

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 22 MARCH 2023

1. The House met at 15:00.
2. House Chairperson Ms M G Boroto took the Chair and requested members to observe a moment of silence for prayer or meditation.
3. House Chairperson Ms M G Boroto announced that the vacancies which occurred in the National Assembly owing to the resignations of Ms M E Nkoana-Mashabane, Mr E N Mthethwa and Ms L N Sisulu, had been filled by the nominations of Mr M R Mdakane, Dr J C Ntwane and Ms N P Tyobeka-Makeke, respectively, with effect from 16 March 2023.

The members had made and subscribed the oath and affirmation with the Speaker.

4. FIRST ORDER [15:05]

Debate on Human Rights Day – Consolidating and sustaining human rights culture into the future.

Debate concluded.

5. [16:26] Mr J S Malema moved: That the House –
 - (1) notes that on 9 February 2023, during the State of the Nation Address, the Speaker, Ms Nosiviwe Mapisa-Nqakula, conducted herself in an irresponsible, unconstitutional, and unacceptable manner when she called members of the security services to come inside the Parliament chamber and remove duly elected Members of Parliament from carrying out their constitutional functions;

- (2) further notes that the Speaker:
 - (a) disregarded the Constitution of the Republic of South Africa which grants Members of Parliament (MPs) the right to free expression when she suppressed MPs from raising points of order as permitted by the Joint Rules; and
 - (b) failed to follow the procedure outlined in Joint Rule 14GA for removing MPs from the Chamber, instead she relied on her emotions and her biases, which resulted in shameful violence against Members of Parliament;
- (3) recognises that the Speaker also failed to act fairly and impartially in applying the Joint Rules and ensuring the participation of members of all parties in a manner consistent with democracy, but instead allowed the use of violent means;
- (4) acknowledges that when the Speaker referred to Members of Parliament as “animals”, she automatically disqualified herself as someone who can ensure that parties represented in the joint sitting participate fully in the proceedings of the sitting; and
- (5) resolves to remove the Speaker from office in terms of Section 52(4) of the Constitution.

Debate concluded.

Question put: That the motion by Mr J S Malema be agreed to.

Division demanded.

The House divided.

House Chairperson Mr C T Frolick announced that the Acting Speaker had determined that, in accordance with the Rules, a manual voting procedure would be used and that this would take the form of a roll call vote whereby each member would be requested to voice his or her vote. Members would be called from the membership list, per party, in alphabetical order.

A quorum being present in terms of Rule 98(1), voting commenced.

AYES – 42: **EFF 41** Malema J S; Shivambu N F; Mente N V; Dlamini M M; Maotwe O M C; Mashabela N R; Mkhalihi H O; Ntlangwini E N; Arries L H; Chirwa N N; Hlonyana K N F; Khawula M S; Khoza A V; Komane R N; Madlingozi B S; Madokwe P; Mafanya W T I; Makesini M; Marais P; Mathulelwa B; Matiase N S; Matumba A; Mkhonto C N; Mthenjane D F; Mogale T; Mohlala M R; Mokgotho S M; Montwedi M K; Motsepe C C S; Msane T P; Nolutshungu N J; Pambo V; Paulsen M Z; Shembeni H A; Siwisa A M; Sonti N P; Tafeni N; Tambo S; Tetyana Y; Thembekwayo S S; Tito L F; **ATM 1** Zungula V.

