



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY
OFFICE OF THE CHIEF WHIP OF THE
OPPOSITION

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12 March 2018

Hon B Mbete MP
Speaker of the National Assembly
Parliament of the Republic of South Africa

Dear Madam Speaker,

REQUEST TO SANCTION CABINET MINISTERS FOR NON-ATTENDANCE IN THE NATIONAL ASSEMBLY

I am writing to you in respect of events in the National Assembly on Thursday, 8 February 2018.

As I'm sure you may be aware, on this date, Members of Parliament were scheduled to deliver members' statements in the National Assembly in accordance with the National Assembly's Programme. However, notwithstanding the scheduled item, shortly after 17:30 when House Chairperson Grace Boroto announced that it was time for members' statements, it was apparent that not a single Cabinet Minister was present to respond to members' statements.

Section 55(2) of the Constitution places an explicit duty on the National Assembly to ensure accountability and oversight of executive action through a host of mechanisms. It is trite that members' statements is one of the key mechanisms through which accountability and oversight is exercised and, in this regard, I draw your attention to your very own argument in the matter of *Economic Freedom Fighters and Others v Speaker of the National Assembly and Another* [2017] ZACC 47.

In your founding affidavit in this matter, in the context of discussing the constitutionally mandated role of the Legislature, at paragraph 33.4 you acknowledge as follows:

"The National Assembly's Rules provide various mechanisms to ensure accountability and oversight of executive action, viz: In Chapter 9 (Members' Statements and Executive Statements), Rule 132 (Statements by members) provides for members to make statements on any matter."

The presentation of members' statements in the National Assembly is thus a fundamental function of Members of Parliament, as you rightly acknowledge. As a result, the presentation of members' statements therefore falls squarely within the ambit of functions protected by section 7(a) and (b) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 4 of 2004 ('the Act'). The section states as follows:

"A person may not...

- (a) *improperly interfere with or impede the exercise or performance by Parliament or a House or committee of its authority or function;*

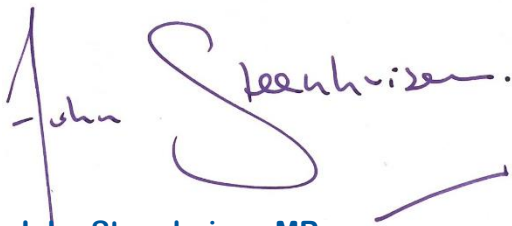
(b) *improperly interfere with the performance by a member of his or her functions as a member* ”

It must be noted that a member may be sanctioned for a breach of section 7 of the Act: Section 13 states that *“a member is guilty of contempt of Parliament if the member...contravenes section 7”* and disciplinary action against such members for contempt may follow in terms of section 12 of the Act as a consequence.

It is against this background that I hereby request that you sanction Cabinet Ministers who were not present in the National Assembly at 17:30 at the above-mentioned date when members’ statements were to be presented. By their non-attendance for this scheduled portion of the Parliamentary Programme, they have not only been grossly derelict in performing their duties, but also improperly interfered with and/or impeded the the performance by a member of his or her functions. As a consequence, these Cabinet Ministers must be referred to the National Assembly’s Powers and Privileges Committee so that the committee may investigate and impose appropriate sanction for contempt of Parliament.

I look forward to your consideration of this request and your favourable response.

Yours faithfully,

A handwritten signature in blue ink that reads "John Steenhuisen". The signature is written in a cursive style with a large, sweeping "S" for "Steenhuisen".

John Steenhuisen MP
Chief Whip of the Official Opposition
Parliament of RSA