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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
MILITARY OMBUDSMAN BILL**

**[B 9—2011]**

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*(As agreed to by the Portfolio Committee on Defence and Military Veterans  
(National Assembly))*

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**[B 9A—2011]**

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## AMENDMENTS AGREED TO

### MILITARY OMBUDSMAN BILL

[B 9—2011]

#### LONG TITLE

1. On page 2, first line, to omit “the Office of the Military Ombudsman” and to substitute “an independent Office of the Military Ombud”.
2. On page 2, second line, to omit “Ombudsman” and to substitute “Ombud”.

#### CLAUSE 1

1. On page 2, from line 5, to omit the definition of “**complaint**”.
2. On page 2, in line 14, to omit “**Deputy Ombudsman**” and to substitute “**Deputy Ombud**”.
3. On page 2, in line 14, to omit “Deputy Military Ombudsman” and to substitute “Deputy Military Ombud”.
4. On page 2, in line 18, to omit “Ombudsman” and to substitute “Ombud”.
5. On page 2, in line 20, to omit “**Ombudsman**” and to substitute “**Ombud**”.
6. On page 2, in line 20, to omit “Ombudsman” and to substitute “Ombud”.

#### CLAUSE 2

1. On page 2, in line 22, to omit “**Ombudsman**” and to substitute “**Ombud**”.
2. On page 2, in line 23, to omit “Ombudsman” and to substitute “Ombud”.
3. On page 2, in line 24, to omit “Ombudsman” and to substitute “Ombud”.

#### CLAUSE 4

1. Clause rejected.

#### NEW CLAUSE

1. That the following be the new clause:

##### **Mandate of Office**

**4.** (1) The mandate of Office is to investigate complaints lodged in writing by—

- (a) a member regarding his or her conditions of service;
- (b) a former member regarding his or her conditions of service;
- (c) a member of the public regarding the official conduct of a member of the Defence Force; or

(d) a person acting on behalf of a member.

(2) For the purposes of this section, conditions of service bear the same meaning assigned to it under section 1 of the Defence Act, 2002 (Act No. 42 of 2002), as amended.

#### CLAUSE 5

1. On page 3, in line 1, to omit "**Military Ombudsman and Deputy Military Ombudsman**" and to substitute "**Military Ombud and Deputy Military Ombud**".
2. On page 3, from line 2, to omit subsection (1) and to substitute the following:

“(1) The President must, on the recommendation of the National Assembly, appoint a Military Ombud.”.

3. On page 3, after line 5, to insert the following:

“(2) The National Assembly must recommend persons nominated by the Portfolio Committee on Defence and Military Veterans and approved by the National Assembly by a resolution adopted with a supporting vote of a majority of its members.

(3) Due regard must be given to—

- (a) participation by the public in the nomination process;
- (b) transparency and openness; and
- (c) the publication of a shortlist of candidates for appointment.

(4) The Ombud must—

- (a) possess adequate knowledge of the Constitution and must have legal knowledge; and
- (b) have knowledge of or experience in military and public administration that was gained over a period of 10 years.”.

4. On page 3, in line 6, to omit “Ombudsman” and to substitute “Ombud”.
5. On page 3, in line 7, to omit “Ombudsman” and to substitute “Ombud”.
6. On page 3, in line 11, to omit “Ombudsman” and to substitute “Ombud”.
7. On page 3, in line 11, to omit “five” and to substitute “seven”.
8. On page 3, in line 12, to omit “Ombudsman” and to substitute “Ombud”.
9. On page 3, in line 13, to omit “Ombudsman” and to substitute “Ombud”.
10. On page 3, from line 19, to omit paragraph (b).
11. On page 3, after line 20, to insert the following:

“(b) such remuneration may not be reduced and such terms and conditions may not be adversely altered during the term of office of the Ombud and Deputy Ombud.”.

12. On page 3, in line 21, to omit “Ombudsman and Deputy Ombudsman” and to substitute “Ombud and Deputy Ombud”.
13. On page 3, after line 23, to insert the following:

“(9) The Ombud may be removed from office on—

- (a) the ground of misconduct, incapacity or incompetence;
- (b) a finding to that effect by the Portfolio Committee on Defence and Military Veterans; and



(c) the adoption by the National Assembly of a resolution calling for the removal of the Ombud from office.

(10) A resolution of the National Assembly concerning the removal of the Ombud from office must be adopted with a supporting vote of a majority of the members of the National Assembly.”.

14. On page 3, in line 24, to omit “Ombudsman or Deputy Ombudsman” and to substitute “Deputy Ombud”.

#### CLAUSE 6

1. On page 3, in line 27, to omit “**Ombudsman and Deputy Ombudsman**” and to substitute “**Ombud and Deputy Ombud**”.
2. On page 3, in line 28, to omit “Ombudsman” and to substitute “Ombud”.
3. On page 3, from line 28, to omit “in terms of section 4” and to substitute “in accordance with this section”.
4. On page 3, after line 29, to insert the following:

“(2) A complaint must be lodged in writing with the Office in the prescribed manner.

