**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1805**

**DATE OF QUESTION: 19 JUNE 2017**

**DATE OF SUBMISSION: 03 JULY 2017**

**Mr N S Matiase (EFF) to ask the Minister of Justice and Correctional Services:**

1. Which entities reporting to him (a) have a board in place and (b) do not have a board in place, (i) of those that have a board, (aa) when was each individual board member appointed and (bb) when is the term for each board lapsing and (ii) how many (aa) board members are there in each board and (bb) of those board members of each entity are female;
2. with reference to entities that do not have boards in place, (a) who is responsible for appointing the board and (b) when will a board be appointed?

**NW2013E**

**REPLY:**

1. The information, in relation to the entities reporting to the Minister of Justice and Correctional Service that have Boards in place, is detailed as follows.
2. **LEGAL AID SOUTH AFRICA**
3. Legal Aid South Africa has a Board appointed, in terms of Section 6 (1) of the Legal Aid South Africa Act No. 39 of 2014, by the Minister of Justice and Correctional Services.
4. (aa) the dates of appointment of the Directors as members of the Board are as follows:

| **Appointed in terms of which section of the Act** | **Name** | **Period of Appointment** |
| --- | --- | --- |
| **Start Date** | **End Date** |
| 1.  Section 6(1)(a) of the Legal Aid South Africa Act, 2014 (Act No. 39 of 2014) | Chairperson:Mr Justice D Mlambo  | 1 March 2016 | 28 February 2019 |
| 2.  Section 6(1)(b) and Section 8 (1) of the Legal Aid South Africa Act, 2014 (Act No. 39 of 2014) | Deputy Chairperson:Mr Justice M Makume | 17 October 2017 | 28 February 2019 |
| 3.  Section 6(1)(b)  | Seven (7) non-executive members:1. Professor Y Vawda;
2. Mr F Mvundlela;
3. Ms T Mhlungu;
4. Ms N Mgadza;
5. Ms M Naidoo;
6. Mr M Leseilane; and
7. Ms A Chowan.
 | 1 March 2016 | 28 February 2019 |
| 4.  Section 6(2)  | Two (2) non-executive members to serve as alternative members to the members appointed in terms of Section 6(1)(b):1. Ms A Rhoda; and
2. Mr L Mtshali
 | 1 March 2016 | 28 February 2019 |
| 5.  Section 6(1)(c)  | Ms V Vedalankar, ex officio in her capacity as the Chief Executive Officer (CEO)  | 1 March 2016 | Until her period of appointment as CEO expires |
| 6. Section 6(1)(d) | Three (3) executive members1. Advocate B Nair;
2. Mr P Hundermark; and
3. Mr J Makokoane
 | 1 March 2016 | 28 February 2019 |
| 7. Section 6(2)  | One (1) executive member to serve as an alternative member to the members appointed in terms of Section 6(1)(d) Ms R Hlabatau | 1 March 2016 | 28 February 2019 |
| 8.  Section 6(1)(e)  | The Director-General: Department of Justice and Constitutional Development or his or her nomineeAdvocate PA du Rand (Nominee) | 1 March 2016 | 28 February 2019 |

(bb) the term of office for the Board members is three (3) years as shown above.

1. (aa) The Board of Legal Aid South Africa has a total of fourteen (14) Board

 Members made up of ten (10) Non-Executive Directors and four (4)

 Executive Directors. There are also three (3) Alternative Board Members.

(bb) the Board of Legal Aid South Africa has five (5) females (plus 2 Alternative

 members).

1. **COUNCIL FOR DEBT COLLECTORS**

The Council for Debt Collectors has a board or Council Members appointed, in terms of Section 3 of the Debt Collectors Act 1998 (Act No. 114 of 1998), by the Minister of Justice and Correctional Services. The Council, appointed in terms of the Act, consists of ten (10) members, of which three (3) members are females.

The table below provides details of Council Members, i.e. Names, capacity and term of office:

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Appointed in terms of which section of the Act** | **Capacity** | **Period of Appointment** |
| **Start Date** | **Start Date** |
| 1. Ms L S Machaba | Section 3(2)(a) | Chairperson | 4 March 2015 | 3 March 2018 |
| 2. Ms J Ntshingila | Section 3(2)(b)(i) | Member | 4 March 2015  | 3 March 2018 |
| 3. Mr J C Janse van  Rensburg | Section 3(2)(b)(ii) | Member | 4 March 2017 | 3 March 2020 |
| 4. Mr B Maseko | Section 3(2)(b(iii) | Member | 4 March 2015 | 3 March 2018 |
| 5. Mr A Olivier | Section 3(2)(b)(iii) | Member | 4 March 2015 | 3 March 2018 |
| 6. Mr S Lindsay | Section 3(2)(b)(iii) | Member | 4 March 2017 | 3 March 2020 |
| 7. Mr M Lamola | Section 3(2)(b)(iii) | Member | 4 March 2015 | 3 March 2018 |
| 8. Adv. P A du Rand | Section 3(2)(b)(iv) | Member | 4 March 2015 | 3 March 2018 |
| 9. Mr C Senzani | Section 3(2)(b)(iv) | Member | 4 March 2017 | 3 March 2020 |
| 10. Ms M M Viljoen | Section 3(2)(b)(v) | Member | 4 March 2015 | 3 March 2018 |

1. **SOUTH AFRICAN LAW REFORM COMMISSION**
2. (i) The South African Law Reform Commission (SALRC) is one of the entities

reporting to the Minister of Justice and Correctional Services which has a Board/Commission in place.

