

**Parliament of the Republic of South Africa**



**PROCEDURAL DEVELOPMENTS  
IN THE NATIONAL ASSEMBLY**

**Second Session – Second Parliament  
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**3**

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Parliament of  
the Republic of  
South Africa

## PROCEDURAL DEVELOPMENTS IN THE NATIONAL ASSEMBLY

A record of recent events and developments of a procedural nature in the National Assembly of the Parliament of the Republic of South Africa. This third issue covers the period from July to December 2000.

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# PRESIDING OFFICERS AND OTHER OFFICE BEARERS

## 1. ELECTION OF DEPUTY CHAIRPERSON OF COMMITTEES

The Rules provide for the election of a member as Chairperson of Committees and another member as Deputy Chairperson of Committees, for the duration of the House.

The House adopted a resolution on 21 June moved by Mr JH Van der Merwe, Chief Whip of the IFP, congratulating the then Deputy Chairperson of Committees, Dr K Rajoo, on his appointment as Consul-General for South Africa in Illinois, USA. Following his departure, on 12 September the House adopted a motion by Mr van der Merwe appointing Mr MF Cassim as the new Deputy Chairperson of Committees. Like Dr Rajoo, Mr Cassim is a member of the IFP.

## 2. WHIP FOR SMALLER PARTIES

In terms of a decision of the Rules Committee on 29 June 1999, on the basis of the agreed formula of one whip for each 8.69 members, only the six larger parties were allocated whips, namely the ANC, DP, IFP, NNP, UDM and ACDP. Representations were subsequently made by representatives of the smaller parties for the allocation of whips to those parties.

After extensive consultation had taken place, and on the basis of the request made to her, the Speaker, on 1 November 2000, appointed Dr CP Mulder as whip of these parties, namely the FF, UCDP, PAC, FA, MF, AEB and AZAPO, with effect from 8 November 1999 (the date of the initial request for a whip).

## 3. MOTION CONGRATULATING SPEAKER

On 28 September 2000, on a motion by the Chief Whip of the Majority Party, the House congratulated the Speaker on having being honoured in India with the Priyadarshi Academy Global 2000 Award for promoting human rights and democratic values, and on having had the Woman of the Year Award bestowed on her by the University of Pretoria.

# PROCEDURAL AND RELATED ISSUES

## 4. SPEAKER'S DEBATES

### (a) Concept of Speaker's debate

At the Assembly Programme Committee on

14 September 2000 the Speaker, referring to the concept of Speaker's debates, raised a concern that various topics were identified, scheduled for debate and automatically associated with the Speaker as "Speaker's debates". She indicated that if she as Speaker wanted a topic debated, she would decide on the topic and then discuss the proposal with the Committee as a debate in this category. She indicated that she would like to encourage debates on national issues, but these could be scheduled as party or individual member motions, or through agreement by the Committee.

### (b) Topics debated

On 19 September the Assembly debated the following subject as a Speaker's debate: *Financing for development and a new paradigm of economic and social development designed to eradicate poverty*. This was a topic on the agenda of the forthcoming Inter-Parliamentary Union (IPU) Conference in Indonesia from 15 to 21 October in which a parliamentary delegation would be participating. The debate, of 60 minutes duration, was introduced by Mr JH van der Merwe, MP, (Chief Whip of the IFP) who would be attending the IPU Conference.

## 5. REQUESTS FOR SNAP DEBATES

Seven requests for snap debates were received between July and November. The following two requests were granted:

- a) The delay in paying out the proceeds of the national lottery (27 September 2000); and
- b) The origin of aids and its implications for treatment in South Africa (10 October 2000).

Among the reasons given for declining requests were:

- the matter had already been dealt with in the same session;
- a request did not raise a specific and definite matter; and
- other opportunities on the programme to raise the matter.

Requests for snap debates in terms of Rules 103 and 104 were also received from the Chief Whip of the Majority Party. In response to these requests the Chief Whip of the Majority Party was initially informed on behalf of the Speaker's Office that his position as Chief Whip offered him the opportunity to arrange such a debate through the programming process without having to apply for it, and that Rules 103 and 104 were "ordinarily used as a mechanism to allow opposition parties to seek the intervention of the Speaker in the programming process".

