

**Response by Secretary to Parliament, Mr G Mgidlana, to statement by Mr N F Shivambu MP in terms of Section 25 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act No. 4 of 2004)**

On 30 May 2017, during the debate on Budget Vote 2: Parliament, Mr N F Shivambu MP made the following statement: "...The Economic Freedom Fighters is the only party that did not vote for Mgidlana to be the Secretary to Parliament. We have known all along that he was **CORRUPT.**"

The statement was not supported by any fact decided by any court, tribunal or appropriate structure duly mandated by an Act of Parliament to make such a pronouncement. In the absence of a finding to that effect by an authoritative body, the statement impugns my good name, character, dignity and standing in the eyes of South Africans and professionals who have access to the podcast of Parliament and DSTV in our African continent and the world at large. Furthermore, it was made outside processes meant to hold me constitutionally accountable in my capacity as the Accounting Officer of Parliament.

Whilst Section 58(1) of the Constitution of the Republic of South Africa grants, amongst others, members of the National Assembly freedom of speech in the Assembly and its committees, such freedom of speech is subjected to the Assembly's rules and orders.

In this respect, the National Assembly Rule 88 provides that:

"No member may reflect upon the competence or integrity of a judge of a superior court, the holder of public office in a state institution supporting constitutional democracy referred to in section 194 of the Constitution, or any other holder of an office (other than a member of the government) whose removal from such office is dependent upon a decision of the House, except upon a separate substantive motion in the House presenting clearly formulated and properly substantiated charges which, if true, would in the opinion of the Speaker, prima facie, warrant(ed) such a decision."

I submit that I am holder of an office whose removal from such an office is dependent upon a decision of both Houses of Parliament. Thus, any Member of Parliament wishing to reflect upon, at least, my integrity must do so by way of a separate motion in the House presenting clearly formulated and properly substantiated charges. Hon Shivambu has not done the substantive motion and therefore violated the said provisions of rule 88 of the National Assembly Rules and section 13 (c) and (d) of the Powers Privileges and Immunities Act. I wish to place on record that the unfounded statement made by Mr Shivambu aggrieves me and impugns on my integrity and dignity.



G. Mgidlana (Mr)

Secretary to Parliament

29 November 2018

Date