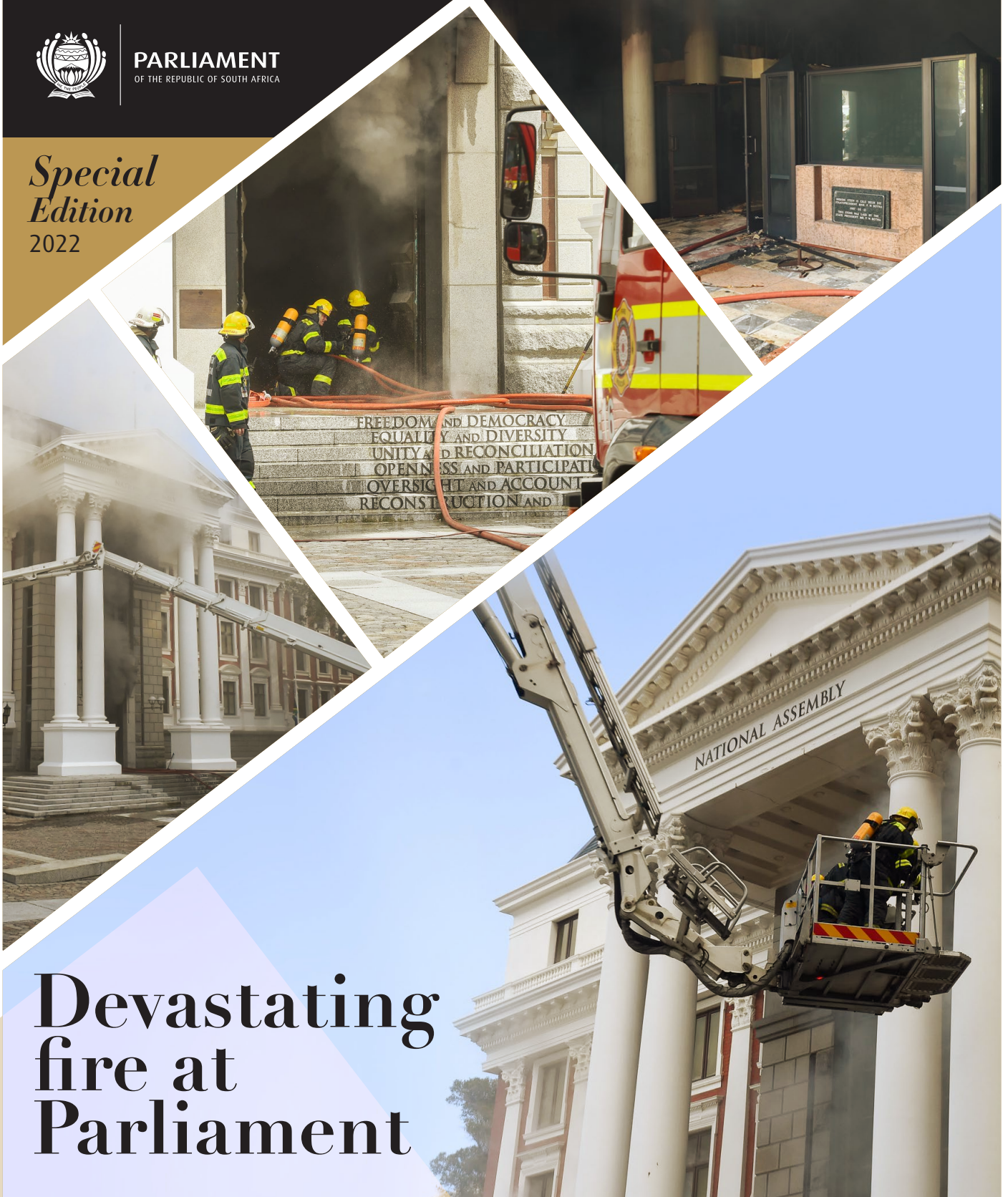


in session



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

*Special
Edition*
2022



Devastating fire at Parliament

Q&A:

Parliament Fire



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

When did the fire occur in Parliament?

The fire broke out on 2 January 2022 and burnt for at least three days. The firefighters responded within six minutes after being called and alerted by the police guarding the parliamentary precinct.