However, the Speaker subsequently, in a letter to the Chief Whip of the Majority Party, clarified that he had been given incorrect information and

confirmed the correct position regarding Rules 103 and 104, as follows:

The rules and the criteria on which requests are considered are the same for all political parties. You will recall that the ANC has on a number of previous occasions requested debates in terms of these rules. The majority party should continue to do so.

Of course, by agreement of all parties, debates can be scheduled. The debates under Rules 103 and 104 do not require agreement of all parties.

## **6. AMENDMENTS TO BILL PUT DIRECTLY IN HOUSE**

The Rules of the National Assembly make provision, subject to certain restrictions, for a member to place amendments to a bill on the Order Paper. This may be done while the bill appears on the Order Paper for Second Reading but before the Assembly decides on the Second Reading.

When this happens, the Speaker may either recommit the bill for consideration to the committee which considered it; or put the amendments for decision by the Assembly and then the Second Reading of the bill as a whole, including any approved amendment.

On 3 November 2000 (the last sitting day of the year), on conclusion of the Second Reading debate on the *Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Bill [B66B-2000]*, six amendments which had been placed on the Order Paper in this way, were put for decision by the House. After a division, the amendments were rejected. The bill was thereupon read a second time.

## **7. RULING ON DEROGATORY REMARKS ABOUT HEADS OF STATE OF FRIENDLY COUNTRIES**

During Questions to the President of the Republic on Wednesday, 20 September 2000, the Deputy Minister of Safety and Security, Mr VJG Matthews, in response to remarks by Mr GBD McIntosh about President Robert Mugabe of Zimbabwe, raised a point of order in which he stated that it had been a rule of the House since 1910 not to make derogatory remarks about a head of state of a country with which South Africa had friendly relations.

The Deputy Speaker concurred that an important point had been made and added that the issue would have to be considered, since it could be one that the House would want to include in the Rules.

## **8. RULE OF ANTICIPATION**

The Rules provide that no member shall anticipate

the discussion of a matter appearing on the Order Paper; however, in applying this rule, the presiding officer has regard to the probability that the matter anticipated will be discussed within a reasonable time.

On 1 November 2000, during Question Time, the Chairperson of Committees ruled that because a question to the Minister for Minerals and Energy that had been placed on the Question Paper dealt with a bill that was due for debate in the House on 3 November, supplementary questions would anticipate the debate and would therefore not be allowed.

## **9. CORRECTION OF TYPOGRAPHICAL ERROR IN BILL**

On 12 October, after the debate on the Second Reading of the *Firearms Control Bill [B34B-2000]* had been concluded and before the question that the bill be read a second time had been put, the Chairperson of Committees informed the House that he had received information from the Minister of Safety and Security that there was a typographical error in the bill. The Chairperson announced the nature of the error and thereupon put the Question: "That the bill, including ... the correction of the said typographical error, be read a second time." (Minutes 12/10).

## **10. RULING ON UNPARLIAMENTARY EXPRESSION IN NOTICE OF MOTION**

On 19 September a member gave notice of a motion in the House in which the quotation "Patriotism is the last refuge of a scoundrel" was used to cast a reflection on another member, by linking the quotation directly to a statement he had made. A point of order was raised in the House.

In a ruling given on 27 September, the Deputy Speaker directed the member who had given the notice to withdraw the reflection, pointing out that accusations were equally offensive and damaging when made indirectly or by using quotations.

She added that whereas unparliamentary expressions in notices of motion were normally dealt with by written communication with the member concerned, in this instance she was giving a ruling in the House because a point of order objecting to the reflection had been raised at the first opportunity.

The member withdrew the expression.

## **11. NOTICE OF MOTION DISALLOWED CRITICISING NCOP DECISION**

A notice of motion criticising a decision by the

NCOP to scrap questions to the President in that House, was disallowed on the grounds that it was parliamentary practice that derogatory references to and criticism of the other House are out of order, for reasons of good order. The member was informed accordingly and the notice of motion was not printed on the Order Paper.

## 12. EDITING OF NOTICES OF MOTION

National Assembly Rule 100 provides that the Speaker may amend or otherwise deal with notices of motion that offend against the practice or the Rules. Previously the practice had been that under the authority of the Speaker, where a notice of motion was found to contain an unparliamentary expression which could be edited out, this was done and the member informed accordingly. However, where a notice of motion given in the House is, on examination, found to be out of order, the Speaker has laid down the practice that such a notice, instead of being printed on the Order Paper in an amended form, is returned to the member under cover of a letter pointing out the unparliamentary expression. It would then be for the Member to give notice again, if he or she so wished.

