



MONITOR

A monthly briefing sheet to keep communities informed about what is happening in Parliament

2015 Review of Parliament

The 2015 parliamentary year will be remembered as one of the most dramatic and eventful. The legislature had a bumper year of court battles, internal squabbles, brinkmanship, attempts to impeach the President, riot police battling with protesters and MPs and strike action. Despite all the sideshows and distractions, Parliament still achieved many significant things this year. With the year done and dusted, we review some of the legislature's activities, highlights and controversies from this period.

Controversies

12 February 2015 was an extraordinary day and will remain firmly etched in the memories of many South Africans. The violent removal of the EFF, walkouts by the DA, Agang and COPE, and the jamming of cellphone signals, left many stunned and overshadowed the President's State of the Nation Address. This incident set the tone for what turned out to be a noisy and headline-grabbing year.

The President's private residence and questions over it were persistent throughout the year. The ad hoc committee established to probe the Minister of Police's report on the upgrades, visited the residence and expressed shock at the cost escalations and the shoddy workmanship. The committee summoned both the Police Minister and the Public Works Minister to answer questions around the project but not the Public Protector despite a push from the opposition. In the end, the committee (with objection from the opposition) endorsed the Police Minister's report that President Zuma will not have to pay back public money spent on his Nkandla home. The report was eventually adopted by the House and differed from the Public Protector's recommendation that the President must pay a reasonable portion for the non-security upgrades. Opposition parties reacted with outrage. The EFF declined to participate in the committee and approached the Constitutional Court on the matter.

Parliament was either the defendant or applicant in several court cases this year. Agang, the COPE and the UDM approached the courts (and eventually lost) in a bid to see the Speaker removed from her position on account of her alleged bias. Parliament's Nkandla report, its decision to allow police to remove unruly MPs and its broadcast feed policy (Parliament won this case in the High Court but the media has appealed) have all been challenged. In addition, the Chairperson of the NCOP asked the Constitutional Court to give the final word on the powers a court has to interfere with decisions by presiding officers in Parliament. This was in response to the EFF's victory in the Western Cape High Court that set aside a ruling that Julius Malema be removed from the National Assembly as a result of a statement he made during the State of the Nation debate in June 2014.

A number of plenary sittings degenerated into chaos as MPs lost their cool and flouted rules. Most of the worst behaviour was displayed during the President's appearances in Parliament. The President did not escape controversy as he was criticised for mocking the opposition, not providing substantive answers and even laughing during question sessions.

The ANC and the DA got involved in a tit-for-tat battle over the disclosure of financial interests by their MPs. The ANC asked the Joint Committee on Ethics and Members Interest to investigate the leader of the opposition and 10 other DA members for not fully complying with financial disclosure requirements. In return, the DA asked that 7 ANC MPs and 2 from the EFF, who made late submissions, be investigated.

There was controversy when Parliament initially decided to close the interview process for the Inspector General of Intelligence position even though the previous process in 2009 was open to the public. The Inspector General acts as an ombudsman overseeing intelligence agencies and investigating any complaints of abuse of power. There were further concerns about the process that led to former ANC MP, Cecil Burgess, being nominated for the position. Burgess co-chaired the ad-hoc committee that passed the Protection of State Information Bill and the Intelligence Committee, where he failed to submit committee reports to Parliament for three years. This made it difficult for MPs to hold the intelligence community to account. Civil society voiced that the public needed certainty that such a watchdog role would be filled by an independent and credible individual. Ultimately, the ANC chief whip deferred the National Assembly vote in June, possibly due to a concern that the two-thirds majority required for the nomination would not be reached. At year-end, the position remains unfilled although vacant since 31 March 2015.

The storming of the parliamentary precinct by the #FeesMustFall protestors and the resulting police action was another unprecedented event that shook the legislature and brought into sharp focus the desperation, anger and disconnect of students. Lawmakers and the government had to spring into action as they held meetings, debates and considered re-organising budgets to deal with the funding crisis in higher education. Further questions were also asked about how a national key point was able to be breached.

The struggle between the parliamentary staff and management over performance bonuses threatened to cripple the institution. The industrial action caused chaos and frustration resulting in many meetings being disrupted or cancelled without notice. Programmes had to be rearranged so that urgent business could be completed before the end of the year. The parties eventually signed a settlement agreement after the month-long strike.

Highlights

In 2014, MPs complained about Parliament not debating issues of national importance. The same charge cannot be levelled again in 2015 as the Assembly debated a variety of topical issues, including police killings, the water crisis in South Africa, the relevance of symbols and statutes, the Omar al-Bashir saga, the Marikana Report, minimum wage, the economic crisis facing the country, basic and higher education matters and corruption.