NOES – 232: **ANC 208** Majodina P C P; Mashatile P S; Mapisa-Nqakula N N; Tsenoli S L; Boroto M G; Ntombela M L D; Dlakude D E; Lesoma R M M; Radebe B A; Cele B H; Chikunga L S; Creecy B D; Didiza A T; Dlamini-Zuma N C; Godongwana E; Gungubele M; Kiviet N; Kodwa N G; Lamola R O; Mantashe S G; Modise T R; Motshekga M A; Motsoaledi P A; Ndabeni-Abrahams S T; Ntshavheni K P S; Patel E; Phaahla M J; Ramokgopa M L; Zikalala S; Zulu L D; Bapela K O; Botes A; Burns-Ncamashe Z; Dhlomo S M; Gina N; Holomisa S P; Jeffery J H; Kekana P S; Mafu N N; Mahlalela A F; Mahlobo M D; Majola F Z; Makwetla S P; Manamela K B; Mapulane M P; Mashego-Dlamini K C; Mathale C C; Mhaule M R; Moloi B E; Motaung N E; Nkabane N P; Nzuza N B; Peters E P; Pilane-Majake M C C; Skwatsha M; Sotyu M M; Swarts B; Tau M P F; Tolashe N G; Tshabalala J; Tshwete P; Abraham P N; Adams R C; Adoons N G; April H G; Beukes A J; Bilankulu J H; Bilankulu N; Bongo B T; Buthelezi N S; Capa N; Chabane M S; Direko D R; Dlamini M; Dlamini N E; Dlamini S M; Dlulane B N; Dunjwa M A L; Dyantyi Q R; Gantsho N; Gela A; Gomba M M; Gumbu T T; Gumede S N; Hadebe B M; Havard X; Hermans J; Hlongo A S; Jacobs F; James T H; Joemat-Pettersson T M; Khumalo F E; Kibi M T; Koornhof G W; Kota-Mpeko Z A; Kubheka N J; Legwase T I; Letsie W T; Lubengo M L; Luzipo S; Mabe B P; Mabiletsa M D; Magaxa K E; Magwanishe G; Mahambehlala T; Mahlaule M G; Mahlo N P; Mahumapelo S O R; Makhubela-Mashele L S; Malatji T; Malematja C N; Malinga V T; Malomane V P; Mamabolo J B; Mananiso J S; Mandela Z M D; Maneli B M; Maneli S T; Manganye J; Marekwa G P; Maseko-Jele N H; Mashego M R; Mashele T V; Masiko F A; Masondo T S; Masualle G P; Maswanganyi M J; Mathafa O M; Mathebula E F; Mbatha S G M; Mbinqo-Gigaba B P; Mbuyane S H; Mcdonald L E; Mchunu T V B; Mdabe S W; Mdakane M R; Mgweba T; Mjobo L N; Mkhathshwa N T; Mkhize Z L; Mkhwanazi J C N; Mlenzana Z; Mmemezi H M Z ; Mmutle T N; Moatshe R M; Modise M; Modise P M P; Moela D L; Molala L E; Molekwa M A; Monakedi M D; Moroatshehla P R; Mothapo M R M; Mpanza T S; Mpumza G G; Mpushe P T; Msimango X N; Mvana N Q; Myeni E T; Ndaba C N; Newhoudt-Druchen W S; Nkomo Z; Nkosi B S; Nontsele M; Nothnagel J ; Nqola X; Ntobongwana N; Ntuli M M; Ntwane J C ; Papo A H M; Peacock N P; Phetlhe P A; Phiri C M; Pietersen M L; Pillay K B; Qayiso X S; Ramadwa M M; Ramolobeng A; Seabi A M; Semanya M R; Shabalala L F; Sibiya D P; Sihlwayi N N; Siwela E K; Siwela V S; Siweya R T; Skosana G J; Somyo S S; Stock D M; Tlhape M M E; Tlhomelang K B; Tobias T; Tseke G K; Tseki M A; Tshwete B; Tyobeka-Makeke N P ; Van Schalkwyk S R; Wolmarans M J; Xaba N V; Xaba V C; Xaba-Ntshaba P P; Xasa F D; Xego S T; Yabo B S; Zondi M A; Zuma A S; Zungu T R M; Zwane M J; **IFP 8** Singh N; Majoji Z; Buthelezi E M; Hlengwa M D; Luthuli B N; Msimang C T; Sithole K P; Zondo S S; **FF Plus 9** Groenewald P J; Wessels W W; Boshoff W J; Breedt T; Denner H; Groenewald I M; Mey P; Mulder F J; Van Staden P A; **ACDP 3** Swart S N; Sukers M E; Thring W M; **GOOD 1** Herron B N; **NFP 1** Shaik Emam A M; **AIC 1** Jafta S M; **Al-Jama-Ah 1** Hendricks M G E.