## 13. SWITCHES INSTALLED FOR MICROPHONES ON FLOOR OF CHAMBER

In August, at the request of the Speaker, on-off switches were installed at all microphones on the floor of the Chamber. This was aimed at obviating delays in switching on microphones, due to the fact that some areas of the Chamber are not easily visible to the sound operator.

## QUESTION TIME IN THE HOUSE

### 14. EXTENSION OF PERIOD FOR TRIAL RUN: QUESTIONS FOR ORAL REPLY

On 16 March 2000 the National Assembly adopted a resolution to introduce, on a trial basis, a new procedure for questions for oral reply [see Item 8, Issue 2]. The new procedure came into operation on 5 April 2000 and was due to continue until 23 June 2000.

On 21 June 2000 the House adopted a resolution to extend the period for the trial run until 31 October 2000. The resolution also required that the revised guidelines for the extended trial period, as amended by the Chief Whip's Forum, be published in the ATC document. This was done on

17 July 2000.

The changes to the guidelines included the following:

- Under "Time limits for questions and replies" the number of supplementary questions on each question was changed from five to four; a member asking a supplementary question would be entitled to use his time to express an opinion; the discretion of the presiding officer to allow a Minister more time for a reply was removed; and a sentence was inserted indicating that a supplementary question could not include more than one question.
- Under "Questions to the President" a sentence was inserted to the effect that there would be no questions to the Deputy President and Ministers on days on which the President answered questions.
- Under "Questions to the Deputy President" it was determined that questions to the Deputy President would be scheduled for every second week, and that the Deputy President would not answer questions in the National Assembly in the week when he was answering questions in the National Council of Provinces.

On 13 October 2000 Mr AC Nel, on behalf of the Chief Whip of the Majority Party, moved a motion to further extend the period for the trial run to 1 November 2000, and on 2 November 2000 the Chief Whip, once again, moved a motion extending the trial run to 14 February 2001.

## PARLIAMENT AND THE EXECUTIVE

### 15. MINISTERIAL AND EXECUTIVE STATEMENTS

The following members of the Executive applied and were given permission to make Ministerial Statements on the subjects mentioned:

- Minister for Agriculture and Land Affairs (20 September) – Foot-and-mouth disease
- Deputy President (5 October) – Achievements of the Government
- Minister of Health (5 October) – World Teachers' Day
- Minister of Health (30 October) – Rating of South Africa by the World Health Organisation
- Minister of Finance (30 October) – Medium-Term Budget Policy Statement 2000

In instances where provision was made for party responses to the statements (ie all statements except that by the Minister of Finance) a motion was adopted in advance specifying party speaking times.

## 16. NON-ATTENDANCE OF MINISTERS

At the Programme Committee meeting on Thursday, 14 September, the Office of the Leader of Government Business announced that owing to other commitments, the Minister of Finance would not be available to answer questions the following Wednesday. In response, a concern was raised relating to non-availability of Ministers. The Speaker replied by emphasising the need for Ministers to give priority to Parliament, and for Parliament to be informed in advance about non-availability of Ministers.

It was agreed that while the Economic Cluster would answer questions on the scheduled date, questions to the Minister of Finance would be held over until the following Wednesday, ie 4 October. (For this purpose, Question Time was extended by half an hour on that day.)

## 17. MEDIUM-TERM BUDGET POLICY STATEMENT 2000

On 30 October 2000 the Minister of Finance made a statement on, and tabled, the Medium-Term Budget Policy Statement 2000. A workshop on the statement, for members of both Houses, attended by the Minister and Deputy Minister of Finance, was held the following day. The workshop provided information to members on the process of formulating the national budget.

A debate on the statement in the form of a subject for discussion was conducted on 2 November 2000.

## 18. CORRESPONDENCE BETWEEN PRESIDENT AND LEADER OF OPPOSITION PUBLISHED

In the debate on the budget vote of the Presidency on 13 June, an exchange took place between the President and Mr AJ Leon, the Leader of the Opposition, relating to the use of the drug AZT in rape cases. Subsequent to this, there was an exchange of letters on this and other Aids-related issues between the President and Mr Leon.