How long did the firefighters work?

The firefighters worked tirelessly for 71 hours to contain the fire. Over 300 men and women were deployed. The firefighters used 60 firefighting appliances and used two specialised aerial pieces of equipment during the three-day battle against the blaze.

Who was in the parliamentary precinct when the fire started?

The South African Police Service guards the precinct, as it is a national key point. The police were on duty on the day of the fire. They noticed the fire and called the City of Cape Town Fire Fighting and Rescue Services.

Where were the Parliamentary Protection Services officials?

The fire occurred during parliamentary staff members' annual compulsory leave period,

therefore, there were no staff members at the precinct.

How true are the allegations from NEHAWU that its members were not on duty because their weekend and public holiday shifts were cancelled as part of Parliament's cost-cutting measures?

The decision to adjust the 24/7 deployment of parliamentary police service staff was in response to the Covid-19 lockdown workplace regulations initiated by the National State of the Disaster Declaration and informed by the Department of Labour's workplace directive on mitigating Covid-19 spread.

The parliamentary police service staff had to change the working plans to reduce the numbers. The non-work on Sundays and holidays has been an operational schedule from March 2020 to date, and this is the second December.

However, a standby team roster for after-hours is communicated to all stakeholders. The standby roster extends to compulsory leave and closure period. The members of the SAPS remain on guard to secure the precincts of Parliament.

Was anyone apprehended?

The police arrested a man believed to have started the fire. The suspected arsonist has appeared in court, and the matter is receiving the necessary attention from the criminal justice system.

What caused the fire?

The cause of the fire has not yet been established and investigations are underway by the Directorate for Priority Crime Investigation (also known as the Hawks). The Hawks are currently investigating the circumstances around the devastating incident.

Parliament experienced a previous fire in March 2021. What was the cause of that?

An electrical fault in the Old Assembly building resulted in a fire in March 2021. The sprinklers immediately activated to reduce fire damage, but caused water damage on lower floors.

What is the extent of the damage, and is there a report available on the damage?

Parliament cannot make any pronouncements on the extent of the damage at this stage. Public Works has dispatched a multidisciplinary team of engineers,

including structural, electrical, and forensic experts, to undertake their investigation. When the investigations are finalised and a report handed over, Parliament will share the findings.

Which buildings are affected by the fire?

The fire severely affected both the Old Assembly and the National Assembly buildings of Parliament. These buildings house the chambers of the National Assembly and critical offices of Parliament.

What is the significance of these buildings?

The Assembly is one of the two Houses of Parliament, which occupies an important place in the history and evolution of our constitutional democracy. In the National Assembly, over 2 000 transformative pieces of legislation have been passed since the dawn of democracy. Historically, the National Assembly building is the third of a series of phases of interlinked buildings comprising Parliament. It was built between 1983 and 1985 to accommodate the expanded needs of the apartheid Tri-cameral Parliament.

Parliament appreciates that some crucial sections in the Old Assembly Building were saved. These include the NCOP Chamber and offices, the Parliament Library, the Museum including artworks and heritage objects, and the Keiskama tapestry on the ground floor of the Old Assembly Building and the Mace.

Are the buildings insured, and will Parliament claim the damages? No, the buildings are not insured,

as provided by the Treasury Regulations pertaining to the Management of Losses and Claims of state assets and in terms of section 78 of the Public Finance Management Act (PFMA) that states that “the State will bear its own damages and accident risks and be responsible for all claims and losses of state property”.

Although PFMA does not bind Parliament in terms of Section 3, the buildings in the parliamentary precinct are on the National Department of Public Works and Infrastructure’s (DPWI’s) asset register. The department is subject to the PFMA and, therefore, must abide by the associated Treasury regulations. DPWI is the custodian of the precinct buildings.

Was Parliament able to digitise archives before the fire outbreak?

Yes, Parliament started the process of digitising documents and a service provider, I-kno was appointed. The project closed in 2017.

Are you able to confirm precisely how much of the digitised archive has been quality checked and is free of error?

