

**IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN**

**CASE NO: 10607/2024**

In the matter between:

**MY VOTE COUNTS NPC**

Applicant

and

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

First Respondent

**MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**

Second Respondent

**MINISTER OF HOME AFFAIRS**

Third Respondent

**ACTING SPEAKER OF THE NATIONAL ASSEMBLY**

Fourth Respondent

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**EXPLANATORY AFFIDAVIT ON BEHALF OF THE FOURTH RESPONDENT**

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I, the undersigned,

**LECHESA SOLOMON TSENOLI**

do hereby state under oath and say that:—

1. I am the Acting Speaker of the National Assembly of the Republic of South Africa (“NA”) and the Fourth Respondent herein. I am duly authorised to depose to this explanatory affidavit on behalf of the NA.

2. I have access to the documents held by Parliament relating to this matter. In instances where I rely on information obtained from other sources, I have verified same and satisfied myself as to the truthfulness and correctness thereof.
3. Where I make submissions of a legal nature, I do so on the legal advice I received from my legal representatives, which advice I accept as correct and I do not necessarily repeat this fact every time I make such legal submissions.
4. No order is sought against the Fourth Respondent. Accordingly I do not oppose the application and will therefore abide by the Court's decision. This explanatory affidavit is however filed to place facts and the relevant context before this Court that will be of assistance to it in its consideration of the relief sought in MVC's application, and any opposition thereto.
5. By way of background, the Political Party Funding Act, 2018 (Act No. 6 of 2018) ("**Funding Act**") was developed by an *Ad Hoc* Committee established by each of the two Houses of Parliament. Their mandates were to enquire into and make recommendations on the funding of political parties represented in national and provincial legislatures, with a view to amending the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997). The Committees considered public comment on the funding of political parties as well as on the adequacy of the existing legislation. The Independent Electoral Commission also participated in the development of the legislation. The Bill was assented to on 21 January 2019 and the Act came into operation on 1 April 2021.

6. In 2023, the Department of Home Affairs ("**the Department**") introduced the Electoral Matters Amendment Bill, 2023 [B42-2023] with the intention of making consequential amendments to multiple Acts, which arose from the introduction of independent candidates and independent representatives in the NA. This Bill was assented to on 4 May 2024 and became Act No. 14 of 2024 when it was published in *Gazette* 50624 of 7 May 2024. On 8 May 2024, the President proclaimed the Electoral Matters Amendment Act, 2024 (Act No 14 of 2024) ("**Electoral Matters Amendment Act**") operational as from 8 May 2024.
7. The Applicant ("**MVC**") complains that, by virtue of the Electoral Matters Amendment Act, there is a 'lacuna' in the law as any amounts currently donated need not be reported or disclosed. This, according to MVC is an "*untenable and unconstitutional situation*" (FA para 22 and 46).
8. I understand that there is a debate before this Court as to whether there is, in fact, a lacuna in the law as MVC contends. In light of the stance that I have taken to abide these proceedings, I do not engage in this debate.
9. The purpose of this affidavit is to apprise this Court of the measures that the NA has taken attendant on the adoption of the Electoral Matters Amendment Act.
10. By way of context, the following aspects of the current legislative framework warrant highlighting:
  - 10.1 Section 24(1) of the Funding Act, which provides for '**Regulations**', requires that the President, '*acting on a resolution of the National*

*Assembly*, may by proclamation in the *Gazette* make regulations in respect of, amongst others:

10.1.1 The maximum amount of a donation that may be accepted from a person or entity, within a financial year as contemplated in section 8(2); and

10.1.2 The threshold amount above which all donations received must be disclosed as contemplated in section 9(1)(a).

10.2 Section 24(1)(b) provides that '*When making regulations for matters contemplated in section 8(2) and (5),*' the President 'must' take the following factors into account:

10.2.1 the amount of money previously appropriated by Acts of Parliament for the Political Representatives Fund within the previous five financial years;

10.2.2 the effects of inflation on the value of money over time; and

10.2.3 the costs associated with participating as a political party, independent representative or independent candidate in elections and the democratic process in South Africa.

11. Items 7 and 9 to Schedule 2 of the Funding Act further provide as follows:

**7. Upper limit of donations –**

- (1) The President may, from time to time after a National Assembly resolution and by notice in the Gazette, determine the amount contemplated in section 8(2) of the Act.
- (2) In determining the amount referred to in subregulation (1), the President may consider the following:
  - (a) The actual fiscal contribution to public funding for political purposes;
  - (b) inflation; and
  - (c) the actual costs of running a party and running elections, as submitted by parties.'

...

9. **Disclosure limit.** – The President must, from time to time after National Assembly resolution and by notice in the Gazette, determine the threshold referred to in section 9(1)(a) of the Act.

[Emphasis added.]

12. I make clear at the outset that to the extent that MVC launches its challenge to declare sections 29(g) and (h) of the Electoral Matters Amendment Act and the regulations 7 and 9 of the Funding Act unconstitutional and invalid within 20 days – as foreshadowed in paragraph 2.1 of its notice of motion, the NA will, in the fullness of time, consider the merits of such an application and its response to it. The position of the NA is that, properly construed, the Funding Act is constitutionally compliant and it opposes MVC's interpretation thereof. Full legal argument, supported by all relevant facts and circumstances, will be made in due course to the extent necessary. Parliament reserves its right to do so.

13. As regards the allegation that there is a lacuna in the law, if the Court is to find that this is indeed correct, I draw attention to the following:

- 13.1 The need for a NA resolution under section 24(1)(a) was raised in the Order Paper of 9 May 2024 (FA3). A resolution (pursuant to section 24) was accordingly proposed in that Order Paper (paragraph 3 thereof). This resolution was ultimately not carried.
- 13.2 Attendant thereon, on 16 May 2024 a further draft resolution was proposed. I attach the Order Paper for 16 May 2024 as "PEA1". I specifically ask that the motion in paragraph 1 thereof (including subparagraphs) be read as if incorporated into this affidavit.
- 13.3 The draft resolution served before the NA at 10 a.m. on 16 May 2024. The DA, IFP and ACDP requested that the resolution be moved to last on the Order Paper so as to allow for consultation. The Chairperson acceded to the request so as to allow the Whips to meet during the day and for the matter to be considered by the NA in the afternoon.
- 13.4 The resolution as proposed was adopted by the NA.
14. In the circumstances, I make it clear that the NA has now done what is required of it in terms of section 24. I understand that the President will now make a decision as the Funding Act requires of him. Once he does so, the lacuna that MVC takes issue with (if found to have merit) will have been addressed.
15. MVC has correctly not sought costs against the Fourth Respondent in that there is no basis for a costs order against the Fourth Respondent.

16. Finally, I seek condonation for the late filing of this affidavit and say the following in support thereon:

16.1 As is apparent from Annexure "FA1(a)" to the Founding Affidavit, MVC's attorney of record wrote to the State Attorney, Cape Town on Thursday, 9 May 2024 at 15:50 pm in order to: (a) inform Ms Karjiker that MVC is in the process of launching an urgent application in the Western Cape Division, Cape Town for hearing on the morning of Friday, 10 May 2024; and (b) advise her that she may expect to receive MVC's papers in the aforesaid urgent application later that evening, after which MVC shall provide the President and Minister of Justice until 9:00 on 10 May 2024 to deliver opposing papers, in the event that MVC's application will be opposed.