In view of the nature of the issues discussed and the fact that the discussion had begun in Parliament, the President and Mr Leon then agreed that the correspondence should be made available to all Members of Parliament.

Accordingly the correspondence was submitted to the Speaker by the Parliamentary Counsellor of the President and tabled in full on 4 October (ATC p 815).

## 19. PUBLIC ACCOUNTS COMMITTEE REPORT ON ARMS DEAL

A report of the Auditor-General entitled "Special

Review by the Auditor-General of the Selection Process of Strategic Defence Packages for the Acquisition of Armaments at the Department of Defence [RP 161-2000]" was tabled in the House on 20 September 2000 and referred to the Portfolio Committee on Defence, and to the Standing Committee on Public Accounts (SCOPA) for consideration and report.

SCOPA presented its report to the House on 30 October 2000 (ATC, 2 November, pp 1054-9). In its report SCOPA expressed its concern about various aspects of the arms procurement process and recommended an independent and expert forensic investigation. It therefore recommended that an exploratory meeting, convened by the Committee, be held "within two weeks of the tabling of this Report", to which appropriate investigative bodies would be invited "so that the best combination of skills, legal mandates and resources can be found for such an investigation". SCOPA indicated in its Report that a second report would be issued early in 2001.

The Assembly adopted SCOPA's report without debate on 3 November 2000.

## MEMBERS

### 20. DISCIPLINARY STEPS AGAINST MEMBERS FOR ABUSE OF TRAVEL FACILITIES

Allegations of the abuse of air travel vouchers appeared in the media in respect of two members between June and August 2000. When the allegations were published, the Speaker called the members to her office and invited their response to the allegations. Having satisfied herself that the allegations warranted further investigation, she requested the Disciplinary Committee chaired by the Deputy Speaker to investigate the alleged infringements and advise the Speaker on appropriate action.

The Disciplinary Committee, which is established in terms of Rule 191, consisted of a representative from each of the following parties: ANC, DP, IFP, New NP, UDM and ACDP. In addition, a representative from the FF, UCDP and PAC were designated to serve on the Committee. After conducting a thorough investigation into the allegations, which in one case involved obtaining an external forensic report, the Committee presented its report on each of the cases to the Speaker.

In respect of one of the members concerned, the Speaker on 31 October announced her decision in the House. That decision, based on the findings and recommendations of the Committee, was that:

- The member had between May and August 2000

on 10 occasions travelled using warrants issued to his children. In respect of a further seven journeys undertaken during the year, Parliament paid the full costs although the journeys were undertaken on the travel warrants of minors under the age of 12.

- The member received a severe reprimand from the Speaker in the House.
- As there was prima facie evidence of fraud in respect of the identified 10 trips the member undertook on his children's travel vouchers, the Speaker was referring the relevant information and documentation to the Director of Public Prosecutions for further investigation.
- The member was to repay the costs to Parliament for the 10 journeys for which he used travel warrants of his children. He was also to repay to Parliament the difference between the costs to Parliament for the seven journeys ostensibly by adults and the costs of a journey for a child under 12 years. The moneys involved were to be paid by 31 December 2000.
- The member would furthermore forfeit 10 tickets from his allocation between the date of the Speaker's announcement and the end of 2001, and the travel warrants for his dependants were to be immediately withdrawn for the remainder of the year 2000.

The member received the reprimand standing, and afterwards apologised to the House for his conduct and expressed his regret. The text of the reprimand was printed in full in the Minutes (Minutes, p 1011).

The Speaker went on to inform the House that the Disciplinary Committee had put forward various proposals to regulate members' travel facilities more effectively and to control related costs. These proposals had been referred to the Joint Sub-committee on Support for Members with the request that they urgently undertake a revision of those facilities.

The Speaker's decision and report in respect of the allegations against the second member were held over as the member was not able to be present in the House during the last few days of the annual session.

## LEGISLATION AND COMMITTEES

### 21. BILL RETAGGED AND NOT PROCEEDED WITH

The *South African Boxing Bill [B58-2000]* was introduced by the Minister of Sport and Recreation on 23 August 2000 and referred to the Joint

Tagging Mechanism (JTM) for classification.

