



Minutes of the Committee for Section 194 Enquiry

Date: Wednesday, 11 May 2022

Time: 14:00

Venue: Virtual meeting

Agenda:

- Update by Parliament's Constitutional and Legal Services Office (CLSO) in respect of litigation and way forward.
- Consideration and adoption of amended draft Committee Programme.
- Adoption of minutes of Tuesday, 22 February 2022 and Wednesday, 29 March 2022.

Members

Status	Name of Member	Political Party
Present	Mr QR Dyantyi (Chairperson)	African National Congress (ANC)
	Ms DE Dlakude	
	Ms J Hermans	
	Ms TM Joemat-Pettersson	
	Ms TI Legwase	
	Mr S Luzipo	
	Mr MG Mahlaule	
	Ms JS Mananiso	
	Ms T Mgweba	
	Mr BS Nkosi	
	Ms ED Peters	
	Ms VS Siwela	
	Mr BM Maneli	
	Ms ME Tlhape	
Ms GK Tseke		
Mr GJ Skosana		
	Mr KJ Mileham	Democratic Alliance (DA)
	Mr BB Nodada	
	Dr LA Schreiber	
	Mr ZN Mbhele*	Freedom Front Plus (FF+)
	Ms BM Van Minnen*	
	Ms H Denner* (FF+)	
	Ms ME Sukers	African Christian Democratic Party (ACDP)

Mr AM Emam-Shaik	National Freedom Party (NFP)
Mr B Herron	GOOD
Mr B Holomisa	United Democratic Front (UDF)
Mr MGE Hendricks	Al Jama-ah
Ms T Marawu Mr V Zungula**	African Transformation Movement (ATM)
Apologies Mr X Nqola (ANC)	

*indicates that a member is an alternate

Parliamentary Officials and other

Name	Organization	Designation
Mr TK Ngoma	Parliament	Committee Secretary
Adv ML Tau	Parliament	Acting Section Manager
Mr M Dano	Parliament	Committee Researcher
Ms S Sipamla	Parliament	Content Advisor
Mr M Erasmus	Parliament	Committee Assistant
Mr K Vellem	Parliament	Executive Secretary to Chairperson
Ms F Ebrahim	Parliament	Legal Advisor
Ms T Gangen	Parliament	Legal Advisor
Mr S Njikela	Parliament	Legal Advisor
Mr T Nage	Parliament	Procedural Officer
Mr P Hahndiek	Parliament	Procedural Officer
Ms R Azzakani	Parliament	Principal Communication Officer
Mr S Twala	African National Congress	Office of the Deputy Chief Whip

1. Opening and welcoming

Mr Dyantyi opened the meeting and welcomed everyone present. He outlined the agenda of the meeting and requested the Committee Secretary to read apologies. He indicated that a lot of work has been done since the previous meeting and requested the CLSO to brief the Committee.

2. Constitutional and Legal Services Office (CLSO)

Mr Njikela briefed the Committee on litigation that occurred since the last meeting of 29 March 2022. He provided a brief background on litigation that was before the Western Cape High Court, wherein an “sms” was received by Parliamentary Counsel from Mr Abramajee informing him about the expected outcome of the Constitutional Court. The “sms” led to the postponement of the Western Cape High Court case to 18 and 19 May 2022. Mr Njikela also indicated that there was communication from PP which wanted the Committee to postpone its proceedings pending the investigation of the “sms” by the Constitutional Court. Furthermore, he informed the Committee that on 6 May 2022, the Constitutional Court ruled against the Public Protector on the rescission application. However, the Public Protector submitted another application to rescind the rescission application ruling of 6 May 2022.

Ms Ebrahim provided an update on the work done since the last meeting of 29 March 2022. An *audi* was issued to the Public Protector on 22 April 2022 and a response was expected from her on 22 May 2022. She had been requested on an *audi* to indicate by 18 May 2022 whether she will be legally represented, and to provide the names of her legal representatives. She reported that the Committee support had continuous engagements with the Evidence Leaders in preparation for the hearings and a list of witnesses would be presented to the Committee in due course.

2.1 Deliberations

The Committee welcomed the order of the Constitutional Court and took note of the new application. Following deliberations, the Committee resolved that there was no legal impediment that prohibited it from continuing with its work. The Committee further agreed that the support staff should continue with preparations for the work ahead of it.

3. Adoption of revised Committee Programme

Mr Ngoma took members through the revised Committee programme which was presented as a working document. On a motion by Ms Tlhape, seconded by Ms Siwela the programme was adopted with no amendments.

4. Adoption of minutes

4.1 Minutes of 22 February 2022

The Committee Secretary presented the minutes to the Committee. On a motion by Ms Siwela, seconded by Mr Mileham the minutes were adopted with no amendments.

4.2 Minutes of 29 March 2022

The Committee secretary presented the minutes to the Committee. On a motion by Ms Legwase, seconded by Mr Mahlaule the minutes were adopted with no amendments.

5. Adjournment

The meeting adjourned at 15:05

Signed electronically

10 June 2022

Mr QR Dyantyi, MP
Chairperson: Committee for Section 194 Enquiry

Date