16.2 On Thursday, 9 May 2024 at 18:14, Ms Karjiker responded to MVC's attorney of record advising that: (a) if MVC intends launching an urgent application it must be served "*in the ordinary course*" alternatively permission must be sought from Mr Mbeki, the Head of Office, State Attorney, Cape Town – the person authorised to accept such service. She made clear that she does not have the power to agree to electronic service of an urgent application; and (b) MVC's timeline for the filing of papers (less than 24 hours) is regrettably far too short and practically absurd and impossible when the State Respondents are based in Pretoria.

16.3 On Thursday, 9 May 2024 at approximately 10:29pm, MVC's legal representatives purported to effect electronic service of MVC's notice of motion (unsigned) and founding affidavit in the urgent application "*to be set*

down for hearing in the Cape Town High Court at 14:00 on Friday, 10 May 2024." MVC's signed affidavit was delivered the following day, namely Friday 10 May 2024 at 12:53 a.m.

16.4 On 10 May 2024 I am advised that the matter came before Justice Dolamo. The Fourth Respondent was not represented at that hearing because proper service had not been effected at that stage. I am advised by the State Attorney that the following occurred on 10 May 2024:

16.4.1 Notices of opposition were handed up in Court on behalf of the First to Third Respondents.

16.4.2 The Court postponed the matter and directed that all papers that needed to be filed would have to be filed by Friday, 17 May 2024.

16.4.3 Counsel for MVC requested timelines for the filing affidavits. The Court declined to make an order in respect thereof and directed the parties to engage on timelines in that regard.

16.4.4 No such engagement occurred because the legal representative for MVC immediately left the Court room after the hearing.

16.5 Despite the highly truncated time periods as aforesaid, Parliament attempted to assist MVC. Although the attorney for MVC was advised by Parliament's

Legal Services that permission to serve of Parliament must be sought in terms of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 ("**Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act**"), such request for permission to serve was only received on Sunday 12 May at 3h51pm. On Friday, 10 May 2024, Parliament's Chief Legal Advisor, acting pro-actively, recommended to me in my capacity as the Acting Speaker that electronic service be accepted. I was only in a position to formally approve this request on Tuesday, 14 May 2024. A copy of this approval is attached hereto marked "**PEA2**". (I interrupt this timeline to explain that the State Attorney acting for the State respondents in a related matter under WCC case no 7630/2023 (see FA para 12), does not accept that MVC effected proper service. Parties are not at liberty to ignore the provisions of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act No. 4 of 2004, which provides inter alia that a person may not execute or serve or tender for service any summons, subpoena or other process issued by a court within the precincts of Parliament, without the express permission of, or in accordance with the directives of, the Speaker or a person authorised by the Acting Speaker. MVC has ignored these provisions.)

16.6 On 13 May 2024 I provided political authorisation related to the litigation strategy in this matter.

16.7 Counsel were instructed on behalf of the Fourth Respondent and on 14 May 2024, the State Attorney informed MVC that Counsel had been briefed and that the Fourth Respondent intended filing an explanatory affidavit. In the

same email, MVC was advised that the legal teams were in the process of taking instructions and consulting and that they would endeavour to file papers as soon as is reasonably possible.

16.8 On 15 May 2024 MVC addressed an unfortunate email which accused the State Attorney of: (a) seemingly having impermissibly relied on its “internal processes and undisclosed prescripts of Treasury”; (b) seeking to gain a procedural advantage that was unavailable to other litigants; (c) appearing to suggest that the delays attributable to the briefing of Counsel were unwarranted given that “the State Attorney could brief an advocate for the Third Respondent within a few hours” for the hearing on 10 May 2024; (d) requesting that the First to Third Respondents file their affidavits forthwith. (I attach a copy of the email correspondence referred to as “**PEA 3**”).

16.9 On 16 May 2024 the NA (through the office of the State Attorney) addressed correspondence to MVC advising as follows (attached as “**PEA4**”):

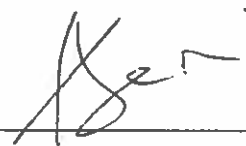
1. Your email dated 15 May 2024 refers. I do not respond to each and every allegation in your email under reply. I reserve the right to do so in due course.
2. There are no “undisclosed prescripts of Treasury”. The point is that the Office of State Attorney is required to follow certain processes in respect of: (a) acceptance of service in matters; and (b) briefing of Counsel in matters. We raise these issues not to gain a “procedural advantage unavailable to other litigants” but in an endeavour to apprise you that when litigating against the State there are processes that must be followed, which create a time lag, even in urgent matters.
3. The fact that the Office of the State Attorney in Johannesburg could brief Counsel “within a few hours” does not mean that every office operates on the same

timelines. The Third Respondent is represented by the Office of the State Attorney, Johannesburg. The remaining Respondents are represented by the Office of the State Attorney, Cape Town.

4. Far from not being amenable to agree on reasonable timeframes, the timelines for the filing of the affidavits on behalf of the Respondents, and more particularly, the Fourth Respondent was informed by: (a) the meetings and consultations that were required in order to obtain proper and full instructions; (b) steps that were taken in order to prepare a resolution; and (c) the meeting of the NA whereat an Order Paper containing a proposed resolution of the National Assembly in terms of section 24(1)(a) of the Funding Act, which resolution was tabled at 10h00 today. This item was later postponed for consideration at 2 p.m. Until the Fourth Respondent is apprised of the outcome of this proposed resolution, any affidavit would be premature and unhelpful to the Court and the issues raised in the application.
5. Accordingly, far from having acted in a manner that is obstructive to the expedited hearing of this matter, our clients have acted in a responsible and cautious manner (notwithstanding their busy schedules) to facilitate the speedy hearing of this matter.

Please be advised that the first to third respondents are doing their best to endeavour to file their answering affidavits by no later than close of business on 16 May 2024. We also hope to be in a position to file the Fourth Respondent's explanatory affidavit on that timeline, although the above meeting in 4(c) must be taken into account. Kindly be assured that we are doing everything possible to ensure that the affidavits are filed as soon as possible.


17. In the premises, the Fourth Respondent places the above before the Honourable Court and abides by the decision of the Court.



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**LECHESA SOLOMON TSENOLI**

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at PARLIAMENT on this the \_\_\_\_ day of **MAY 2024**, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.