| **Appointed in terms of which Section of the Act** | **Name of Members Appointed** | **Capacity** | **Period of Appointment** |
| --- | --- | --- | --- |
| **Start Date** | **End Date** |
| Section 2(2) of the South African Law Reform Commission Act 19 of 1973 | Judge Jody Kollapen of the Gauteng North Division of the High Court | Chairperson  | April 2015 | September 2018 |
| Professor V Jaichand (WITS) | Member  | September 2013 | September 2018 |
| Advocate M Sello (Practicing Advocate)  | Member                             | September 2013 | September 2018 |
| Mr IBW Lawrence (Practicing Attorney) | Member  | September 2013 | September 2018 |
| Ms NT Siwendu (Practicing Attorney) | Member | September 2013 | September 2018 |
| Professor Annet Wanyana Oguttu (UNISA) | Member  | January 2015 | September 2018 |
| Professor Marita Carnelly (UKZN) | Member  | January 2015  | September 2018 |

(ii) The Board of the SALRC consists of seven members, and four (4) of the

Commissioners are females.

1. **RULES BOARD FOR COURTS OF LAW**

(1)(a) The Rules Board is accountable to the Minister in terms of the Act, and has a

Board in place. The table below provides further details in respect to the members and term of office:

| **Appointed in terms of which Section of the Act** | **Name of Members Appointed** | **Capacity** | **Period of Appointment** |
| --- | --- | --- | --- |
| **Start Date** | **End Date** |
| In terms of Section 3 of the Rules Board for Courts of Law Act of 1985 (Act No. 107 of 1985) | 1. Judge SA Majiedt
2. Judge FE Mokgohloa
3. Ms Jakkie Wessels
4. Mr Patrick Hundermark
5. Ms Nosidima Ndlovu
6. Adv McCaps Motimele SC
7. Adv. Paul Farlam, SC
8. Adv. Anthea Platt SC
9. Prof. Mohamed Paleker
10. Mr Graham Bellairs (LSSA)
11. Mr Mashudu Kutama (LSSA)
12. Mr Asif Essa (Alternate: LSSA)
13. Mr Rodney Isaacs (DoJ&CD)
14. Ms Elmarie de Klerk (Magistracy)
 | ChairpersonVice- ChairpersonMemberMemberMemberMemberMemberAlternate MemberMemberMemberMemberAlternate MemberMemberMember | 01 January 20126 March 201701 January 201201 January 201201 September 201401 January 201201 January 201201 January 201201 January 201201 January  201201 September 2014 01 September 20141 January 20151 January 2012 | 31 December 20176 March 202231 December 201731 December 201731 August 201931 December 201731 December 201731 December 201731 December 201731 December  201731 August  201931 August 201931 December 202031 December 2017 |

(ii) There are twelve (12) Board members plus 2 alternates, in the

Rules Board for Courts of Law, five (5) of the members are females.

1. **SOUTH AFRICAN BOARD FOR SHERIFFS**

| **Appointed in terms of which Section of the Act** | **Name of Members Appointed** | **Capacity** | **Period of Appointment** |
| --- | --- | --- | --- |
| **Start Date** | **End Date** |
| In terms of section 9(2) (a) of the Sheriffs Act, 1986 (Act No. 90 of 1986) | Mrs C Mabuza (Sheriff)Ms P Roodt (Sheriff)Ms Nomajwara Soga (Sheriff)Ms Mmathotho Lephadi (Sheriff)Mr Ignatius Klynsmith (Sheriff) | ChairpersonMemberMemberMemberMember | 1 March 20151 March 20151 March 20151 March 20151 March 2015 | 28 February 201828 February 201828 February 201828 February 201828 February 2018 |
| In terms of section 9(2) (b) of the Sheriffs Act, 1986 (Act No. 90 of 1986) | Advocate Hishaam Mohamed Mr Thamsanqa Tembe **Sec. 9(2)(c)**Mr Lesiba Mashapa **Sec. 9(2)(d)**Prof. Lovell Fernandez **Sec 9(2)(e)**Mr Meko Magida **Sec. 9(2)(e)**Ms Khunjulwa Sigenu **Sec 11(2)(a)** | Member and Deputy Chairperson MemberMemberMemberMember  | 1 March 20151 March 20151 March 20151 March 20151 March 201514 April 2016 | 28 February 201828 February 201828 February 201828 February 201828 February 201828 February 2018 |

1. The following entities reporting to me do not have Boards, and no Boards are envisaged to be appointed:

**(i) SPECIAL INVESTIGATING UNIT**

Due to the critical work that the Special Investigating Unit (SIU) does, the SIU does not have Board as it is a Schedule III Public entity, with the Accounting Authority fulfilling the role of the Board.

For ease of reference, section of the Public Finance Management Act (PFMA) is quoted below:

Section 49 2 (a) & (b) of the PFMA.

“2. if the public entity -

(a) has a board or other controlling body, that board or controlling body is the accounting authority for that entity or

(b) does not have a controlling body, the chief executive officer or the other person in charge of the public entity is the accounting authority for that public entity unless specific legislation applicable to that public entity designates another person as the accounting authority.”

Furthermore, the SIU’s legislation (the Special Investigating Units and Special Tribunals Act, No 74 of 1996) also does not require the establishment or appointment of a Board. Should the SIU want to appoint a Board, this will require amendments to the Act.

The Head of the SIU has informed me that he is of the opinion that if the Standing Committee on Public Accounts (SCOPA) sees the need for a Board to be established, it can advise, and the recommendation will be considered.