT OF MEMBERS OF MEDIA DEVELOPMENT AND DIVERSITY AGENCY (MDDA) BOARD

Two letters, dated 25 June and 10 September, respectively, were received from the Minister in The Presidency: Performance Monitoring and Evaluation as well as Administration, requesting the NA to recommend candidates in terms of section 4 of the *Media Development and Diversity Act* (No 14 of 2002), to fill vacancies on the Media Development and Diversity (MDDA) Board for the unexpired portion of Ms Louise Vale's term of office and the expiry of the term of office of Ms Gugu Msibi by 31 December.

On 12 July and 18 September, the Minister's requests were referred to the Portfolio Committee on Communications for consideration and report. The committee reported on 20 November, and on 22 November, the House approved that Ms Nothando Migogo and Mr Robert Dangisa Nkuna be recommended for appointment as members of the MDDA Board.

[41] PERFORMANCE MANAGEMENT SYSTEM FOR INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (Icasa)

Issue 17, Item 47 reported that the Minister of Communications had tabled a performance management system to monitor and evaluate the performance of the Chairperson and councillors of Icasa on 17 August 2011, which the Speaker referred on 24 August to the Portfolio Committee on Communications for consideration and report. Section 6A of the *Independent Communications Authority of South Africa Act* (No 13 of 2000) requires the performance management system to be submitted to the NA for approval.

The Committee reported on 24 February and recommended approval of the performance management system by the House. The House gave its approval on 1 March.

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

On 24 November 2011, the Assembly resolved to establish an *Ad Hoc* Joint Committee to consider the request by the Minister in the Presidency: Performance Monitoring and

Evaluation as well as Administration in the Presidency to recommend candidates for appointment to the National Youth Development Agency (NYDA) and set its deadline to report for 29 February.

Joint Rule 138(5)(b) provides that an *ad hoc* joint committee ceases to exist when the date for completion of its task has expired. On 29 February, the Assembly therefore further resolved to extend the deadline by which the committee had to report to 30 April. The NCOP concurred on 6 March.

The *Ad Hoc* Joint Committee called for nominations and a shortlist of candidates were interviewed. The committee did not report on candidates recommended for appointment by the 30 April deadline and therefore ceased to exist.

On 2 May, the Assembly passed a resolution to reestablish the *Ad Hoc* Joint Committee. In its resolution, the Assembly instructed the committee to incorporate in its work the proceedings and all the work of the previous committee up to and including 30 April and set the deadline by which the committee was to report to 31 May. The Council passed a similar resolution on 26 April.

On 23 May, the deadline for reporting was again extended to 14 August by the Assembly, with the Council concurring on 29 May.

On 7 August, the Assembly agreed that Xoliswa Ayanda Bambiso, Zandile Majozi, Mothupi Phaladi Modiba, Itiseng Kenny Morolong, Maropene Lydia Ntuli, Yershen Pillay and Nyalleng Potloane be recommended for appointment to the NYDA Board.

The NCOP had not adopted the report by the end of the 2012 session.

[43] PROPOSED AMENDMENT OF NATIONAL ROAD TRAFFIC REGULATIONS

In terms of section 75(6)(a) of the *National Road Traffic Act* (No 93 of 1996), the Minister of Transport must refer any draft regulations to Parliament for comment before he / she makes any regulations. On 26 September, the Minister tabled proposed amendments to the National Road Traffic Regulations, 2000. These proposed amendments were referred to the Portfolio Committee on Transport and the Interim Joint Committee on Scrutiny of Delegated Legislation for consideration and report on 22 October. Neither committee reported before the end of the 2012 session.

UNPARLIAMENTARY EXPRESSIONS

[44] EXPRESSIONS RULED UNPARLIAMENTARY DURING 2012

Shut up
The lady with the funny hairstyle
Hate speech, member to stop with the
Empty suit, member is nothing but an
Flea-infested body, member possessed a

**[45] EXPRESSIONS CHALLENGED BUT
NOT RULED UNPARLIAMENTARY
DURING 2012**

Nonsense, member is speaking

Thula [be quiet]

Kupitiliza [prattling]

Bloodhound

soos 'n werfbobbejaan [a lackey] (reference to person who is not a member)

They are the ones who went to incite violence (with reference to a political party)

Emperor without clothes

ABBREVIATIONS

ATC	Announcements, Tablings and Committee Reports (a daily parliamentary paper which is effectively an appendix to the Minutes of Proceedings)
CDA	Central Drug Authority
CGE	Commission for Gender Equality
DPP	Deputy Public Protector
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
JTM	Joint Tagging Mechanism
LoGB	Leader of Government Business
MDDA	Media Development and Diversity Agency
Minutes	Minutes of Proceedings of the National Assembly
NA	National Assembly
NAMC	National Agricultural Marketing Council
NAPC	National Assembly Programme Committee
NARC	National Assembly Rules Committee

NCOP	National Council of Provinces
NP	National Prosecuting Authority
NPC	National Planning Commission
NYDA	National Youth Development Agency
PAP	Pan-African Parliament
SABC	South African Broadcasting Corporation
SONA	State of the Nation Address

PARTIES

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

Annexure 1

MEMBERSHIP OF THE ASSEMBLY

In the 2012 annual session, several vacancies occurred in the NA. Some were due to resignations and others as a result of members passing away. At the time of reporting, some of the vacancies had still not been filled.