  
S. Kalashwlo  
70043650  
\_\_\_\_\_  
**COMMISSIONER OF OATHS**

PARLIAMENT OF THE  
REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY

ORDER PAPER

THURSDAY, 16 MAY 2024

Meeting of House: 10:00

**MOTIONS:**

1. Draft resolution (Chief Whip of the Majority Party): That the House –
  - (1) notes that section 24(1)(a) of the Political Party Funding Act (Act No 6 of 2018) (“the Act”), requires that the President, acting on a resolution of the National Assembly, may by proclamation in the *Gazette* make regulations contemplated in sections 6(2), 7(2)(c), 8(2), 8(5) and 9(1)(a) of the Act;
  - (2) further notes that the Electoral Matters Amendment Act (Act No 14 of 2024) came into operation on 8 May 2024, and provides that regulations contemplated in section 24(1)(a) of the Act in respect of sections 8(2) and 9(1)(a) have to be made by the President, acting on a resolution of the National Assembly;
  - (3) acknowledges that when making the regulations in terms of section 24(1)(a) of the Act, the President must take into account the following factors:
    - (a) the amount of money previously appropriated by Acts of Parliament for the Political Representatives Fund within the previous five financial years;
    - (b) the constraints on the fiscus in funding political parties, independent representatives or independent candidates;
    - (c) the number of political parties represented in Parliament, including the potential number of independent representatives and independent candidates to be represented in the provincial legislatures and Parliament;
    - (d) the effects of inflation on the value of money over time;
    - (e) the need to allow sufficient donations (which must be disclosed) to political parties, independent representatives and candidates in order to deepen participatory democracy;
    - (f) the actual fiscal contribution to public funding for political purposes; and

- (g) the costs associated with participating as a political party, independent representative or independent candidate in elections and the democratic process in South Africa;
- (4) recognises that the task of making regulations requires time, and therefore resolves that:
- (a) the President make regulations regarding the amounts contemplated in section 8(2) and 9(1)(a) on an urgent basis as set out in regulations 7 and 9 of Schedule 2 of the Act; and
  - (b) the President must within six months from the date of this resolution, table comprehensive draft regulations for consideration by the National Assembly, and for a resolution to be made in terms of section 24(1)(a) of the Act.

### ORDERS OF THE DAY:

1. Consideration of **Basic Education Laws Amendment Bill** [B 2D - 2022] (National Assembly – sec 76) and of Report of Portfolio Committee on Basic Education thereon (Announcements, Tablings and Committee Reports, 15 May 2024, p 3).
2. Consideration of **Statistics Amendment Bill** [B 31D – 2023] (National Assembly – sec 75) and of Report of Portfolio Committee on Planning, Monitoring and Evaluation on amendments proposed by National Council of Provinces (Announcements, Tablings and Committee Reports, 10 May 2024, p 3).
3. Consideration of **Pension Funds Amendment Bill** [B 3D - 2024] (National Assembly – sec 75) and of Report of Standing Committee on Finance on amendments proposed by National Council of Provinces (Announcements, Tablings and Committee Reports, 13 May 2024, p 25).
4. Consideration of **Public Procurement Bill** [B 18D – 2023] (National Assembly – sec 76) and of Report of Standing Committee on Finance thereon (Announcements, Tablings and Committee Reports, 13 May 2024, p 11).
5. Consideration of **Recommended nominees to serve on Electoral Reform Consultation Panel** (Report of Portfolio Committee on Home Affairs, see Announcements, Tablings and Committee Reports, 14 May 2024, p 3).
6. Consideration of Request for Approval by Parliament of **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa** terms of section 231(2) of Constitution, 1996 (Report of Portfolio Committee on Social Development, see Announcements, Tablings and Committee Reports, 2 May 2024, p 3).

### FAREWELL SPEECHES.

**FURTHER BUSINESS****ORDERS OF THE DAY:**

1. Consideration of Report of Portfolio Committee on Home Affairs on **Oversight visit to Visa Facilitation Services and Independent Electoral Commission** (Announcements, Tablings and Committee Reports, 14 May 2024, p 7).
2. Consideration of Report of Portfolio Committee on Public Works and Infrastructure on **Budget Vote 13: Public Works and Infrastructure** (Announcements, Tablings and Committee Reports, 8 April 2024, p 10).
3. Consideration of Report of Portfolio Committee on Public Enterprises on **Alleged protected disclosure made by former Director-General of Department of Public Enterprises** (Announcements, Tablings and Committee Reports, 3 April 2024, p 16).
4. Consideration of Report of Portfolio Committee on Communications and Digital Technologies on **Revised Annual Performance Plans 2023/24 of Department of Communications and Digital Technologies (DCDT), Sentech, State Information Technology Agency (SITA), Universal Service and Access Agency of South Africa (USAASA) / Universal Service and Access Agency (USAF), and Broadband Infracore (BBI)** (Announcements, Tablings and Committee Reports, 28 March 2024, p 151).
5. Consideration of Report of Portfolio Committee on Higher Education, Science and Innovation on **2023/24 First, second and third quarter financial and non-financial performance of Department of Science and Innovation** (Announcements, Tablings and Committee Reports, 28 March 2024, p 127).
6. Consideration of Report of Portfolio Committee on Health on **Provincial public hearings on Tobacco Products and Electronic Delivery Systems Control Bill [B 33 - 2022]** (Announcements, Tablings and Committee Reports, 27 March 2024, p 63).
7. Consideration of Report of Standing Committee on Auditor-General on **Study tour to Canada** (Announcements, Tablings and Committee Reports, 20 March 2024, p 82).
8. Consideration of Report of Portfolio Committee on Human Settlements on **2023/24 Third quarter financial and non-financial performance of Department of Human Settlements** (Announcements, Tablings and Committee Reports, 18 March 2024, p 3).
9. Consideration of Report of Standing Committee on Auditor-General on **2022/23 Auditor-General Integrated Annual Report** (Announcements, Tablings and Committee Reports, 13 March 2024, p 26).
10. Consideration of Twelfth Report of Standing Committee on Public Accounts on **Oversight visit to Road Accident Fund in Pretoria on 23 June 2023 and Johannesburg on 16 August 2023** (Announcements, Tablings and Committee Reports, 13 March 2024, p 15).

11. Consideration of Eleventh Report of Standing Committee on Public Accounts on **Oversight visit to Giyani Water Services Project from 28 to 31 March 2023** (Announcements, Tablings and Committee Reports, 13 March 2024, p 5).
12. Consideration of Supplementary Report of Portfolio Committee on Transport on **Late tabled 2022/23 annual reports of three entities of Department of Transport** (Announcements, Tablings and Committee Reports, 12 March 2024, p 23).
13. Consideration of Report of Portfolio Committee on Transport on **2023/24 second and third quarter expenditures of Department of Transport** (Announcements, Tablings and Committee Reports, 12 March 2024, p 9).
14. Consideration of Report of Portfolio Committee on Higher Education, Science and Innovation on **oversight visit to the Eastern Cape** (Announcements, Tablings and Committee Reports, 7 March 2024, p 3).
15. Consideration of Report of Portfolio Committee on Employment and Labour on **Petition by Solidarity and Cape Forum on Employment Equity Regulations** (Announcements, Tablings and Committee Reports, 6 March 2024, p 4).
16. Consideration of Report of Joint Standing Committee on the Financial Management of Parliament on **Parliament of Republic of South Africa's 2023/24 third quarter report** (Announcements, Tablings and Committee Reports, 5 March 2024, p 26).
17. Consideration of Report of Joint Standing Committee on the Financial Management of Parliament on **Parliament of Republic of South Africa's 2023/24 mid-year performance** (Announcements, Tablings and Committee Reports, 5 March 2024, p 2).
18. Consideration of Budgetary Review and Recommendation Report of Portfolio Committee on Agriculture, Land Reform and Rural Development on **Vote 29** (Announcements, Tablings and Committee Reports, 1 March 2024, p 8).
19. Consideration of Tenth Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Department of Mineral Resources and Energy** (Announcements, Tablings and Committee Reports, 29 February 2024, p 26).
20. Consideration of Ninth Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Department of Basic Education** (Announcements, Tablings and Committee Reports, 29 February 2024, p 24).
21. Consideration of Eighth Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Independent Police Investigative Directorate (IPID)** (Announcements, Tablings and Committee Reports, 29 February 2024, p 22).
22. Consideration of Seventh Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Department of Public Service and Administration** (Announcements, Tablings and Committee Reports, 29 February 2024, p 20).

