



Minutes of the Committee for Section 194 Enquiry

Date: Tuesday, 29 March 2022

Time: 14:00

Venue: Virtual meeting

Agenda:

- Briefing by Parliament's Constitutional and Legal Services Office (CLSO) on litigation relating to the Enquiry.
- Briefing by Parliament's Constitutional and Legal Services Office (CLSO) on appointment of Evidence Leader.

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	
	Mr X Nqola	
	Ms ED Peters	
	Mr AM Seabi	
	Ms VS Siwela	
	Ms NG Tolashe	
	Mr BM Maneli	
	Ms ME Tihape	
Ms GK Tseke		
Mr GJ Skosana		
Ms J Tshabalala*		
	Dr A Lotriet	Democratic Alliance (DA)
	Mr KJ Mileham	
	Mr BB Nodada	
	Dr LA Schreiber	
	Mr ZN Mbhele*	
	Ms BM Van Minnen*	
	Mr JS Malema	Economic Freedom Fighters (EFF)
	Ms OMC Maotwe	

Dr CP Mulder Ms H Denner* (FF+)	Freedom Front Plus (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
Mr V Zungula** Ms T Marawu**	African Transformation Movement (ATM)
Ms Z Majazi	Inkatha Freedom Party (IFP)
Apologies There were no apologies	

*alternate member

**not a member of the Committee

Parliamentary Officials and other

Name	Organization	Designation
Mr TK Ngoma	Parliament	Committee Secretary
Ms R Begg	Parliament	Division Manager: Core Business
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 Velle	Parliament	Executive Secretary to Chairperson
Adv Z Adhikarie	Parliament	Chief Legal Advisor
Ms F Ebrahim	Parliament	Legal Advisor

Ms T Gangen	Parliament	Legal Advisor
Dr B Loots	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. He reflected on the previous meeting of the Committee and reminded members that amongst others, the Committee had adopted Terms of Reference, which allowed for the CLSO to begin with the process of appointing an Evidence Leader. He further informed members of the exchange of letters between the Public Protector and the Speaker of the National Assembly. He invited the CLSO to brief the Committee on the letters (**Annexures 1, 2 and 3**).

2. Constitutional and Legal Services Office (CLSO)

Mr Njikela informed the Committee that the Speaker had received a letter from the Public Protector indicating an application had been filed to the Constitutional Court for a rescission of certain parts of its judgement. The letter further requested that the Committee halt its process until the rescission application had been finalised.

The Speaker wrote to the Public Protector indicating her intention to oppose the application. She further wrote to the Registrar of the Constitutional Court and clearly stated that the Committee could only halt its work if there was an interdict from the Court, stopping it to from continuing.

Mr Njikela emphasised that there was nothing stopping the Committee from proceeding with its work and there was no court interdict.

2.1 Deliberations

The committee deliberated and resolved that: (i) there was no legal impediment for it to not proceed with its work, especially on the basis of the application for rescission to the Constitution Court; (ii) there was no interdict that existed which prohibited it from continuing with its work; (iii) in terms of separation of powers, it had nothing to do with the suspension of the Public Protector by the President as well as agreements reached between the two offices; and (iv) it would continue with its work as per its existing programme.

The EFF and the ATM indicated their objection to the continuation of the process whilst there was an application before the Constitutional Court.

3. CLSO briefing on appointment of Evidence Leader

Ms Ebrahim informed the Committee that the Office of the State Attorney had appointed Ms Nazreen Bawa SC as the lead Evidence Leader and Adv Ncumisa Mayosi as the second Evidence Leader. She further informed the Committee that the evidence before it necessitated the appointment of two Evidence Leaders.

Mr Ebrahim provided a brief background on the two Evidence Leaders. Adv Bawa had previously acted as Evidence Leader for the Khayelitsha Commission of Enquiry into allegations of police inefficiency and the breakdown in the relationship between the South African Police Service and the Khayelitsha community, as well as for the Mokgoro Enquiry of the National Prosecuting Authority into the fitness of Adv Nomgcobo Jiba and Adv Lawrence Sithembiso Mrwebi to hold the office. Adv Mayosi acted as an initiator for the South African Rugby Union in a disciplinary hearing arising from a complaint by a referee against a rugby player, chaired by Oosthuizen SC. Both advocates had previously acted as judges in the Western Cape High Court.

3.1 Deliberation and resolutions

The Committee welcomed the appointment of the two Evidence Leaders.

4. Adjournment

The meeting adjourned at 15:00

Signed electronically

11 May 2022

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

Date