On 20 September 2000 the JTM found, in terms of Joint Rule 160(6), that the bill was a mixed section 75/76 bill, since it included provisions to which the procedure in section 75 of the Constitution applied as well as provisions to which the procedure in section 76 of the Constitution applied.

Since there is no procedure by means of which Parliament could pass such a mixed bill, the Speaker and the Chairperson of the NCOP declared it out of order, removed it from the Order Paper and referred it back to the Minister on 28 September 2000. The Minister was informed that the bill could not be proceeded with in the form in which it had been submitted, and that a corrected version or versions of the proposed legislation dealing exclusively with section 75 or section 76 provisions could be re-introduced in Parliament.

### 22. DRAFTING LEGISLATION IN GENDER-SENSITIVE LANGUAGE

The Joint Monitoring Committee on Improvement of Quality of Life and Status of Women published a report dated 3 November 2000 [ATC p 1069] expressing concern that the *Banks Amendment Bill [B56B-2000]* had not been drafted in gender-sensitive language.

The Select Committee on Finance of the National Council of Provinces, having considered the bill, and noted with concern that the principal Act (the Banks Act, 1990) and the amending bill were gender-insensitive, reported the matter to the Joint Monitoring Committee, and recommended that the National Treasury correct this within 12 months of adoption of their report by the NCOP (which took place on 6 October). The select committee also noted the urgency of amending the Interpretation Act to facilitate gender-sensitive drafting.

The Joint Monitoring Committee on Improvement of Quality of Life and Status of Women supported the select committee's call to the National Treasury and appealed to the Ministry of Justice to table an amended Interpretation Act as a matter of urgency. The Joint Monitoring Committee's report was not considered by the House during the period under review.

### 23. REFERRAL OF BILL TO AD HOC COMMITTEES OF THE HOUSES

The *General Intelligence Law Amendment Bill [B36-2000]* was introduced in the National Assembly on 24 May 2000, and subsequently classified as a Section 75 bill. According to the Assembly Rules (Rule 247(5)), a bill upon introduction is normally



referred by the Speaker "to the portfolio committee under which the subject of the bill falls". However, it may also be referred by House resolution to another Assembly committee or by resolution of both Houses to a joint committee.

Intelligence matters do not fall under any of the Assembly portfolio committees. Oversight of the intelligence services is performed by the Joint Standing Committee on Intelligence established by the Intelligence Services Control Act, 1994. It is also a function of the Joint Standing Committee to consider and make recommendations on all proposed legislation relating to intelligence activities. The Joint Standing Committee operates in accordance with its own rules. These rules do not include a procedure for dealing with a bill after its introduction in Parliament.

In the light of these considerations, the Bill could not immediately be referred to a committee upon introduction. A political decision was required on what route the Bill should follow. No decision had been taken by the time Parliament went into recess in July.

During the recess the Speaker and the Chairperson of the National Council of Provinces, acting in accordance with Joint Rule 138, after consultation decided jointly, on 1 September, to refer the bill to an ad hoc joint committee. This recess decision, which was subject to subsequent ratification by both Houses, was printed on the ATC of 11 September.

Shortly after the resumption of the session, after further consideration, both Houses adopted a resolution on 14 September referring the bill to separate ad hoc House committees and instructing each committee to confer with the corresponding committee of the other House and with the Joint Standing Committee on Intelligence (Minutes, NA and NCOB, 14 September). These House resolutions were prompted by procedural considerations – namely, that the bill was a Section 75 bill and that account therefore had to be taken of the different constitutional powers of the two Houses in respect of such bills.

These House resolutions were taken before the earlier decision by the presiding officers to refer the bill to a joint committee was presented to the Houses for ratification. The presiding officers therefore formally withdrew their earlier decision by announcement on the ATC on 21 September.

The bill was passed by the Assembly on 2 November and by the National Council of Provinces on 13 November 2000.