23. Consideration of Sixth Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Statistics South Africa (StatsSA)** (Announcements, Tablings and Committee Reports, 29 February 2024, p 18).
24. Consideration of Fifth Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Department of Social Development** (Announcements, Tablings and Committee Reports, 29 February 2024, p 16).
25. Consideration of Fourth Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Department of Justice and Correctional Services** (Announcements, Tablings and Committee Reports, 29 February 2024, p 14).
26. Consideration of Third Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Department of Women, Youth, and Persons with Disabilities** (Announcements, Tablings and Committee Reports, 29 February 2024, p 12).
27. Consideration of Second Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Department of Telecommunications and Digital Technologies** (Announcements, Tablings and Committee Reports, 29 February 2024, p 10).
28. Consideration of First Report of Standing Committee on Public Accounts on **Unauthorised expenditure of Department of Cooperative Governance** (Announcements, Tablings and Committee Reports, 29 February 2024, p 9).
29. Consideration of Report of Portfolio Committee on Agriculture Rural Development and Land Reform on **Study Tour to Brazil on 19 – 23 June 2023** (Announcements, Tablings and Committee Reports, 28 February 2024, p 23).
30. Consideration of Report of Portfolio Committee on Public Works and Infrastructure on **A petition from residents of Waterloo Green, Wynberg, in Cape Town, calling on the Assembly to investigate a request for the demolition of two derelict houses owned by the Department of Public Works and Infrastructure in Waterloo Green, which have become a haven for criminal activities and pose potential security risks to residents (submitted by Mr I S Seitholo, MP)** (Announcements, Tablings and Committee Reports, 23 February 2024, p 34).
31. Consideration of Report of Portfolio Committee on Small Business Development on **Study tour to Germany to learn on cooperatives development experience from 19 - 24 June 2023** (Announcements, Tablings and Committee Reports, 23 February 2024, p 4).
32. Consideration of Report of Portfolio Committee on Transport on **Attendance at Tender and Contracting in Public Transport training hosted by International Association of Public Transport in Brussels, Belgium from 26 – 28 September 2023** (Announcements, Tablings and Committee Reports, 22 February 2024, p 3).
33. Consideration of Report of Portfolio Committee on Basic Education on **Petition from Nguvu Change Leader calling for Department of Basic**

- Education and National Government to eradicate pit-latrines in Eastern Cape, KwaZulu-Natal and Limpopo rural schools** (Announcements, Tablings and Committee Reports, 20 February 2024, p 7).
34. Consideration of Report of Portfolio Committee on Mineral Resources and Energy on **Study tour to United Kingdom from 9-14 July 2023** (Announcements, Tablings and Committee Reports, 9 February 2024, p 333).
  35. Consideration of Report of Portfolio Committee on Tourism on **Study tour to China** (Announcements, Tablings and Committee Reports, 8 February 2024, p 4).
  36. Consideration of Report of Portfolio Committee on Higher Education, Science and Innovation on **Assessment of 2022/23 annual reports of Transport Education and Training Authority (Teta) and Manufacturing, Engineering and Related Services Education and Training Authority (Merset)** (Announcements, Tablings and Committee Reports, 18 January 2024, p 121).
  37. Consideration of Report of Portfolio Committee on Higher Education, Science and Innovation on **Study tour to Switzerland from 21 – 29 October 2023** (Announcements, Tablings and Committee Reports, 18 January 2024, p 93).
  38. Consideration of Report of Portfolio Committee on Human Settlements on **2023/24 second quarter financial and non-financial performance of Department of Human Settlements** (Announcements, Tablings and Committee Reports, 8 December 2023, p 3).

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**MOTIONS (Notice given previously):**

See pp 205-207 (Mr S H Mbuyane; Ms K L Khakhau; Ms L H Arries; Mr C N Malematja; Mr P A van Staden; Ms M L Pietersen; Ms M E Sukers; Mr K P Sithole; Ms H Ismail; Mr V Gericke; Ms A S Hlongo; Mr A M Shaik Emam; Ms N H Maseko-Jele; Ms N H Maseko-Jele; Ms S J Graham; Mr M G E Hendricks; Ms A Gela; Dr S S Thembekwayo; Mr S N Swart; Mr J N de Villiers) p 257 (Chief Whip of the Opposition).

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**APPENDIXES**

**PETITIONS REFERRED TO COMMITTEES**

1. **Petition from the residents of the City of Ekurhuleni, calling on the Assembly to investigate the chronic inadequate refuse removal services in their area (Ms H Ismail)** – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).
2. **Petition from the residents of Bredell, Pomona, Brentwood Park and Glen Marais (ward 25), City of Ekurhuleni, calling on the Assembly to investigate the collapse of the reliable supply of electricity in their areas**

- (Ms H Ismail) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
3. **Petition from the residents of Actonville, Benoni, calling on the Assembly to investigate the high rentals paid by tenants of council-owned flats (Ms H Ismail) – (Portfolio Committee on Human Settlements, Water and Sanitation – National Assembly).**
  4. **Petition from the residents of Germiston, Ekurhuleni, calling on the Assembly to investigate power outages in Germiston (Ms M Clarke) – (Portfolio Committee on Cooperative Governance and Traditional Affairs - National Assembly).**
  5. **Petition from the farmers and the community of Tzaneen, Limpopo, represented by AGRI Letaba, calling on the Assembly to investigate severe electricity outages, power dips, low voltage and poor to no maintenance since 2016 as a result of the failure of the Greater Tzaneen Municipality (Ms D van der Walt) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  6. **Petition from the Uthukela Tourism, Hospitality and Associated Industries sector in KwaZulu-Natal calling on the Assembly to assist the sector in having all COVID-19 regulations affecting its operations lifted (Mr R A Lees) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  7. **Petition from the residents of Banaero Park, Kempton Park, calling on the Assembly to urgently intervene and address the serious health risks residents of the City of Ekurhuleni are forced to endure on a daily basis due to raw sewage flowing into the wetlands, and that urgent infrastructure upgrades are needed to the current inadequate water infrastructure (Ms H Ismail) – (Portfolio Committee on Human Settlements, Water and Sanitation – National Assembly).**
  8. **A petition from the residents of Alphen Park Farrarmere and surrounding suburbs in the City of Ekurhuleni, requesting the Assembly to investigate the failing sewer infrastructure that is causing spillage into the wetland which feeds Benoni lakes and dams (Ms H Ismail) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  9. **A petition from the shack dwellers in Khayelitsha, Sub-council Ward 10, calling on the Assembly to investigate service delivery, better clean living conditions, access to water, toilets and better shelter in their area (Ms R M M Lesoma) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  10. **A petition from the residents of the Emalahleni Local Municipality, calling on the Assembly to investigate the persistent shortage of water in their area in the last ten years (Mr H C C Kruger) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  11. **A petition from South African citizens living abroad, calling on the Assembly to investigate the long waiting period for them to renew their**

