



## **POWERS, PRIVILEGES AND IMMUNITIES OF PARLIAMENT AND PROVINCIAL LEGISLATURES ACT**

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### **A. BACKGORUND**

1. In view of the recent Constitutional Court judgment on 18 March 2016, in *Democratic Alliance v Speaker of National Assembly and Others* [2016] ZACC 8, there is a need to review the provisions of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (the Act).
2. In this matter the Constitutional Court held the following:
  - “1. The omission of the words “other than a member” after the word “person” at the beginning of section 11 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004 is declared to be inconsistent with the Constitution.
  2. Section 11 of the Act is to be read as though the words “other than a member” appear after the word “person” at the beginning of the section.”
3. The Act would have to be amended by the introduction of a committee bill.

### **B. TERMS OF REFERENCE**

1. Review the Act in its entirety and in doing so must take into account –
  - a. The Constitutional Court judgement; and
  - b. any other case law, existing legislation, and international best practice relating to parliamentary powers and privileges.