The Financial Management of Parliament and Provincial Legislatures Act came into force in April and Parliament has started implementing its provisions. The Act amends provisions dealing with Parliament's annual budget, appropriations and approvals. Related to this, Parliament has established a Joint Standing Committee on Financial Management of Parliament to maintain oversight over its financial management and perform any other functions specified in the Act.

Parliament has reviewed and overhauled its Rules for the National Assembly. The process was initiated in the Fourth Parliament and included several concessions and disagreements. The finalisation became increasingly urgent during the Fifth Parliament to address gaps that were exploited and exposed by political parties. Some of the changes deal with the removal of unruly MPs from the chambers, motions without notices and dress code. The rules have been agreed to in principle and still need to be endorsed by the House although the dress code guidelines have still to be drafted.

The presiding officers announced that Parliament will appoint a high-level panel to investigate the impact of the laws that the legislature has passed over the past 21 years of democracy. This is one of the legacy commitments from the Fourth Parliament.

Parliament published its Strategic Plan for the Fifth Parliament. The National Assembly will focus on strengthening oversight and accountability, enhancing public involvement, deepening engagement in international fora, and strengthening co-operative government and legislative capacity during this period.

The Police Committee's Rule 201 Inquiry was a positive development and a strong response to criticism that Parliament does not use its teeth or the wide range of powers afforded to it through the Constitution and Rules of the National Assembly. The Select Committee on Petitions and Executive Undertakings went about its work unnoticed and made substantial progress in considering petitions from members of the public.

During the final days of the parliamentary term, the DA brought 20 last-minute amendments to the Bill that adjusts this year's budget. The Adjustments Appropriation Bill each year provides for unforeseeable economic and financial events and other unpredictable circumstances. The official opposition argued that the crisis in Higher Education, with #FeesMustFall, meant the Bill had to be re-evaluated to see whether the extra money it was giving to departments was for unnecessary items. If so, the money should rather be spent on the shortfall in higher education. The DA identified twenty non-priority items (R184 million) to spend on university funding for the first four months of 2016. The list included cars for ministers, security guards for the Defence Force, police protection equipment, bulls for prison farms and office furniture. The party argued to make a start now rather than wait for the new financial year in April 2016 to find the money, especially if the Department of Higher Education would have to borrow from its other priorities to fund the shortfall. In the end, the DA conceded defeat but thanked committee chairperson, Paul Mashatile, for the way in which he chaired the meeting, in this first serious attempt by Parliament to use the Money Bills Amendment Procedure Act to amend the budget.

Numbers

- Parliament held over 1200 committee meetings this year and conducted 77 oversight visits.
- The legislature passed 25 bills and the President signed 18 bills into law.
- The legislature processed over 4268 written questions from MPs to Ministers. By 30 November about 335 replies from Ministers were still outstanding. The executive has until 21 December to provide replies.

There is scope for more battles in 2016 as parliamentarians tackle serious financial maladministration, contentious legislation and the upcoming local elections.

Legislative developments....

Parliament passed several bills this year that will have a very real impact on the daily lives of citizens. Here is a short list of these 4 laws:

[Maintenance Amendment Bill](#)

Parents who default on child maintenance are going to have a tough time, as Parliament passed (and this has been enacted by the President) a law that will see them being blacklisted by the credit bureaus. The new law empowers the courts to ask relevant organisations such as cell phone network providers to give them information on parents who default on child maintenance and also gives law enforcement officers the right to subpoena any person who is legally liable for maintenance to come to court to give evidence or produce documents.

[Criminal Law \(Sexual Offences and Related Matters\) Amendment Act Amendment Bill](#)

Young people between the ages of 12 and 16, who engage in consensual sexual behaviour, will not be criminally charged according to this new law. The law also requires that before children can be entered into the National Register for Sex Offenders, a state prosecutor has to apply for such an order and this can be contested.

[Taxation Laws Amendment Bill](#)

The Bill encourages savings by making changes to an employees' retirement fund distribution. Starting on 1 March 2016, two-thirds of any provident fund will be annuitized. This means that instead of being given out as a lump sum at one's retirement or resignation, the provident fund will be paid out on an annual basis. However, the threshold for annuitisation of provident funds will now be raised from R150 000 to R247 500. For many people, depending on their level of income, the reforms will not affect them for over ten years.

[Criminal Matters Amendment Bill](#)

The Bill gives harsher penalties for the theft and vandalism of public infrastructure. Specifically, this Bill takes away the right for police officers or prosecutors to grant bail in cases relating to theft of infrastructure. Instead the court, and only the court, will review individual cases and decide which persons in custody can be granted bail.

Here is an update on some of the old bills that have in the pipeline for some time:

The Independent System and Market Operator (ISMO) Bill has yet to surface despite assurances from President Zuma and Energy Minister that it would be tabled in the National Assembly this year.