- passports (Mr A C Roos) – (Portfolio Committee on Home Affairs – National Assembly).
12. **A petition from the residents of Benoni (wards 23, 24, 27 and 28), calling on the Assembly to investigate the continuous power and water interruptions (Ms H Ismail) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  13. **A petition from residents of Nomzamo, Orlando East, requesting the Assembly to investigate the lack of service delivery and electricity in their area (Mr T Mhlongo) - (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  14. **A petition from residents of Mpame and surrounding areas, Eastern Cape province, calling on the Assembly to investigate lack of electricity in their areas (Mr M G E Hendricks) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  15. **A petition from residents of Diepkloof Zone 1, ward 26, Gauteng Province, calling on the Assembly to investigate the provision of electricity in their area (Mr T Mhlongo) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  16. **A petition from residents of Diepkloof Zone 2, ward 28, Gauteng Province, calling on the Assembly to investigate the provision of electricity in their area (Mr T Mhlongo) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  17. **A petition from residents of Diepkloof Zone 5, ward 27, Gauteng province, calling on the Assembly to investigate the provision of electricity as an essential service during the Covid-19 pandemic (Mr T Mhlongo) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  18. **A petition from business owners in Alrode industrial area, Ekurhuleni, calling on the Assembly to investigate the provision of electricity in their industrial area (Mr T Bodlani) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  19. **A petition on behalf of the community of UThukela District Municipality in KwaZulu-Natal, calling on the Assembly to investigate the quality of water services provided by the municipality to many communities in the urban, peri-urban and rural areas of UThukela (Mr R A Lees) – (Portfolio Committee on Water and Sanitation – National Assembly).**
  20. **A petition on behalf of the residents of Soshanguve North, calling on the Assembly to investigate the quality of services being offered at all the clinics in the township and the prospect of building a new hospital due to population growth in the area (Ms M O Clarke) – (Portfolio Committee on Health – National Assembly).**
  21. **A petition from the Solidarity Research Institute, calling on the Assembly to investigate South Africa’s energy crisis (Dr W J Boshoff) – (Portfolio Committee on Mineral Resources and Energy - National Assembly).**

22. **A petition from Ms H Ismail, MP, on behalf of residents of Ekurhuleni, calling on the Assembly to investigate illegal mining activities taking place in their towns (Ms H Ismail) – (Portfolio Committee on Mineral Resources and Energy - National Assembly).**
23. **A petition from the residents of Stellenbosch Municipality, calling on the Assembly to investigate the quality of service delivered by the Home Affairs Office in Stellenbosch (Dr L Schreiber) - (Portfolio Committee on Home Affairs - National Assembly).**
24. **A petition from residents of the Marikana informal settlement in the JB Marks Local Municipality, calling on the Assembly to investigate the failure of local and provincial government to provide basic services to the residents (Mr I S Seitholo) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
25. **A petition from residents of Aberdeen, Willowmore, Jansenville, Klipplaat and Steytlerville, in the Dr Beyers Naude Local Municipality, calling on the Assembly to investigate the services that the Graaff-Reinet office of the Department of Home Affairs provides to them (Ms S J Graham-Mare) – (Portfolio Committee on Home Affairs - National Assembly).**
26. **A petition from unemployed Social Workers, calling on the Assembly to investigate the inability of government to create permanent employment for unemployed Social Workers in South Africa (Ms B S Masango) – (Portfolio Committee on Social Development - National Assembly).**
27. **A petition from the horses and sheep farming community of South Africa, calling on the Assembly to investigate a shortage of vaccines at Onderstepoort Biological Products (Mr N P Masipa) – (Portfolio Committee on Agriculture, Land Reform and Rural Development - National Assembly).**
28. **A petition from the residents and small business owners of Wakkerstroom in the Pixley Ka Seme Local Municipality, calling on the Assembly to investigate the condition of the roads in and around Wakkerstroom (Mr H C C Kruger) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
29. **A petition from Solidarity and Cape Forum, calling on the Assembly to investigate the reassessment of the legality, rationality and desirability of the Employment Equity Regulations, 2023 (Dr P J Groenewald) – (Portfolio Committee on Employment and Labour – National Assembly).**
30. **A petition from the Transvaal Agricultural Union, calling on the Assembly to investigate the prohibition on the deduction of tax on domestic or private security expenditure in terms of section 23(b) of the Income Tax Act, 1962 (Act No 58 of 1962) (Dr P J Groenewald) – (Standing Committee on Finance – National Assembly).**
31. **A petition from the residents of Ward 36, City of Ekurhuleni, Germiston, calling on the Assembly to investigate the implementation of an Action Plan in accordance with the Regulations of the Mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002) to address illegal**

- mining in the area (Ms M O Clarke) – (Portfolio Committee on Mineral Resources and Energy – National Assembly).
32. **A petition from Team Free Sanitary Pads, calling on the Assembly to investigate the introduction of a Menstrual Health and Hygiene Management Bill and its subsequent enactment as law (Ms T Bodlani) – (Portfolio Committee on Women, Youth and Persons with Disabilities – National Assembly).**
  33. **A petition from residents of Germiston, calling on the Assembly to investigate the lack of staff availability to respond to electricity outages after hours, the high number of illegal electrical connections, incidents of cable theft and vandalizing of electricity equipment in their area (Mrs M O Clarke) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  34. **A petition from residents of Sonderwater, Extension 12, Ward 9 in the J B Marks Local Municipality, North West province, calling on the Assembly to investigate delays in the proclamation of Sonderwater, as the delays mean that those who have built houses in the area cannot have title deeds while the area is not formalised (Mr I S Seithlo) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).**
  35. **A petition from residents of Ward 20, Ward 29, Ward 36 and Ward 92, Germiston, Ekurhuleni, calling on the Assembly to investigate water supply in their areas (Mrs M O Clarke) – (Portfolio Committee on Water and Sanitation – National Assembly).**

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## BILLS INTRODUCED AND TO BE REFERRED TO COMMITTEES

1. **National State Enterprises Bill [B 1 – 2024] (National Assembly – sec 75).**