ABSTAIN – 75: **DA 73** Steenhuisen J H; Gwarube S; Lotriet A; Van Der Walt D; Masango B S; Marais S J F; Bergman D; Mcgluwa J J; Abrahams A L A; Alexander W R; Bagraim M; Basson L J; Bodlani T; Breytenbach G; Bryant D W; Cachalia G K Y; Cardo M J; Chetty M; Clarke M O; Cuthbert M J; De Villiers J N; Engelbrecht J; Essack F; Faber W F; George D T; Graham S J; Hicklin M B; Horn W; Hunsinger C H H; Ismail H; Joseph D; Khanyile T A; Khakhau K L; Khumalo N V; King C V; Kohler, D; Krüger H C C; Lees R A; Le Goff T A; Lorimer J R B; Mabhena T B; Macpherson D W; Majola T R; Malatsi M S; Marais E J; Masipa N P; Mazzone N W A; Mbabama T M; Mbhele Z N; Mhlongo T W; Mileham K J; Mphithi L; Ngcobo S; Nodada B B; Opperman G; Powell E L; Roos A C; Sarupen A N; Seitlholo I S; Sharif N K; Shelembe M L; Spies E R J; Stubbe D J; Tarabella Marchesi N I; Terblanche O S; Van Dyk V; Van Minnen B M; Van Zyl A M; Walters T C R; Weber A M M; Whitfield A G; Wilson E R; Winkler H S; **UDM 2** Holomisa B H; Kwankwa N L S.

Question not agreed to.

Motion accordingly negatived.

6. [18:54] The Chief Whip of the Opposition moved: That the House –
- (1) notes that on 1 March 2023, the Constitutional Court unanimously dismissed the application by the President of the Republic, Mr M C Ramaphosa, for direct access to the Court to hear the matter, and for the Court to set aside the report and findings of the Section 89 Panel on the Phala Phala scandal;
 - (2) further notes that the South African Revenue Service (SARS) indicated on 6 March 2023 that it could find no record that the US \$ 580 000.00 paid by Sudanese businessman Hazim Mustafa for the purchase of buffalo from the President's game farm - which would later be at the centre of the theft - had been declared when it entered the Republic in December 2019;
 - (3) recalls that the Assembly resolved on 13 December 2022 not to proceed with the establishment of a Section 89 Inquiry despite the recommendations of the Panel, which found that there exists *prima facie* evidence that the President may have committed a serious violation of the Constitution by committing a range of crimes as well as serious misconduct inconsistent with his oath of office over the alleged cover-up of the theft of millions of rands hidden in a sofa on his game farm;
 - (4) acknowledges that as the Panel's investigation was limited in scope to the President's involvement, there still exists an urgent need for the Assembly to conduct - in line with its constitutional obligations to maintain oversight of and to ensure that all organs of State are accountable to it - its own inquiry into the alleged involvement of several Government departments and entities in the alleged cover-up;

- (5) recognises that as the matters surrounding the Phala Phala game farm theft transverse several Government departments and entities – including National Treasury, South African Revenue Services, State Security Agency, and the South African Police Service among others – a single, dedicated forum should be established to conduct a comprehensive inquiry; and
- (6) resolves to establish an ad hoc committee in terms of Rule 253, the committee to –
 - (a) conduct an inquiry into matters surrounding the Phala Phala game farm theft with specific reference to the involvement and response of the various Government departments and agencies in the alleged cover-up of the crime;
 - (b) exercise those powers as set out in Rule 167 that may assist it in carrying out its task;
 - (c) consist of 11 voting members of the Assembly, as follows: African National Congress 6, Democratic Alliance 2, Economic Freedom Fighters 1 and other parties 2; and
 - (d) further consist of 14 non-voting members of the Assembly, as follows: African National Congress 2, Democratic Alliance 1, Economic Freedom Fighters 1 and other parties 10; and
- (7) sets the deadline by which the Committee is to report to 9 June 2023.