The President sent back the [Mineral and Petroleum Resources Development Amendment Bill](#) to Parliament earlier this year. However, there does not appear to be any urgency as the committee has not moved to finalise it.

Various organisations have asked the Western Cape High Court to order Parliament to pass legislation that will recognise Muslim marriages and divorces. The Muslim Marriages Bill has been in limbo since 2011 when Muslim clergy, during the public consultation period, objected to some of its provisions.

A draft Control of Marketing of Alcohol Beverages Bill is also in limbo as Cabinet has made no announcement on it.

The President is still applying his mind and has not yet signed the [Private Security Industry Regulation Amendment Bill](#) and the [Protection Of State Information Bill](#).

New Bills

The Minister of Communications introduced the [Broadcasting Amendment Bill](#). The Bill has been criticised for transferring Parliament's power to the Minister for nominating SABC board members. The opposition parties have called for the Bill to be subjected to a thorough public consultation process.

The Minister of Justice and Constitutional Development tabled the [Protected Disclosures Amendment Bill](#). Among other things, the proposed law seeks to make it mandatory for all employers to have appropriate internal procedures in place for receiving and dealing with information about alleged improprieties. Once in force, the Bill would bring independent contractors, consultants, agents and service providers placed by temporary employment agencies within the ambit of the principal Act.

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MPs and constituency offices: How can they assist you?



How are MPs accountable to the public?

SA's electoral system at provincial and national levels is one of proportional representation, meaning that MPs and MPLs are not elected from geographic areas in the way that ward councillors are in local government elections.

However, MPs and MPLs are still expected to interact with the public.



MPs are assigned "Constituency areas" by their parties i.e. MPs are allocated certain areas for which they are responsible for representing.



Parliament makes a 'Political Party Constituency Allowance' available to each represented party to set up "Constituency offices" in the allocated areas.

	MON	TUE	WED	THURS	FRI	SAT
	X					
	X					
	X					
	X					
	X					

Parliamentary programme assigns every Monday during session and several weeks during the year for MPs to concentrate on constituency work.



During constituency periods, MPs should meet and discuss issues with the the public, and find solutions to problems that the local community is facing.

Taking advantage of one on one time with your rep



109 days

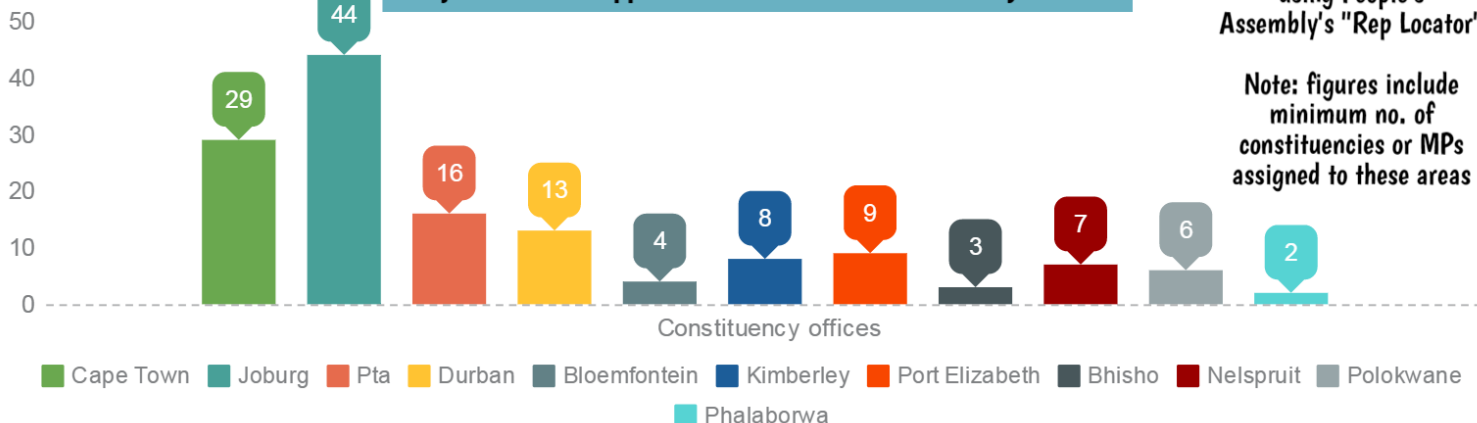
Average no. of days an MP spends at his/her constituency office each year. During these days MPs are available to the public; help solve problems; and report back to their constituents on what is happening in Parliament.



350 offices

Approx 350 Constituency Offices around the country where members of the public can approach elected representatives and ask for help regarding illegal evictions, registration of houses, SASSA enquiries, etc.

Major cities and approximate number of constituency offices



Figures determined by using People's Assembly's "Rep Locator"

Note: figures include minimum no. of constituencies or MPs assigned to these areas