## BILLS REFERRED TO JOINT TAGGING MECHANISM (JTM)

1. **Local Government: Municipal Structures Amendment Bill [B 9 - 2024] (National Assembly – proposed sec 75).**
2. **Local Government: Municipal Structures Second Amendment Bill [B 10 - 2024] (National Assembly – proposed sec 75).**
3. **Remote Gambling Bill [B11–2024] (National Assembly – proposed sec 76).**

## BILLS REFERRED TO COMMITTEES

1. **Protection of State Information Bill [B 6H – 2010] (National Assembly – sec 75) and the President’s reservations on the constitutionality of the Bill as submitted to him (Announcements, Tablings and Committee Reports, 12 June 2020, p 7) – (Portfolio Committee on Justice and Correctional Services – National Assembly).**

2. **South African Reserve Bank Bill** [B 26 – 2018] (National Assembly – sec 75) – (Standing Committee on Finance – National Assembly).
3. **Marine Oil Pollution (Preparedness, Response and Cooperation) Bill** [B 10B - 2022] (National Assembly – sec 76) – (Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure – National Council of Provinces).
4. **Older Persons Amendment Bill** [B 11B – 2022] (National Assembly – sec 76) – (Select Committee on Health and Social Services - National Council of Provinces).
5. **Independent Municipal Demarcation Authority Bill** [B 14B – 2022] (National Assembly – sec 76) – (Select Committee on Public Enterprises and Communication, Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements – National Council of Provinces).
6. **Maintenance Amendment Bill** [B 17 – 2022] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
7. **Tobacco Products and Electronic Delivery Systems Control Bill** [B 33 - 2022] (National Assembly – sec 76) – (Portfolio Committee on Health – National Assembly).
8. **Prevention of Illegal Eviction from and Unlawful Occupation of Land Amendment Bill** [B 6 - 2023] (National Assembly – sec 76) – (Portfolio Committee on Human Settlements – National Assembly) [Referred to National House of Traditional and Khoi-San Leaders on 24 April 2023].
9. **Remuneration of Public Office Bearers Amendment Bill** [B 8 - 2023] (National Assembly – sec 75) – (Portfolio Committee on Justice and Correctional Services – National Assembly).
10. **Public Administration Management Amendment Bill** [B10B–2023] (National Assembly – sec 76) – (Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure – National Council of Provinces).
11. **Merchant Shipping Bill** [B 12 - 2023] (National Assembly – sec 75) – (Portfolio Committee on Transport – National Assembly).
12. **Public Service Amendment Bill** [B13B–2023] (National Assembly – sec 76) – (Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure – National Council of Provinces).
13. **Electoral Commission Amendment Bill** [B 15 - 2023] (National Assembly – sec 75) – (Portfolio Committee on Home Affairs - National Assembly).
14. **Constitution Nineteenth Amendment Bill** [B 17 - 2023] (National Assembly – sec 74(3)) – (Portfolio Committee on Justice and Correctional Services - National Assembly).

15. **Constitution Twentieth Amendment Bill** [B 20 – 2023] (National Assembly – sec 74(3)) – (Portfolio Committee on Justice and Correctional Services - National Assembly).
16. **Public Service Commission Bill** [B 30 – 2023] (National Assembly – sec 76) – (Portfolio Committee on Public Service and Administration – National Assembly) [Bill to be referred to National House of Traditional and Khoi-San Leaders on 1 November 2023].
17. **South African Broadcasting Corporation SOC Ltd Bill** [B 32 – 2023] (National Assembly – sec 75) – (Portfolio Committee on Communications and Digital Technologies – National Assembly).
18. **Marriage Bill** [B 43 – 2023] (National Assembly – sec 76) – (Portfolio Committee on Home Affairs – National Assembly) [Bill to be referred to the National House of Traditional and Khoi-San Leaders].
19. **Repeal of South African Airways Bill** [B 2 – 2024] (National Assembly – sec 75) – (Portfolio Committee on Public Enterprises – National Assembly).
20. **Appropriation Bill** [B 5 – 2024] (National Assembly – sec 77) – (Standing Committee on Appropriations - National Assembly).
21. **Immigration Amendment Bill** [B8–2024] (National Assembly – sec 75) – (Portfolio Committee on Home Affairs – National Assembly).
22. **Local Government: Municipal Structures Amendment Bill** [B 9 - 2024] (National Assembly – proposed sec 75) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).
23. **Local Government: Municipal Structures Second Amendment Bill** [B 10 - 2024] (National Assembly – proposed sec 75) – (Portfolio Committee on Cooperative Governance and Traditional Affairs – National Assembly).
24. **Remote Gambling Bill** [B11–2024] (National Assembly – proposed sec 76) – (Portfolio Committee on Trade, Industry and Competition - National Assembly).

#### **BILLS RETURNED TO ASSEMBLY FOR CONSIDERATION OF PRESIDENT'S RESERVATIONS**

1. **Protection of State Information Bill** [B 6H – 2010] (National Assembly – sec 75).

#### **BILL TO BE REFERRED TO MEDIATION COMMITTEE**

1. **National Gambling Amendment Bill** [B 27B – 2018] (National Assembly – sec 76).

#### **BILLS AMENDED AND PASSED BY NATIONAL COUNCIL OF PROVINCES AND RETURNED TO NATIONAL ASSEMBLY FOR CONCURRENCE**

1. **Public Procurement Bill** [B 18D – 2023] (National Assembly – sec 76).

2. **Basic Education Laws Amendment Bill [B 2D - 2022]** (National Assembly – sec 76).

**BILLS, SUBJECT TO PROPOSED AMENDMENTS, PASSED  
BY NATIONAL COUNCIL OF PROVINCES AND RETURNED  
TO NATIONAL ASSEMBLY FOR CONCURRENCE**

1. **Pension Funds Amendment Bill [B 3B - 2024]** (National Assembly – sec 75)
2. **Statistics Amendment Bill [B 31B – 2023]** (National Assembly – sec 75).

**BILLS REJECTED**

1. **Responsible Spending Bill [B 9 - 2023]** (National Assembly – sec 76).
2. **Children’s Amendment Bill [B 19 – 2023]** (National Assembly – sec 76).

**BILLS PASSED BY NATIONAL ASSEMBLY AND TRANSMITTED  
TO NATIONAL COUNCIL OF PROVINCES FOR CONCURRENCE**

1. **Prevention and Combating of Hate Crimes and Hate Speech Bill [B 9B - 2018]** (National Assembly – sec 75).
2. **Transport Appeal Tribunal Amendment Bill [B 8B - 2020]** (National Assembly – sec 76).
3. **Marine Pollution (Prevention of Pollution from Ships) Amendment Bill [B 5 - 2022]** (National Assembly – sec 76).
4. **Marine Oil Pollution (Preparedness, Response and Cooperation) Bill [B 10B - 2022]** (National Assembly – sec 76).
5. **Older Persons Amendment Bill [B 11B – 2022]** (National Assembly – sec 76).
6. **Independent Municipal Demarcation Authority Bill [B 14B – 2022]** (National Assembly – sec 76).
7. **Public Administration Management Amendment Bill [B10B–2023]** (National Assembly – sec 76).
8. **Public Service Amendment Bill [B13B–2023]** (National Assembly – sec 76).
9. **Electricity Regulation Amendment Bill [B23B-2023]** (National Assembly–sec 76).
10. **South African National Water Resources Infrastructure SOC Limited Bill [B 24B – 2023]** (National Assembly – sec 75).