#### **24. DEADLINE FOR AD HOC COMMITTEE EXTENDED**

On 21 January the House ratified a decision by the

Speaker to appoint an ad hoc committee on Report No 13 by the Public Protector. This report arose from a request made by the National Assembly to the Public Protector in August 1997 to investigate and report on alleged irregularities in the Strategic Fuel Fund (SFF) and reporting thereof by the Auditor-General. The report criticised Minister PM Maduna (who in 1997 had been Minister of Mineral and Energy Affairs) for remarks he had made in Parliament and elsewhere, which had given rise to the investigation. The report recommended:

... that the Speaker of the National Assembly takes the necessary steps to ensure that not only this report but also more specifically matters regarding sections 181 and 41 of the Constitution be raised in the Legislature with a view to a pronouncement regarding the accountability of the Minister and any possible sanction which the Legislature might consider appropriate.

On 1 March the House adopted an interim report of the Committee requesting three months to complete its work, and on 9 June adopted a further report requesting an extension of the deadline to 31 August 2000. However the Committee was not able to complete its work and on 3 November the House (with the dissent of the DP) resolved that notwithstanding the report adopted in June, the Committee's deadline be extended to 28 February 2001.

#### **25. MEETING IN TERMS OF JOINT RULE 62 IN LIEU OF JOINT RULES COMMITTEE**

On the understanding that the National Assembly and the National Council of Provinces would have plenary sittings on 20 and 21 November respectively, a meeting of the Joint Rules Committee was scheduled for the morning of Monday, 20 November to consider the pending closure of the Acacia Park Primary School, and the report of the committee that considered the appeal against dismissal of the former Head: Institutional Support Division in the Administration of Parliament. However, late on the preceding Friday, 17 November, the sitting of the National Assembly was cancelled (See Item 26 below), and the Presiding Officers consequently decided that, as all members were not required to be at Parliament for a sitting of a House, a meeting would be held in terms of Joint Rule 62, rather than a (full) Joint Rules Committee meeting.

Joint Rule 62 provides for a smaller committee to take policy decisions during a recess period that would normally be made by the Joint Rules Committee had Parliament been in session.

The decisions of the Joint Rule 62 Committee were published in the ATC of 23 November as required in terms of Joint Rule 62(4).



## PROGRAMMING OF BUSINESS

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### 26. REQUEST FOR INTRODUCTION AND FAST-TRACKING OF BILL AT END OF SESSION

On 3 November 2000, which had been programmed as the last sitting day of the Assembly for the year, a request was received from the Executive for the introduction and fast-tracking of a bill entitled the *Local Government: Municipal Structures Second Amendment Bill*. The Executive asked that the bill, which dealt with the functions of traditional leaders, be passed by both Houses of Parliament by not later than 20 November as it impacted on the local government elections which were to be held throughout the country on 5 December.

The Joint Programme Subcommittee, whose function it is to consider such requests, was immediately convened. The Joint Subcommittee was informed that in terms of Section 154(2) of the Constitution, bills affecting the powers and functions of local government must be published for public comment before introduction in Parliament. The bill would accordingly be published immediately if the request for fast-tracking was approved.

Noting that the bill had been identified as a Section 75 bill (that is, an ordinary bill not affecting the provinces), the Joint Subcommittee approved the request with the object of having the bill passed by both Houses by 24 November. The Speaker thereupon announced the Joint Subcommittee's decision in the Assembly, adding that the House would therefore have to meet once more that year to consider the bill after receiving a report from the relevant portfolio committee. The date agreed upon for the Assembly was Monday, 20 November. The Assembly ratified the fast-tracking decision (NA Minutes, p 1062). A similar statement was made in the NCOP the same day (NCOP Minutes, p 1067).

In considering timeframes to enable the bill to be passed in time, the Joint Subcommittee had agreed that the bill should be tabled by no later than 16 November. However, public comment and consultation following upon the publication of the original bill resulted in the submission to Parliament of a bill which differed substantially from the original version. Furthermore, the new bill was identified as a Section 76 bill (that is, a bill affecting the provinces and requiring mandates from the provincial legislatures).

As the new bill was substantially different, it would also have to be published for public comment. In a press statement issued on 17 November,

the Speaker therefore stated that it was not possible for the new bill to be considered by Parliament in November as originally intended. The Assembly meeting on Monday, 20 November, had accordingly been postponed and the Assembly would resume business in 2001 in accordance with the parliamentary programme as previously agreed.