During the running of the project, library management identified the need to implement a second-tier quality assurance process by internal library staff, to ensure the quality of the digitised content received from I-Kno. It was agreed that a 30% random sample of materials scanned would undergo this second-level quality check with an acceptable error rate of 10%. Scanned materials that were assessed with an error rate of

above the 10% threshold were returned to the service provider for re-scanning.

It should be noted that the library staff was stringent on the 10% error, using absolute numbers up to two decimal places (e.g., if an acceptable error was 27,96 and the actual error was 28, this was deemed unacceptable and returned to the service provider). The error rate during the operations of the project (i.e., the ‘working’ error through quality assurance) was therefore exaggerated.

Various quality shortfalls/errors were correctly revealed and highlighted as part of the quality assurance process and solutions devised to address these as part of the project implementation and internal management controls. Re-scanned materials returned to Parliament were not re-checked and a final error rate was not determined. Library statistics confirmed that 95,35% of digitized materials were delivered to Parliament.

Can you confirm that the archival collections are currently inaccessible and have possibly been destroyed by the fire or water?

Currently the area destroyed by fire is inaccessible as it is still a crime scene and investigation are still taking place. Therefore, Parliament cannot at this stage confirm if the archival collections have been destroyed by fire or water.

What does the fire and safety report of the City of Cape Town Fire and Rescue Services mean?

The report is one of the standard operating procedures of the City of Cape Town Fire and Rescue Services. The report contains the preliminary observations of firefighters during their work. The information does not purport to provide conclusive findings and evidence regarding the cause and the circumstances surrounding the fire that gutted certain buildings at the parliamentary precinct.

The responsibility to investigate the source of the fire rests with the law enforcement agencies, and their investigation is currently underway.

There is a much-talked-about 2018 Health and Safety report; where and what is this report?

The report is an internal audit commissioned by Parliament's administration, based on its Internal Audit department's report. It evaluated the occupational health and safety management control framework to ensure compliance with all the relevant regulations and policies and ensure that the institution's procedures are practical and efficient as per the requirements.

What were the report's findings and what did Parliament do to action them?

The audit identified 13 key findings relating to the design of internal controls and provided recommendations. In response to the findings, Parliament developed and signed off the governance documents and is currently implementing an action plan to close the gap identified by the audit, to ensure that Parliament is compliant.



In implementing the action plan, priority was given to the risk assessments and safe work procedures for the high-risk areas, and these have been completed. The medium and low-risk assessment is in progress.

Is it safe for the Parliament community to be within the precinct?

It is safe to be in the precinct because only three of its nine buildings were adversely affected by the fire. Other buildings that house over 90% of the parliamentary staff are safe for human occupation and use. These buildings include 90 Plein, 100 Plein, Marks Building, Africa House, Good Hope Chamber and the Parliamentary Towers.

The buildings are safe and are annually assessed by the Department of Public Works and Infrastructure, the custodians of all public property and facilities. In evaluating the structures, they use independent expert agencies to assess compliance levels with Building Regulations and Safety prescripts and the Occupational Health and Safety Act.

What provisions have been made by Parliament to its staff members in response to the fire?

The Accounting Officer has urged all staff to continue working from home until further notice, except for those essential workers required by their respective supervisors/managers to come to the precinct to deal with the aftermath of the fire disaster and preparations for Parliament's flagship programmes, including the State of the Nation Address and budget speech.

Will the business of Parliament continue?

The business of Parliament is currently continuing. The Joint Programming Committee of both Houses has met and agreed on Parliament's programme. Despite being on constituency period, some committees like the PC on Mineral Resources began public hearings on the Gas Amendment Bill. Furthermore, the Presiding Officers have officially announced a venue for hosting the State of the Nation Address.

Parliament is resilient and forging ahead with its planned programme despite the devastating fire.



DISASTER STRIKES: Parliament's National Assembly burns during a fire in early January.

Destructive fire at Parliament

A fire at the parliamentary precinct has caused extensive damage to the National Assembly. A multi-agency and multi-pronged investigations are currently underway to determine the exact cause of the fire. However, one person has been arrested in connection with the fire..