11. **General Intelligence Laws Amendment Bill [B 40B – 2023]** (National Assembly – sec 75).

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## INTERNATIONAL AGREEMENTS

1. **Ratification of the Agreement between the Government of the Republic of India, the Government of the Federative Republic of Brazil and the Government of the Republic of South Africa on the IBSA Fund for the Alleviation of Poverty and Hunger (signed 17 October 2017)** (Tabled on 18 October 2019) (NA: Referred to Portfolio Committee on International Relations and Cooperation on 22 October 2019 – reported on 1 June 2022 – lapsed at the end of the NA 2022 annual session) (NCOP: Referred to Select Committee on Security and Justice on 24 October 2019 – reported on 21 September 2022 – approved 27 October 2022).
2. **Accession to the Treaty of Amity and Cooperation (TAC) in South East Asia by the Republic of South Africa** (Tabled on 7 October 2020) (NA: Referred to Portfolio Committee on International Relations and Cooperation on 9 October 2020) (NCOP – Reported on 29 July 2021 – approved on 17 September 2021).
3. **Charter Establishing The Southern African Development Community Aviation Safety Organisation** (Tabled on 3 June 2021) (NCOP: Referred to the Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure on 3 June 2021 - reported on 1 September 2021 – approved on 9 September 2021).
4. **International Convention on the Civil Liability for Bunkers Oil Pollution Damage, 2001** (Tabled on 9 December 2021) (NA: Referred to Portfolio Committee on Transport on 10 December 2021 – reported on 1 March 2022 – approved on 8 September 2022) (NCOP: Referred to Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure on 17 April 2024).
5. **Constitutive Act of the African Union Relating to the Pan-African Parliament of 2014** (Tabled on 7 April 2022) (NA: Referred to Portfolio Committee on International Relations on 14 April 2022- reported on 1 June 2022 – lapsed at the end of the NA 2022 annual session) (NCOP: Referred to Select Committee on Security and Justice on 26 April 2022- reported on 21 September 2022 – approved on 27 October 2022).
6. **Revised African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA) Agreement** (Tabled on 14 April 2022) (NA: Referred to the Portfolio Committee on Mineral Resources and Energy on 20 April 2022 – reported on 31 May 2022 – approved on 8 September 2022) (NCOP: Referred to Select Committee on Land Reform, Environment, Mineral Resources and Energy on 17 August 2023 – reported on 14 May 2024).

7. **Combined Third to Sixth Periodic Report to the United Nations Committee on the Rights of the Child** (Tabled on 24 August 2022) (NA: Referred to Portfolio Committee on Social Development on 25 August 2022).
8. **Amendment to article 20 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** (Tabled on 8 November 2022) (NA: Referred to Portfolio Committee on Women, Youth and Persons with Disabilities on 9 November 2022 - reported on 10 November 2022 – approved on 6 June 2023).
9. **Treaty for the Establishment of the African Medicines Agency (AMA)** (Tabled on 14 February 2023) (NA: Referred to Portfolio Committee on Health on 15 February 2023 – reported on 26 May 2023 – approved on 21 September 2023) (NCOP: Referred to Select Committee on Health and Social Services on 26 October 2023 – reported on 14 November 2023).
10. **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa** (Tabled on 27 October 2023) (NA: Referred to Portfolio Committee on Social Development on 30 October 2023 – reported on 2 May 2024) (NCOP: Referred to Select Committee on Health and Social Services on 8 November 2023 – reported on 1 December 2023 – approved on 27 February 2024).
11. **World Trade Organisation (WTO) Fisheries Subsidies Agreement** (Tabled on 11 January 2024) (NA: Referred to Portfolio Committee on Trade, Industry and Competition on 18 January 2024 - reported on 9 February 2024 – approved on 20 February 2024) (NCOP: Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour reported on 21 February 2024).
12. **Amending Protocol to the Agreement of 9 September 2008 between the Republic of South Africa and the Federal Republic of Germany for the Avoidance of Double Taxation with respect to Taxes on Income and on Capital** (Tabled on 13 March 2024) (NA: Referred to Standing Committee on Finance on 20 March 2024).
13. **Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft** (Tabled on 9 April 2024) (NA: Referred to Portfolio Committee on Transport on 10 April 2024) (NCOP: Referred to Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure on 17 April 2024).



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

LEGAL SERVICES

PO Box 15 Cape Town 8000 Republic of South Africa  
Tel 27 (21) 403 2911  
www.parliament.gov.za

**MEMORANDUM**  
**[For Approval]**

**To:** Hon SL Tsenoli, MP  
Acting Speaker of the National Assembly

**From:** Constitutional and Legal Services Office  
Chief Legal Advisor: Adv Z Adhikarie

**Date:** 10 May 2024

**Lit Ref:** 024/2024/SSI

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**SUBJECT: REQUEST TO SERVE NOTICE OF MOTION ON THE PRECINCT OF PARLIAMENT AND/OR ELECTRONICALLY- MY VOTE COUNTS NPC v PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA AND OTHERS**

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**INTRODUCTION**

Webber Wentzel Attorneys on behalf of their client My Vote Counts NPC ("the Applicant"), seeks permission to serve an urgent Notice of Motion on the Acting Speaker of the National Assembly ("Acting Speaker"), on the precincts of Parliament and/or electronically, in the matter of *My Vote Counts NPC v President of the Republic of South Africa and Others, Western Cape High Court*. The Acting Speaker is cited as the Fourth Respondent in this matter.

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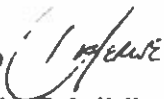
any summons, subpoena or other process issued by a court within the precincts of Parliament, without the express permission of, or in accordance with the directives of, the Acting Speaker or a person authorised by the Acting Speaker.

Permission is sought from the Acting Speaker to accept service, in order that the said Applicant's Attorneys serve the Acting Speaker, on the precinct of Parliament and/or electronically.

CLSO will accept such service on behalf of the Parties.

### RECOMMENDATION

We recommend that permission be granted for service on the Acting Speaker within the precincts of Parliament and/or electronically.

pp 

**Adv Z Adhikarie**

**Chief Legal Adviser**

**Date:** 2024.05.11

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**APPROVED / NOT-APPROVED**

  
**Mr SL Tsenoli, MP**

**Acting Speaker of the National Assembly**

**Date:** 14/05/24

**Rekha Kassan**

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**From:** Karrisha Pillay  
**Subject:** FW: Urgent application: My Vote Counts NPC / President of the Republic of South Africa and Others (WCC case no. 10607/24)

**From:** Qaasim Ganey <Qaasim.Ganey@webberwentzel.com>  
**Sent:** Wednesday, 15 May 2024 11:36  
**To:** Karjiker Shireen <SKarjiker@justice.gov.za>; Visagie Carmenita <CVisagie@justice.gov.za>  
**Cc:** Vlad Movshovich <vlad.movshovich@webberwentzel.com>; Daniel Rafferty <Daniel.Rafferty@webberwentzel.com>; Ahmed Rajan <Ahmed.Rajan@webberwentzel.com>; Diyajal Ramrajh <Diyajal.Ramrajh@webberwentzel.com>; Caroline Campbell <Caroline.Campbell@webberwentzel.com>; Siphon Tlhaole <Siphon.Tlhaole@webberwentzel.com>  
**Subject:** RE: Urgent application: My Vote Counts NPC / President of the Republic of South Africa and Others (WCC case no. 10607/24)

Dear Sirs

We refer to your email below, dated 14 May 2024.