## CEREMONIAL

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### 27. JOINT SITTING IN HONOUR OF ROLE OF DEFENCE FORCE

In pursuance of the motion adopted by the House on 14 March (see Item 28, Issue 2), the Speaker and the Chairperson of the NCOP called a Joint Sitting of the Houses on 5 October for the purposes of a debate to honour members of the South African National Defence Force (SANDF) for their peacekeeping and humanitarian role in the Southern African Region. A total of 120 members of the SANDF, who had been identified by the Department of Defence to represent it, were invited to attend the debate.

Prior to the Joint Sitting, the Defence Force members were guests at a lunch hosted by the presiding officers. At the lunch, a certificate signed by both presiding officers recognising the role of the SANDF, was handed to the Chief of the Defence Force. The certificate was displayed in the Chamber during the sitting. (Joint Sitting Minutes 5/10.)

## STATUTORY FUNCTIONS OF THE NATIONAL ASSEMBLY AND RELATIONS WITH OTHER STATE BODIES

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### 28. APPOINTMENT OF COUNCILLORS TO THE INDEPENDENT COMMUNICATIONS AUTHORITY (ICASA)

In terms of the Independent Communications Authority of South Africa Act, 2000, the National Assembly makes recommendations for appointment by the President of councillors to serve on the Council of the Independent Communications Authority. The terms of office for the seven councillors making up the first Council vary, with the chairperson serving for five years, three of the six councillors serving for four years and the other three for two years.

The Act stipulates that the National Assembly

must, in an open and transparent manner, determine by lot which councillors initially serve for two and four years respectively.

On 14 September 2000, on a motion by the Deputy Chief Whip of the Majority Party, the House designated the Deputy Speaker to conduct the lot on behalf of the National Assembly. On Tuesday, 19 September, the Deputy Speaker conducted the lot in an open meeting held in a committee room, to which members of the Portfolio Committee on Communications, and whips of all parties, had been invited. The following names of councillors who would serve for two years were drawn:

Ms YT Carrim, Mr WH Currie and Ms L Lloyd.

### **29. APPROVAL BY ASSEMBLY COMMITTEE OF LEVIES IMPOSED IN ACCORDANCE WITH THE PROVISIONS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT NO 47 OF 1996**

Section 15 of the *Marketing of Agricultural Products Act No 47 of 1996*, provides that no levy may be imposed on agricultural products unless the relevant parliamentary committees have been consulted.

On 1 November the Portfolio Committee on Agriculture and Land Affairs reported that it had considered an application by the National Agricultural Marketing Council for the implementation of proposed statutory measures in the fresh deciduous and dried deciduous fruit industries. The committee had recommended that the measures be approved, provided the levies collected be paid to a statutory trust or body that has ministerial representation. [ATC 8 November p1074].

The Select Committee on Land and Environment Affairs of the NCOP also approved the levies [ATC 31 October p1018].

### **30. JUDICIAL SERVICES COMMISSION – PROCESS FOR FILLING VACANCY**

Section 178(1)(h) of the Constitution provides for three members of opposition parties represented in the Assembly to be members of the Judicial Services Commission. Owing to the resignation from the Assembly of Dr L Luyt, MP, a vacancy occurred in one of these “opposition” seats on the Commission. In response to a notice to this effect issued to all chief whips, the DP and the ACDP nominated Mr DHM Gibson and Adv ZL Madasa respectively.

The Speaker announced that in terms of the discretion afforded her by Rule 77(1), she had determined that the House would decide between the two nominees using the electronic voting system. Instead of using the system to take a

separate decision in favour of or against each candidate, members were asked to press one button to indicate their preference for one of the nominees, or the other button for the other nominee. Using this method, Adv Madasa was designated for appointment to the Commission.

### **31. RECOMMENDATIONS FOR APPOINTMENT OF MEMBERS OF NATIONAL YOUTH COMMISSION**

A request received in the first half of the year to advise the President on the appointment of members of the National Youth Commission, was referred to the Joint Monitoring Committee on Improvement of the Quality of Life and Status of Children, Youth and Disabled Persons (see Item 35, Issue 2).

On 27 September the House adopted a report of the committee recommending the following candidates (in order of preference) for consideration by the President in appointing five full-time members of the Commission:

Yoliswa Makhasi, Ntsokolo Ishmail Mbalula, Daniel van Vuuren, Petros Nketu Matima, Ngwanakopi Gladys Ramushu, Langanane Lucy Catherine Mphelo and Vuyani Dyantyi.