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, Freedom Front Plus, African Christian Democratic Party, United Democratic Movement, African Transformation Movement, Good, National Freedom Party, Al Jama-ah and African National Congress.

Question put: That the motion by the Chief Whip of the Opposition be agreed to.

Division demanded.

The House divided.

House Chairperson Mr C T Frolick announced that the Acting Speaker had determined that, in accordance with the Rules, a manual voting procedure would be used and that this would take the form of a roll call vote whereby each member would be requested to voice his or her vote. Members would be called from the membership list, per party, in alphabetical order.

A quorum being present in terms of Rule 98(1), voting commenced.

AYES – 135: **DA 72** Steenhuisen J H; Gwarube S; Lotriet A; Van Der Walt D; Masango B S; Marais S J F; Bergman D; Mcgluwa J J; Abrahams A L

A; Alexander W R; Bagraim M; Basson L J; Bodlani T; Breytenbach G; Bryant D W; Cachalia G K Y; Cardo M J; Chetty M; Clarke M O; Cuthbert M J; De Villiers J N; Engelbrecht J; Essack F; Faber W F; George D T; Graham S J; Hicklin M B; Horn W; Hunsinger C H H; Ismail H; Joseph D; Khanyile T A; Khakhau K L; Khumalo N V; King C V; Kohler D; Krüger H C C; Lees R A; Le Goff T A; Lorimer J R B; Macpherson D W; Majola T R; Malatsi M S; Marais E J; Masipa N P; Mazzone N W A; Mbabama T M; Mbhele Z N; Mhlongo T W; Mileham K J; Mphithi L; Ngcobo S; Nodada B B; Opperman G; Powell E L; Roos A C; Sarupen A N; Seithloho I S; Sharif N K; Shelembe M L; Spies E R J; Stubbe D J; Tarabella Marchesi N I; Terblanche O S; Van Dyk V; Van Minnen B M; Van Zyl A M; Walters T C R; Weber A M M; Whitfield A G; Wilson E R; Winkler H S; **EFF 40** Malema J S; Shivambu N F; Mente N V; Dlamini M M; Maotwe O M C; Mashabela N R; Mkhaliphi H O; Ntlangwini E N; Arries L H; Chirwa N N; Hlonyana K N F; Khawula M S; Khoza A V; Komane R N; Madlingozi B S; Madokwe P; Mafanya W T I; Makesini M; Mathulelwa B; Matiase N S; Matumba A; Mkhonto C N; Mthenjane D F; Mogale T; Mohlala M R; Mokgotho S M; Montwedi M K; Motsepe C C S; Msane T P; Nolutshungu N J; Pambo V; Paulsen M Z; Shembeni H A; Siwisa A M; Sonti N P; Tafeni N; Tambo S; Tetyana Y; Thembekwayo S S; Tito L F; **IFP 7** Singh N; Majozi Z; Buthelezi E M; Hlengwa M D; Luthuli B N; Sithole K P; Zondo S S; **FF Plus 9** Groenewald P J; Wessels W W; Boshoff W J; Breedt T; Denner H; Groenewald I M; Mey P; Mulder F J; Van Staden P A; **ACDP 3** Swart S N; Sukers M E; Thring W M; **UDM 2** Holomisa B H; Kwankwa N L S; **ATM 1** Zungula V; **AIC 1** Jafta S M.