The state attorney's internal processes and undisclosed "*prescripts of Treasury*" do not justify the failure to comply with the court's directive. The state attorney cannot rely on specialised processes to gain a procedural advantage unavailable to other litigants. It is also unclear why the state attorney could brief an advocate for the third respondent within a few hours for last Friday's hearing but now faces delays in briefing counsel for this matter.

In the circumstances, we emphasise that the failure to agree on reasonable timelines jeopardises the orderly disposal of this matter. As such, the first to third respondents must file their papers forthwith, allowing the applicant to submit their replying papers and enabling all parties to deliver their written submissions before the hearing scheduled for 17 May 2024.

All of our client's rights are reserved.

Yours faithfully

**Qaasim Ganey | Trainee Attorney | Webber Wentzel**  
T: +27115305837 | M: +27727359212 | [qaasim.ganey@webberwentzel.com](mailto:qaasim.ganey@webberwentzel.com) | [www.webberwentzel.com](http://www.webberwentzel.com)

**From:** Karjiker Shireen <SKarjiker@justice.gov.za>  
**Sent:** Tuesday, May 14, 2024 3:50 PM  
**To:** Ahmed Rajan <Ahmed.Rajan@webberwentzel.com>; Visagie Carmenita <CVisagie@justice.gov.za>  
**Cc:** Vlad Movshovich <vlad.movshovich@webberwentzel.com>; Daniel Rafferty <Daniel.Rafferty@webberwentzel.com>; Qaasim Ganey <Qaasim.Ganey@webberwentzel.com>; Diyajal Ramrajh <Diyajal.Ramrajh@webberwentzel.com>; Caroline Campbell <Caroline.Campbell@webberwentzel.com>; Siphon Tlhaole <Siphon.Tlhaole@webberwentzel.com>  
**Subject:** RE: Urgent application: My Vote Counts NPC / President of the Republic of South Africa and Others (WCC case no. 10607/24)

**my ref: 1767/24/P27**  
**case number: 10607/24**

**CLIENTS : PRESIDENT , MINISTER OF JUSTICE & PARLIAMENT**

Dear Sirs

1. good day
2. Your email dated 10<sup>th</sup> May 2024 refers
3. We have briefed Advocate Karrisha Pillay SC with Advocate Greg Solik for Parliament . Kindly note we hold instructions that Parliament will be filing an explanatory affidavit
4. We have briefed Advocate Ncumisa Mayosi with Advocate Qhawe Maxongo for the President and the Minister of Justice
5. We are in the process of taking instructions and consulting with all our clients we endeavour to file court papers as soon as is reasonably possible
6. Due to the procurement process in government we are obliged to comply with prescripts of Treasury , this inevitably delays briefing
7. We trust the above is in order
8. thanks

Kindly acknowledge receipt of this email.

Kind Regards

**Miss Shireen B Karjiker**

Attorney

State Attorney-Cape Town

5<sup>th</sup> Floor

22 Long Street

Cape Town

Tel: 021 441 9270

Tel: 021 441 9208 (Miss C Visagie secretary)

Cell: 082 5458520

Fax: 021 421 9364

Fax to email 0866 423 147



the doj&cd

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA



# Office of the State Attorney Cape Town

"PEA"

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(SECRETARY): (021) 441 9208  
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DOCEX: 156

DATE: 16 MAY 2024

ENQ: SHIREEN KARJIKER  
EMAIL: [SKarjiker@justice.gov.za](mailto:SKarjiker@justice.gov.za)  
[CVisagie@justice.gov.za](mailto:CVisagie@justice.gov.za)

OUR REF: 1767/24/P27  
YOUR REF:

Webber Wentzel Attorneys  
90 Rivonia Road  
Sandton  
**JOHANNESBURG**

By email: [qaasim.ganey@webberwentzel.com](mailto:qaasim.ganey@webberwentzel.com)

Dear Mr Ganey

## MY VOTE COUNTS NPC // THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA & 3 OTHERS (CASE NO:10607/24 )

1. Your email dated 15 May 2024 refers. I do not respond to each and every allegation in your email under reply. I reserve the right to do so in due course.
2. There are no "undisclosed prescripts of Treasury". The point is that the Office of State Attorney is required to follow certain processes in respect of: (a) acceptance of service in matters; and (b) briefing of Counsel in matters. We raise these issues not to gain a "procedural advantage unavailable to other litigants" but in an endeavour to apprise you that when litigating against the State there are processes that must be followed, which create a time lag, even in urgent matters.
3. The fact that the Office of the State Attorney in Johannesburg could brief Counsel "within a few hours" does not mean that every office operates on the same timelines. The Third Respondent is represented by the Office of

You are kindly requested to copy my secretary Carmenita Visagie in all correspondence:  
[CVisagie@justice.gov.za](mailto:CVisagie@justice.gov.za) Access to Justice for All

BJ

SL

the State Attorney, Johannesburg. The remaining Respondents are represented by the Office of the State Attorney, Cape Town.

4. Far from not being amenable to agree on reasonable timeframes, the timelines for the filing of the affidavits on behalf of the Respondents, and more particularly, the Fourth Respondent was informed by: (a) the meetings and consultations that were required in order to obtain proper and full instructions; (b) steps that were taken in order to prepare a resolution; and (c) the meeting of the NA whereat an Order Paper containing a proposed resolution of the National Assembly in terms of section 24(1)(a) of the Funding Act, which resolution was tabled at 10h00 today. This item was later postponed for consideration at 2 p.m. Until the Fourth Respondent is apprised of the outcome of this proposed resolution, any affidavit would be premature and unhelpful to the Court and the issues raised in the application.
5. Accordingly, far from having acted in a manner that is obstructive to the expedited hearing of this matter, our clients have acted in a responsible and cautious manner (notwithstanding their busy schedules) to facilitate the speedy hearing of this matter.
6. Please be advised that the first to third respondents are doing their best to endeavour to file their answering affidavits by no later than close of business on 16 May 2024. We also hope to be in a position to file the Fourth Respondent's explanatory affidavit on that timeline, although the above meeting in 4(c) must be taken into account. Kindly be assured that we are doing everything possible to ensure that the affidavits are filed as soon as possible.

Yours faithfully

**STATE ATTORNEY**



**Per: S KARJIKER**

/cv