In terms of Item 23 of Schedule 1A to the *Electoral Act* (Act 73 of 1998), casual vacancies have to be filled by parties nominating the next qualified and available member from the same candidates' list from which the member vacating the seat had originally been nominated.

The following vacancies occurred and were filled in 2012:

- Mr P D Dexter (COPE – Western Cape) resigned with effect from 4 January. Replaced by Ms B D Ferguson with effect from 26 March.
- Mr P J C Pretorius (DA – Western Cape) resigned with effect from 1 February. Replaced by Mr S Esau with effect from 1 February.
- Mr A M Figlan (DA – Western Cape) resigned with effect from 1 February. Replaced by Mr E H Eloff with effect from 1 February.
- Mr K M Zondi (IFP – KwaZulu-Natal) resigned with effect from 1 February. Replaced by Mr M Hlengwa with effect from 7 May.
- Mrs H N Ndude (COPE – National) ceased to be a member of the NA in terms of section 47(3)(c) of the Constitution with effect from 15 April. Replaced by Mr C Huang with effect from 19 April.
- Mr S Shiceka (ANC – National) passed away on 30 April. Replaced by Ms D O Chili with effect from 18 July.
- Ms S P Lebenya-Ntanzi (IFP- National) resigned with effect from 1 May. Replaced by Ms L L van der Merwe with effect from 7 May.
- Ms N F Nyanda (ANC-Mpumalanga) passed away on 5 May. Replaced by Ms J P Ngubeni-Maluleke with effect from 13 June.
- Mr R L Padayachie (ANC-National) passed away on 5 May. Replaced by Ms A Mfulo with effect from 15 June.
- Mr M E Mbili (ANC-KwaZulu-Natal) passed away on 10 July. Replaced by Ms B J Dlomo with effect from 7 September.
- Dr N C Dlamini Zuma (ANC-National) resigned with effect from 1 October.
- Mr P M Mathebe (ANC – Limpopo) resigned with effect from 1 October.
- Ms Z B N Balindlela (Cope – National) resigned with effect from 13 November.

Annexure 2

APPOINTMENT OF NEW MINISTERS AND DEPUTY MINISTERS

On 15 June, the President informed the NA of appointments made to Cabinet in terms of sections 91(2), 91(3) and 93(1) of the Constitution.

The following appointments were announced by the President:

- Ms L N Sisulu was appointed Minister of Public Service and Administration. She replaced Mr R L Padayachie who had passed away.
- Ms N N Mapisa-Nqakula was appointed Minister of Defence and Military Veterans. She replaced Ms L N Sisulu.
- Mr B A Martins was appointed Minister of Transport. He replaced Mr J S Ndebele.
- Mr J S Ndebele was appointed Minister of Correctional Services. He replaced Ms N N Mapisa-Nqakula.
- Ms L S Chikunga was appointed Deputy Minister of Transport.
- Mr G B Magwanishe was appointed Deputy Minister of Public Enterprises.
- Mr J P Cronin was appointed Deputy Minister of Public Works.
- Mr M C Manana was appointed Deputy Minister of Higher Education and Training.