(3) On receipt of a complaint the Ombud must register the complaint as may be prescribed.”

5. On page 3, in line 30, to omit “Ombudsman” and to substitute “Ombud”.
6. On page 3, in line 32, to omit “Ombudsman” and to substitute “Ombud”.
7. On page 3, in line 39, to omit “Ombudsman” and to substitute “Ombud”.
8. On page 3, in line 47, to omit “Ombudsman” and to substitute “Ombud”.
9. On page 3, in line 48, to omit “confirm” and to substitute “uphold”.
10. On page 3, from line 52, to omit subsection (6) and to substitute the following:

“(8) If the Ombud upholds the complaint, the Ombud must recommend the appropriate relief for implementation to the Minister.”.

11. On page 3, in line 55, to omit “Ombudsman” and to substitute “Ombud”.
12. On page 3, in line 58, to omit “Ombudsman” and to substitute “Ombud”.
13. On page 4, in line 1, to omit “Ombudsman” and to substitute “Ombud”.
14. On page 4, in line 2, to omit “as the Minister may determine”.
15. On page 4, in line 3, to omit “Ombudsman” and to substitute “Ombud”.
16. On page 4, in line 4, to omit “Ombudsman” and to substitute “Ombud”.
17. On page 4, in line 5, to omit “Deputy Ombudsman” and to substitute “Deputy Ombud”.
18. On page 4, in line 5, to omit “Ombudsman” and to substitute “Ombud”.

### CLAUSE 7

1. On page 4, in line 8, to omit "Ombudsman" and to substitute "Ombud".
2. On page 4, in line 11, to omit "civil" and to substitute "civilian".
3. On page 4, in line 12, to omit "civil" and to substitute "civilian".
4. On page 4, from line 13, to omit paragraph (d).
5. On page 4, in line 16, to omit "Ombudsman" and to substitute "Ombud".
6. On page 4, in line 20, after "time", to insert, "as prescribed".
7. On page 4, after line 23, to insert the following:

“(e) a matter has been referred for resolution through any other dispute resolution mechanism available.”.

### CLAUSE 8

1. On page 4, in line 25, to omit "Ombudsman" and to substitute "Ombud".
2. On page 4, in line 28, to omit ", Secretary for Defence and Chief of the Defence Force".
3. On page 4, in line 29, to omit "Ombudsman" and to substitute "Ombud".
4. On page 4, in line 30, to omit "Ombudsman" and to substitute "Ombud".
5. On page 4, in line 31, to omit "interfere with the functioning of the Ombudsman" and to substitute "hinder or obstruct the Ombud or members of his or her staff in the performance of his or her or their functions.".
6. On page 4, in line 32, to omit "Ombudsman" and to substitute "Ombud".
7. On page 4, in line 33, to omit "Ombudsman" and to substitute "Ombud".
8. On page 4, in line 34, to omit "him or her" and to substitute "them".

### CLAUSE 9

1. On page 4, in line 38, to omit "Ombudsman" and to substitute "Ombud".
2. On page 4, in line 38, to omit ",after consultation with the Minister,"
3. On page 4, in line 41, to omit "Ombudsman" and to substitute "Ombud".
4. On page 4, in line 43, after "Ombudsman", to insert "Deputy Ombud".
5. On page 4, in line 43, to omit "Ombudsman" and to substitute "Ombud".

### CLAUSE 10

1. On page 4, from line 51, to omit "Ombudsman" and to substitute "Ombud".

## CLAUSE 11

1. On page 5, in line 2, to omit "Ombudsman" and to substitute "Ombud".
2. On page 5, in line 5, to omit "Ombudsman" and to substitute "Ombud".
3. On page 5, from line 7, to omit subclause 3 and to substitute the following:

“(3) The Minister must table the report contemplated in sub-section (1), in Parliament within one month of receiving such report from the Ombud.”.

## CLAUSE 13

1. On page 5, in line 13, to omit "Ombudsman" and to substitute "Ombud".
2. On page 5, in line 15, to omit "Ombudsman" and to substitute "Ombud".
3. On page 5, in line 18, after "his or her" to insert "or their".

## CLAUSE 14

1. On page 5, in line 17, to omit "Ombudsman" and to substitute "Ombud".
2. On page 5, in line 22, to omit "12" and to substitute "24".

## CLAUSE 15

1. On page 5, in line 25, to omit "may" and to substitute "must".
2. On page 5, in line 25, to omit "Ombudsman" and to substitute "Ombud".

## CLAUSE 16

1. On page 5, in line 33, to omit "Ombudsman" and to substitute "Ombud".