The NA Speaker, Ms Nosiviwe Mapisa-Nqakula, and the Chairperson of the NCOP, Mr Amos Masondo confirmed that "one of the biggest losses the people of South Africa have suffered in this fire, is the complete burning down of the National Assembly Chamber, a seat of crucial plenary sittings of the National Assembly and joint sittings of the two Houses – the NA and NCOP."

They added that "the Assembly, as one of the two Houses of Parliament, occupies an important place in the history and evolution of our constitutional democracy. This is the House where over two thousand transformative pieces of legislation have been passed since the dawn of our democracy. The National Assembly Building is historically the third of a series of phases of interlinked buildings comprising Parliament. It was built between 1983 and 1985, to accommodate the expanded needs of the apartheid Tri-cameral Parliament."

"We appreciate the fact that some important sections were saved. These include the NCOP Chamber and offices, the Parliament Library, the Museum including artworks and heritage objects as well as the Keiskama tapestry on the ground floor of the Old Assembly Building."

The fire started on the morning of 2 January, and affected both the Old and the National Assembly wings of the buildings of Parliament, which house the National Assembly (NA) and the National Council of Provinces (NCOP).

The NA Speaker, Ms Nosiviwe Mapisa-Nqakula, and the Chairperson of the NCOP, Mr Amos Masondo, expressed their appreciation for the City of Cape Town Fire and Rescue Services for their prompt reaction and containment of the blaze.

The Department of Public Works and Infrastructure, led by Minister Patricia de Lille, as well as the Deputy Minister of State Security Zizi Kodwa, the South African Police Services and Parliament's security personnel visited Parliament on the day of the fire to assess the situation. No one was injured in the blaze.

Parliament's Presiding Officers welcome containment of fire

NATIONAL ASSEMBLY
BURNS



Parliament's Presiding Officers have expressed their satisfaction with the overall progress made in investigating the cause of the fire that gutted parts of Parliament.

Firefighters worked over 71 hours with outstanding courage and bravery to contain the fire. Over 300 men and women were deployed, 60 firefighting appliances and two specialised aerial pieces of equipment were used during the three-day battle against the blaze.

Once the fire was contained, the fire department handed the affected buildings to the Directorate for Priority Crime Investigation, also known as the Hawks, to investigate the circumstances around the unfortunate and devastating fire incident that started on Sunday.

Engineers from the Department of Public Works and Infrastructure and forensic experts were on site to determine if the affected buildings were safe for the Hawks officials to access.

The Presiding Officers joined the Mayor of the City of Cape Town on an inspection of possible alternative venues for the State of the Nation Address and Budget Speech, such as Cape Town's Municipal Chambers, Cape Town International Convention Centre and the Town Hall. The Western Cape Provincial Government and the City of Cape Town offered these venues to Parliament for use for these events.

National Assembly Speaker honours firefighters who battled the blaze

National Assembly Speaker, Ms Nosiviwe Mapisa-Nqakula has expressed her “eternal gratitude” and thanked the “formidable firefighters” who tirelessly battled the devastating fire at the Parliamentary precinct.

Ms Mapisa-Nqakula said she was a “proud South African to be living in the same country as the team of compatriots that constituted the formidable team of firefighters that battled the unfortunate inferno” at Parliament.

“In the past few days you showed South Africans the real size of your hearts. On behalf of our Parliament leadership, our head of state, and the nation, we thank you. Not only do we thank you for your bravery, but for your love of your country that led you to even answer to this calling in the first place,”

Ms Nqakula confirmed that, despite brave attempts by the firefighters, the fire had completely destroyed the National Assembly Chamber.

She added, “we have just been in a briefing meeting by all critical role-players, on this devastating incident of fire that gutted some important

buildings of the Parliamentary precinct, and its aftermath. We are indeed devastated and deeply saddened. We are pained by the damage to the Old Assembly Chamber and building, the National Assembly Chamber, and critical offices of Parliament, which are a national key point and the legislative seat of our country, whose value is beyond any measure. This democratic institution has a deep history which represents unparalleled heritage treasures for our country and a source of social unity and cohesion required in our nation-building programme.”



NATIONAL LEGISLATURE ON FIRE: The fire destroyed the building housing the National Assembly.