Annexure 3

LIST OF CONDOLENCE MOTIONS AND TRIBUTES TO FORMER MEMBERS

- Mrs Mavis Ntebaleng Matladi was a member of the NA, the Chief Whip of the UCDP, the UCDP President and leader in Parliament. Mrs Matladi was elected as one of the five members to represent Parliament at the Pan-African Parliament (PAP), where she was further elected President of the PAP Women's Caucus in 2010, a position she held until her passing. She also sat on the NAPC, Chief Whips' Forum and was an alternate member of the Portfolio Committee on Women, Children and People with Disabilities. Her condolence motion was debated and agreed to by the Assembly on 21 February, members standing.
- Mr Amichand Rajbansi was the leader of the Minority Front and MEC for Sport and Recreation in KwaZulu-Natal from 2004 to 2009. Mr Rajbansi also served as the chairperson of the Ministers' Council in the House of Delegates of the tricameral parliament. The motion on his passing was agreed to by the Assembly on 28 February.
- Ms Winkie Direko was a longstanding member of the ANC. She was a member of the NCOP from 1994 to 1999 and Premier of the Free State from 15 June 1999 until 26 April 2004. She was also a member of the NA in the Third Parliament from mid-2004 to 2009. The Assembly debated and agreed to her condolence motion on 1 March, members standing.
- Chief Everson Thobigunya Xolo, former ANC Member of Parliament, was a member of the NA in the third Parliament from 2004 until 2009 serving on various committees, including Correctional Services. The motion on his passing was agreed to by the Assembly on 13 March, members standing.
- Mr Sicelo Shiceka was an ANC Member of Parliament and former Minister of Cooperative Governance and Traditional Affairs. During his career he served in various capacities, including as a MEC in the Gauteng Provincial Government, Chairperson of the Select Committee on Provincial and Local Government in the NCOP and as Minister of Cooperative Governance and Traditional Affairs. The motion on his passing was debated and agreed to by the Assembly on 2 May, members standing.
- Mr Roy Padayachie, ANC Member of Parliament and Minister for the Public Service and Administration, served in various capacities within the ANC and Government, including as member of the ANC KwaZulu-Natal negotiating team at the Congress for a Democratic South Africa (CODESA), Deputy Minister of Communications, Deputy Minister for the Public Service and Administration and Minister of Communications. The motion on his passing was debated and agreed to by the Assembly on 11 May, members standing.
- Ms Florence Ntombizodwa Nyanda was a longstanding member of the ANC Women's League and served in various capacities, including as Member of the Provincial Legislature in the Mpumalanga Legislature, Member of Parliament deployed to the NCOP and then NA where she participated in various parliamentary portfolio committees, including in the Portfolio Committee on Safety and Security and the Portfolio Committee on Justice and Constitutional Development. The motion on her passing was debated and agreed to by the Assembly on 11 May, members standing.
- Mr Muthundinne George Phadagi, ANC member and former Member of Parliament, served in various capacities within Government, including as MEC for Public Works in Limpopo and MEC for Safety, Security and Liaison in 2010 and 2011, respectively. He also served as Mayor of Greater Thohoyandou Transitional Local Council and as a Councillor in Thulamela Local Municipality. His condolence motion was debated and agreed to by the Assembly on 25 May, members standing.
- Mr Nelson Noko Ramodike served as an ANC Member of Parliament before joining the United Democratic Movement, Pan-Africanist Congress and the Alliance for Democracy and Prosperity. Mr Ramodike was forced to leave active politics in 2007 due to ill health and later rejoined the ANC in 2010. His condolence motion was debated and agreed to by the Assembly on 25 May, members standing.
- Mr David Dlali, former ANC member, was a Member of Parliament from 2001 until 2009. He represented his constituency in the Gugulethu township and served on various Portfolio Committees which included Provincial and Local Government, Minerals and Energy, and Defence. After the 2009 elections, Mr Dlali joined the Ministry of Women, Youth, Children and People with Disabilities as Special Advisor to the Minister. His condolence motion was debated and agreed to by the Assembly on 14 June, members standing.
- Mr Mandlenkosi Enock Mbili served as an ANC Member of Parliament from 2006, representing his constituency of Hibberdene in KwaZulu-Natal. He also served as the ANC Whip of the Standing Committee on Public Accounts and as a member of the

Standing Committee on Appropriations. The motion on his passing was debated and agreed to by the Assembly on 7 August, members standing.

- Ms Nomatyala Hanganu, former Member of Parliament and Deputy Minister of Provincial and Local Government, was amongst the first generation of public representatives that the ANC sent to Parliament in 1994. She participated in various parliamentary and caucus structures, including as Chairperson of the Housing Portfolio Committee. Her condolence motion was debated and agreed to by the Assembly on 14 August, members standing.
- Sister Bernard Ncube was a former ANC Member of Parliament and former mayor of the West Rand Metropolitan Council. Her condolence motion was debated and agreed to by the Assembly on 11 September, members standing.
- Mr Danny Olifant, former Member of Parliament, was amongst the first group of ANC members to be deployed to Parliament in 1994 and served until 2009. He served in different parliamentary committees, including Provincial and Local Government, Labour, Tourism, Environmental Affairs as well as Trade and Industry. His condolence motion was agreed to by the Assembly on 6 November, members standing.
- Mr Japie Basson, a Member of Parliament before 1994, was a MP for 30 years. The motion on his passing was agreed to by the Assembly on 20 November.
- Mr Geoffrey Bongumusa Bhengu, former Member of Parliament, was a founder member of Inkatha YeNkululeko YeSizwe, the forerunner of the Inkatha Freedom Party (IFP). His condolence motion was agreed to by the Assembly on 20 November, members standing.

NOTES

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