



Minutes of the Committee for Section 194 Enquiry

Date: Wednesday, 28 July 2021

Time: 10:00

Venue: Virtual meeting

Agenda:

- Briefing by Parliament's Constitutional and Legal Services Office (CLSO) on aspects of the Section 194 Enquiry into the removal from office of the Public Protector.
- Consideration of Committee Draft Programme.
- Adoption of Committee minutes of Tuesday, 20 July 2021.

Members

Status	Name of Member	Political Party
Present	Mr QR Dyantyi (Chairperson)	African National Congress (ANC)
	Ms DE Dlakude	
	Mr M Gungubele	
	Ms J Hermans	
	Ms TM Joemat-Pettersson	
	Ms TI Legwase	
	Mr S Luzipo	
	Mr MG Mahlaule	
	Ms JS Mananiso	
	Mr MP Mapulane	
	Ms T Mgweba	
	Dr NP Nkabane	
	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*		
	Dr A Lotriet	Democratic Alliance (DA)
	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	Freedom Front Plus (FF+)
Ms ME Sukers	African Christian Democratic Party (ACDP)
Mr W Madisha	Congress of the People (COPE)
Mr B Joko	Pan Africanist Congress (PAC)
Mr AM Emam-Shaik	National Freedom Party (NFP)
Apologies Ms H Denner* (FF+) Mr SG August (GOOD)	

*indicates that a member is an alternate

Parliamentary Officials

Name	Organization	Designation
Mr TK Ngoma	Parliament	Committee Secretary
Adv ML Tau	Parliament	Acting Section Manager
Mr M Dumezweni	Parliament	Committee Assistant
Mr M Dano	Parliament	Committee Researcher
Ms S Sipamla	Parliament	Content Advisor
Mr S Magagula	Parliament	Content Advisor
Mr K Vellem	Parliament	Executive Secretary to Chairperson
Adv Z Adhikarie	Parliament	Chief Legal Advisor
Ms F Ebrahim	Parliament	Legal Advisor
Mr T Nage	Parliament	Procedural Officer
Mr P Hahndiek	Parliament	Procedural Officer

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. Mr Ngoma read the apologies.

2. Constitutional and Legal Services Office (CLSO) presentation

Ms Ebrahim presented an overview of legal aspects of the Section 194 Enquiry into the removal from office of the Public Protector as follows: (i) Background; (ii) overview of Litigation; (iii) Legal Framework; (iv) Golden Rules; (v) Objectives, Scope and Purpose of Enquiry; (vi) Structure of Enquiry (Public Participation, Format, Additional Evidence, and Audi Alteram Partem); and (vii) Way Forward. The presentation is attached to the minutes as *Annexure A*.

2.1 Deliberations

The Committee deliberated and resolved:

- a. to keep the enquiry to the narrow scope as per the motion;
- b. to adopt a member-led hybrid approach with internal and external forensic support;
- c. to keep public participation limited to relevant persons with evidence to its fact finding mission;
- d. that all Committee meetings will be hybrid;
- e. that there was no legal basis for it not to proceed with the enquiry as the Court interdict was not granted; and
- f. that the Committee Support should develop Terms of Reference (ToRs) based on the agreed resolutions and proposals.

The Committee further agreed to the Audi Alteram Partem (“Listen to the other side”) process as presented by CLSO.

3. Consideration of Committee Draft Programme

Mr Ngoma took members through a presentation of a draft programme. The programme is attached to the minutes as *Annexure B*.

3.1 Deliberation and resolutions

The Committee deliberated and resolved:

- a. that the programme was working document; and
- b. that members who require hard copies of Committee documents should contact the office of the Committee Secretary.

Ms Joemat-Pettersson moved for the adoption of the draft programme with changes suggested by the Committee, seconded by Ms Dlakude the draft programme was adopted as a working document.

4. Adoption of minutes of Tuesday, 20 July 2021

The Chairperson tabled the minutes of Tuesday, 20 July 2021 to the meeting. Ms Siwela moved for the adoption of the draft minutes and was seconded by Ms Hermans. The minutes of Tuesday, 20 July 2021 were adopted with the correction of Mr Mahlaule's surname.

5. Adjournment

The meeting adjourned at 11:40

Signed electronically

22 February 2022

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

Date