NOES – 206: **ANC 203** Majodina P C P; Mashatile P S; Mapisa-Nqakula N N; Tsenoli S L; Boroto M G; Ntombela M L D; Dlakude D E; Lesoma R M M; Radebe B A; Cele B H; Chikunga L S; Creecy B D; Didiza A T; Godongwana E; Gungubele M; Kiviet N; Kodwa N G; Lamola R O; Mantashe S G; Modise T R; Motshekga M A; Motsoaledi P A; Ndabeni-Abrahams S T; Ntshavheni K P S; Patel E; Phaahla M J; Ramokgopa M L; Zikalala S; Zulu L D; Bapela K O; Botes A; Burns-Ncamashe Z; Capa R N; Dhlomo S M; Gina N; Holomisa S P; Jeffery J H; Kekana P S; Mafu N N; Mahlalela A F; Mahlobo M D; Makwetla S P; Manamela K B; Mangcu L N; Mapulane M P; Mashego-Dlamini K C; Mathale C C; Mhaule M R; Moloi B E; Motaung N E; Nkabane N P; Nzuza N B; Peters E P; Pilane-Majake M C C; Skwatsha M; Soty M M; Swarts B; Tau M P F; Tolashe N G; Tshabalala J; Tshwete P; Abraham P N; Adams R C; Adoons N G; April H G; Beukes A J; Bilankulu J H; Bilankulu N; Bongo B T; Buthelezi N S; Capa N; Chabane M S; Direko D R; Dlamini Me; Dlamini N E; Dlamini S M; Dlulane B N; Dunjwa M A L; Dyantyi Q R; Gantsho N; Gela A; Gomba M M; Gumbu T T; Gumede S N; Hadebe B M; Havard X; Hermans J; Hlongo A S; Jacobs F; James T H; Joemat-Pettersson T M; Khumalo F E; Kibi M T; Koornhof G W; Kota-Mpeko Z A; Kubheka N J; Legwase T I; Letsie W T; Lubengo M L; Luzipo S; Mabe B P; Mabiletsa M D; Magaxa K E; Magwanishe G; Mahambehlala T; Mahlaule M G; Mahlo N P; Makhubela-Mashele L S; Malatji T; Malematja C N; Malinga V T; Malomane V P; Mamabolo J B; Mananiso J S; Mandela Z M D; Maneli B M; Maneli S T; Manganye J; Marekwa G P; Maseko-Jele N H; Mashego M R; Mashele T V; Masiko F A; Masondo T S; Masualle G P; Maswanganyi

M J; Mathafa O M; Mathebula E F; Mbatha S G M; Mbinqo-Gigaba B P; Mbuyane S H; Mcdonald L E; Mchunu T V B; Mdabe S W; Mdakane M R; Mgweba T; Mjobo L N; Mkhathshwa N T; Mkhwanazi J C N; Mlenzana Z; Mmemezi H M Z ; Mmutle T N; Moatshe R M; Modise M; Modise P M P; Moela D L; Molala L E; Molekwa M A; Monakedi M D; Moroatshehla P R; Mothapo M R M; Mpanza T S; Mpumza G G; Mpushe P T; Msimango X N; Mvana N Q; Myeni E T; Ndaba C N; Newhoudt-Druchen W S; Nkomo Z; Nkosi B S; Nontsele M; Nothnagel J ; Nqola X; Ntobongwana N; Ntuli M M; Ntwane J C ; Papo A H M; Peacock N P; Phetlhe P A; Phiri C M; Pietersen M L; Qayiso X S; Ramadwa M M; Ramolobeng A; Seabi A M; Semenya M R; Sibiyi D P; Sihlwayi N N; Siwela E K; Siwela V S; Siweya R T; Skosana G J; Somyo S S; Stock D M; Tlhape M M E; Tlhomelang K B; Tobias Tv; Tseke G K; Tseki M A; Tshwete B; Tyobeka-Makeke N P ; Van Schalkwyk S R; Wolmarans M J; Xaba N V; Xaba V C; Xaba-Ntshaba P P; Xasa F D; Xego S T; Yabo B S; Zondi M A; Zuma A S; Zwane M J; **GOOD 1** Herron B N; **NFP 1** Shaik Emam A M; **Al-Jama-Ah 1** Hendricks M G E.

Question not agreed to.

Motion accordingly negated.

7. The House adjourned at 20:21.

X George
Secretary to Parliament