## **PARLIAMENTARY INTERNATIONAL RELATIONS**

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### **32. CONFERENCE OF PRESIDING OFFICERS AT UNITED NATIONS HEADQUARTERS**

The Speaker and the Chairperson of the NCOP led a delegation to a Conference of Presiding Officers of Parliaments convened by the Inter-Parliamentary Union (IPU) at UN headquarters in New York from 30 August to 1 September. The Conference adopted by consensus a Declaration drawn up at a series of meetings of a preparatory committee of which the Speaker had been a member (see Item 43 of Issue 1). The Declaration expressed support for international cooperation and a commitment by parliaments to work closely with the UN system and other major international negotiating fora through their world organisation, the IPU. The Conference was part of the IPU's efforts to strengthen its cooperation with the UN, as envisaged in the Agreement of Cooperation concluded between the two organisations in 1996.

The report of the delegation was tabled on 2 November.

### 33. PROPOSED ESTABLISHMENT OF PAN-AFRICAN PARLIAMENT

A meeting of Parliamentarians and experts to consider a Pan African Parliament was convened by the Organisation of African Unity in Tripoli in May 2000. The meeting was attended by a delegation consisting of the Speaker, the Chairperson of the NCOP and Parliamentary Counsellor J Jeffreys, MP. The delegation was accompanied by the Parliamentary Law Adviser, Mr A Meyer.

On 14 September, the House adopted a motion to appoint an ad hoc committee, with power to confer with a corresponding NCOP committee, to consider the proposed formation of a Pan-African Parliament. The committee would consist of 21 members of the Assembly and complete its task by 6 October 2000. On 6 October, the House resolved to extend from 6 to 30 October 2000 the date by which the committee had to complete its task.

The report of the ad hoc committee was tabled on 30 October and adopted by the House on the same day after a debate. The report stated that the Committee had considered a draft protocol of the Pan-African Parliament, confining itself to matters of principle, and had agreed on certain guidelines for the Parliament. The protocol was to be ratified at a meeting of members of African Parliaments to be held in Pretoria in November.

At the meeting, which took place from 7 to 10 November in Pretoria, agreement was reached on the Draft Protocol to the African Economic Community Treaty relating to the Pan-African Parliament. It was also agreed that the Protocol would be submitted to the Council of Ministers and thereafter to the Organisation of African Unity Heads of States for adoption in 2001. The Draft Protocol was tabled by the presiding officers of the two Houses on 17 November 2000.

### 34. CONSIDERATION OF CONSTITUTIVE ACT OF AFRICAN UNION

The Constitutive Act of the African Union, adopted on 11 July 2000 by 33 member states, was signed by South Africa on 8 September 2000. This Act lays the foundation for the establishment of an African Union which will replace the Organisation of African Unity.

In terms of section 231(2) of our Constitution, such agreements bind the Republic only after they have been approved by resolution in both the National Assembly and the National Council of Provinces.

On 1 November the Speaker referred the Constitutive Act and the Explanatory Memorandum (which had been tabled on 30 October) to the Portfolio Committee on Foreign Affairs, the Portfolio Committee on Finance and the Portfolio Committee

on Justice and Constitutional Development, for consideration and report. The Portfolio Committee on Foreign Affairs, after conferring with other committees, was to submit an interim report by not later than 16 February 2001, and a final report by 15 March 2001. (ATC 1/11)

### 35. REPORT OF PARLIAMENTARY DELEGATION SENT TO OBSERVE ELECTION IN ZIMBABWE

On 17 May 2000 the House adopted a motion without notice by the Chief Whip of the Majority Party noting that the South African Parliament was to send a delegation to observe the election in Zimbabwe and expressing its good wishes to the delegation (see item 41 in Issue 2).

In a subsequent motion adopted on 6 June 2000, the House resolved inter alia that "the delegation must, after the completion of its mission, present a full report to Parliament", and instructed it to "observe the election campaign in the run-up to the elections, the casting of votes during the elections and subsequently the counting of the votes".

The report of the South African Parliamentary Observer Mission was tabled on 13 September 2000 (ATC p 678) and debated on 14 September 2000. After the debate the report was adopted, the FF and the AEB dissenting.

### ABBREVIATIONS USED

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

#### Parties:

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