



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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9 October 2023

Mr S L Tsenoli, MP
Deputy Speaker of the National Assembly
Parliament of the Republic of South Africa
Cape Town
8001

Dear Mister Deputy Speaker,

**REQUEST FOR ALLEGED CONTEMPT OF PARLIAMENT BY THE SPEAKER OF THE
NATIONAL ASSEMBLY, MS N N MAPISA-NQAKULA, MP, TO BE REFERRED TO THE
POWERS AND PRIVILEGES COMMITTEE FOR INVESTIGATION**

I write to request that you refer the conduct of the Speaker of the National Assembly, Ms N N Mapisa-Nqakula, MP, in the recent awarding by the Executive Authority of Parliament of an almost 70% salary increase to the Secretary to Parliament, Mr Xolile George, to the Powers and Privileges Committee, to investigate whether the Speaker's conduct constituted a contempt of Parliament in terms of the provisions of the *Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, Act 4 of 2004*.

In the leadup to Mr George's appointment on 15 June 2022, various enquiries relating to the proposed remuneration package of the former Chief Executive Officer (CEO) of the SA Local Government Association (SALGA) were raised in vain by various political parties from the opposition benches. At the time, the Executive Authority informed the Chief Whips that Mr George was willing to take a sizeable pay cut – he had been earning in excess of R 5 million per year as the CEO of SALGA – and it was indicated by the time the motion to appoint the Secretary appeared on the Order Paper of the National Assembly and National Council of Provinces that Mr George would receive a remuneration of around R 2.6 million per year, the highest notch of the advertised salary package for the position.

Labouring under the Executive Authority's misrepresentation of Mr George's remuneration package, the motion passed in the National Assembly on 1 June 2022 (after it was postponed by about a week from its original scheduling for further consultation) with the Democratic Alliance, Economic Freedom Fighters and Freedom Front dissenting. Mr George was subsequently appointed as the Secretary to Parliament on a five-year fixed term contract, after Parliament initially abandoned the 2021 process to appoint him as it felt it could not afford Mr George.

Yesterday, the Sunday Times reported that it has seen documents purporting that the Executive Authority agreed to increase Mr George's salary to R 4.4 million per year, nearly 70% more than the initial offer Mr George accepted at the time of his appointment. The report further states that the Executive Authority allegedly concluded an agreement with Mr George to review his remuneration package on or before 1 October 2022, and that the reported increase was made following the advice of the remuneration and labour consultancy, 21st Century. In addition, it was reported that the Executive Authority agreed to backdate the increase to the date of Mr George's appointment 15 June 2022, and that Mr George would be entitled to a performance-based annual increase, a performance bonus and other short- and long-term incentives, and a gratuity payment upon termination of employment, none of which were disclosed before Parliament voted in the motion to appoint Mr George.

If these shocking revelations about the reported steep increase in Mr George's remuneration package by the Executive Authority are true, then the Speaker and Chairperson of the National Council of Provinces (NCOP), Mr N A Maseko, MP, misled the Chief Whips and Parliament, and should be rebuked for this serious offence.

It is my considered view that the Speaker did not only violate the *Code of Ethics for Members of the Executive Authority* by allegedly improperly enriching Mr George, and the *Code of Conduct* by not acting in accordance with the public trust placed in her, by not placing the public interest of a functioning Parliament above her own interests of ensuring Mr George gets appointed above other suitably qualified candidates, and by not maintaining public confidence and trust in the integrity of Parliament by allegedly lying about Mr George's remuneration package and prolonging the filling of the vacancy by more than a year to ensure that Mr George gets appointed, but that the Speaker's conduct also constitutes contempt of Parliament, as she may have contravened the provisions contained in sections 7(a) and (b), 8(1)(a) and 8(2)(b) of the *Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act*.

By dishonestly advertising the remuneration package of the Secretary to Parliament at a lower salary band knowing well that it was always going to be increased post the fact to secure Mr George's appointment, excluded many other credible and arguably more capable candidates from applying for the vacancy. The Speaker's repeated reassurances to the Chief Whips that Mr George would earn no more than the highest notch of R 2.6 million for the advertised salary package for the position arguably impeded the exercise by Members - and ultimately the National Assembly and NCOP - of their oversight function of ensuring that a suitable candidate is appointed as the Secretary to Parliament, which constitutes contempt of Parliament in terms of sections 7(a) and (b) of the Act.

Additionally, it is my contention that the Speaker improperly influenced Chief Whips and Members of the National Assembly to endorse Mr George's appointment, by fraudulently disclosing a much lower remuneration package knowing well that Mr George's remuneration package would be increased a mere four or so months after his appointment. This conduct too constitutes contempt of Parliament in terms of section 8(1)(a) of the Act. The Speaker may also have inadvertently promoted Mr George's candidature for appointment to the position of Secretary of Parliament before it was scheduled for decision by the National Assembly in terms of section 8(2)(b) of the Act, which constitutes contempt of Parliament.

The shocking revelations about the reported steep increase in Mr George's remuneration package by the Executive Authority undoubtedly constitutes a breach of their oath of office as the highest office bearers of Parliament. Moreover, as a member of the Executive Authority of Parliament, the Speaker is accountable to the Parliament for the sound financial management of Parliament, and the conclusion in secret of this steep salary increase after Mr George's appointment is a betrayal of the principles of transparency and accountability, two bastions of Parliament's functioning.

I request that, since the Speaker is implicated in this complaint, you refer in terms of Rule 24(1) and Rule 214(1) the conduct of the Speaker as outlined above to the Powers and Privileges Committee to investigate whether the Speaker's conduct in the appointment of Mr George as the Secretary to Parliament constituted a contempt of Parliament in terms of the provisions of the Act.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Siviwe Gwarube', written in a cursive style.

Siviwe Gwarube MP
Chief Whip of the Official Opposition