

*Tuesday, 18 October 2022]*

No 162—2022] FOURTH SESSION, SIXTH PARLIAMENT

**PARLIAMENT**

**OF THE**

**REPUBLIC OF SOUTH AFRICA**

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**ANNOUNCEMENTS,  
TABLINGS AND  
COMMITTEE REPORTS**

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TUESDAY, 18 OCTOBER 2022

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**ANNOUNCEMENTS**

**National Assembly**

## The Speaker

**Please Note:** The following entry updates the announcement of the “**Appointment of Independent Panel and Referral of Motion in terms of Sec 89 of Constitution**”, published in the ATC of 17 October 2022:

### 1. **Appointment of Independent Panel and Referral of Motion in terms of Sec 89 of the Constitution**

- (1) On 14 June 2022, Mr V Zungula (ATM) submitted a motion in terms of Section 89 and National Assembly Rules 129A-129Q to remove the President of the Republic. The motion was subsequently revised and resubmitted on 18 July and deemed compliant with the Rules.
- (2) On 5 August 2022, the Speaker invited from political parties nominations of candidates for appointment as panel members, with a closing date of 1 September 2022.
- (3) The Speaker announced the appointment of the independent panel on 27 September 2022, composed as follows -
  - Justice Sandile Ngcobo (as Chairperson of the Panel);
  - Judge Thokozile Masipa; and
  - Adv Mahlape Sello SC.
- (4) The appointment of the panel was subject to the processes of administrative contracting, and subsequently from 6 October 2022, the panel has been engaged in preliminaries to prepare for its task in terms of the Rules.
- (5) National Assembly Rule 129 (C)(1) states that, when the motion is in order, the Speaker must immediately refer the motion, and any supporting documentation provided by the member, to the independent panel established for the purposes of considering preliminary Section 89 matters.
- (6) The following is hereby formally referred to the panel for report in terms of Rule 129G(1)(b)-

Draft resolution (Mr V Zungula): That the House -

- (1) notes that, in terms of section 89(1) of the Constitution of the Republic, 1996, the National Assembly, by a resolution adopted by a supporting vote of at least two thirds of its members, may remove the President from office only on the grounds of –

- (a) a serious violation of the Constitution or the law;
  - (b) serious misconduct; or
  - (c) inability to perform the functions of office;
- (2) further notes that the Assembly adopted a Report of the Rules Committee on 22 November 2018, on procedures to give effect to section 89 of the Constitution on Removal of President; and
- (3) resolves to initiate an inquiry into the removal from Office of President of the Republic, Mr M C Ramaphosa, on the grounds of serious violation of the Constitution or the law, and serious misconduct, charges of which are set out and substantiated as follows:

### **3.1 Charge 1: Serious Violation of the Constitution - Violation of section 96 (2)(a), read with section 83 (b) of the Constitution**

The President is guilty of serious violation of section 96(2)(a) of the Constitution, which provides that members of the Cabinet and Deputy Ministers may not undertake any other paid work, in that:

- (a) He, in response to allegations by Mr Arthur Fraser, told delegates to a Conference of the African National Congress in Limpopo that *“I’m a farmer, I am in the cattle business and the game business ... I buy and I sell animals.... This that is being reported was a clear business transaction of selling animals.”*;
- (b) The statement by the President confirms that he is actively running his farming business and this also means the President misled the nation when in 2014, on assuming office as Deputy President, he said that all his business interests would be managed by a blind trust; and
- (c) By violating section 96(2)(a) of the Constitution, he failed to uphold, defend and respect the Constitution as the supreme law of the Republic, as required of him by section 83(b) of the Constitution.

Evidence of this statement, which confirms violation of the Constitution, is in the attached YouTube clip <https://youtu.be/5MKck9o8Cyl>

### **3.2 Charge 2: Serious Violation of the Law - Violation of section 34(1) of the Prevention and Combating of Corrupt Activities Act 2004 (Act No 12 of 2004), read with the South African Police Service Amendment Act, 2012 (Act No 10 of 2012)**

The President is guilty of serious violation of section 34(1) of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No 12 of 2004) (the Act), which places a duty on any person to report corrupt transactions to any police official, in that:

- (a) The President failed to report the theft on his farm to any police official as required by the Act;
- (b) Reporting the matter to General Wally Rhooode, a member of the Presidential Protection Unit, is not in compliance with the South African Police Service Amendment Act, 2012 (Act No

10 of 2012) which directs that reporting should be made to the police official in the Directorate for Priority Crime Investigation in terms of Section 34(1) of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004); and

- (c) The fact that there is no case number to date is proof that the manner in which the purported reporting was made was irregular and unlawful.

Evidence of this irregularity is contained in the verified Twitter handle of the Presidency issued at 13:19 on 2 June 2022 –

<https://twitter.com/PresidencyZA/status/1532321001190588417?s=20&t=qITEakerHHDUazoeI9RHhA>

### **3.3 Charge 3: Serious Misconduct - Violation of section 96(2)(b) read with section 83 (b) of the Constitution**

The President is guilty of serious misconduct by violating section 96(2)(b) of the Constitution, which provides that Members of the Cabinet and Deputy Ministers may not, *inter alia*, expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests, in that:

- (a) A member of the Presidential Protection unit, General Wally Rhoode, was directed to deal with security issues in the private farm (of the President) in violation of the provisions of section 96(2)(b) of Constitution;
- (b) President Ramaphosa's life and limb was not threatened by the burglary and thus General Wally Rhoode had no business to be investigating anything at the Phala Phala Farm as unlawfully directed by the President; and
- (c) By violating section 96 (2) (b) of the Constitution, he failed to uphold, defend and respect the Constitution as the supreme law of the Republic, as required of him by section 83(b) of the Constitution.

Evidence of this misconduct is contained in the verified Twitter handle of the Presidency issued at 13:19 on 2 June 2022 –

<https://twitter.com/PresidencyZA/status/1532321001190588417?s=20&t=qITEakerHHDUazoeI9RHhA>

### **3.4 Charge 4: Serious Misconduct - Violation of section 96(2)(b) read with section 83 (b) of the Constitution**

The President is guilty of serious misconduct by violating section 96(2)(b) of the Constitution, which provides that Members of the Cabinet and Deputy Ministers may not, *inter alia*, act in a way that is inconsistent with their office, in that:

- (a) The President gave an unlawful instruction to General Wally Rhoode, a member of the Presidential Protection Unit, to

investigate the burglary in his private farm and the matter in terms of the law shows dishonesty and constitutes misconduct and unlawfulness on the part of the President; and

- (b) By violating section 96(2)(b) of the Constitution, he failed to uphold, defend and respect the Constitution as the supreme law of the Republic, as required of him by section 83(b) of the Constitution.

Evidence of this misconduct is contained in the verified Twitter handle of the Presidency issued at 13:19 on 2 June 2022 –

<https://twitter.com/PresidencyZA/status/1532321001190588417?s=20&t=qITeakerHHDUazoeI9RHhA>

- (7) The 30-day timeline within which the Panel must report in terms of Rule 129G(1)(b) starts from 19 October 2022.

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## TABLINGS

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Finance**

- (a) Report and Financial Statements of the Government Employees Pension Fund (GEPF) for 2021-22, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2021-22.
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