The building follows the same neo-classical style of the other two buildings, and a notable feature of the façades is that all the decorative elements were skilfully made up of prefabricated concrete, using special moulds prepared for this purpose. The architects also made extensive use of local granite and marble for the lobbies, with rich geometric details and patterns, referencing the original 1885 building of the National Council of Provinces Building from 100 years earlier. In 2008, new offices were added for the President, the Speaker and Deputy Speaker. These new additions have not been affected by the fire.

We appreciate the fact that some important sections were saved. These include the NCOP Chamber and offices, the Parliament Library, the Museum including artworks and heritage objects as well as the Keiskama tapestry on the ground floor of the Old Assembly Building.

We wish to reiterate our gratitude to the responsive Fire Fighting and Rescue Services of the City of Cape Town, the Minister and the Department of Public Works Ms Patricia de Lille and the South African Police Services, as well as our officials.

We are grateful to the President Cyril Ramaphosa and a number of members of his executive, who have been hands-on from the outset and provided necessary moral support to the firefighters.



TAKING STOCK: The Speaker of the National Assembly, Ms Nosiviwe Mapisa-Nqakula, receives a briefing from the police.

Presiding Officers call for calm confirm that SONA will proceed



The Presiding Officers of Parliament urged the authorities to leave no stone unturned in establishing the cause of the fire. They also assured the South African public that they would be kept up to date on all developments relating to the fire. They also assured citizens that every effort will be made to limit the impact of the fire on Parliament's business.

The Presiding Officers welcomed the swift arrest of a man in connection with the incident

They pointed out that the fire occurred at a critical time, when Parliament's preparations to host the 2022 State of the Nation



Address and Budget speech are at an advanced stage. They confirmed that these flagship events will not be affected by the fire.

The firefighters fought the blaze throughout the day on 2 January, bringing it under complete control

in the NCOP offices first. They continued to battle the flames in the NA wing, but significant damage was caused to this part of the precinct and some offices were gutted.

The Presiding Officers invited all Parliament's stakeholders, including Minister De Lille, to take stock of the incident and assess the damage.

Parliament's Presiding Officers also thanked President Cyril Ramaphosa and his ministers, Mr Mondli Gungubele, Ms De Lille, Deputy Minister Mr Zizi Kodwa, Members of Parliament and parliamentary officials who visited the scene to assess the damage and to offer support to emergency services personnel.



CLARIFYING A POINT: The Chairperson of the NCOP, Mr Amos Masondo, briefs members of the media about the fire.



UPDATE ON FIGHTING THE BLAZE: Chairperson Masondo (left), Western Cape Premier Alan Winde and the Speaker of the National Assembly, Ms Mapisa-Nqakula, are briefed by the police on securing the precinct after the fire.

Parliament receives fire and safety report from Cape Town mayor

The Presiding Officers of Parliament received a fire and safety report of the City of Cape Town Fire and Rescue Services from the Mayor of the City of Cape Town on Thursday 6 January.

The report followed a three-day battle to extinguish the blaze that broke out on Sunday, 2 January 2022. It contains the firefighters' preliminary observations during the course of their work, which is a standard procedure when dealing with incidents of this nature.

The report does not in any way purport to provide conclusive findings and evidence regarding the cause and the circumstances surrounding the fire that gutted certain buildings at the Parliamentary precinct. The responsibility to investigate the source of the fire rests with the law enforcement agencies, and their investigation is currently underway.

The City of Cape Town Fire and Rescue Services report is important, as it will assist the ongoing investigations both externally and internally. These investigations must be given the space they need to unfold. Parliament will only comment after these investigations

are concluded. When they are finalised in due course, they will provide concrete evidence and findings regarding the fire.

In the meantime, a multi-agency and multipronged investigations are underway, and will be in full swing once the whole building is declared safe and handed over to the investigation team. We wish to assure all the people in South Africa that we will leave no stone unturned to enable appropriate actions to be taken by all relevant authorities.

A multidisciplinary team of professional engineers has now arrived in Parliament to determine



the cause of fire, the extent of damage, the safety of the building, and the estimate cost as well as timelines for repairs, and will provide a preliminary report in due course.

As demonstrated during the onset of the Covid-19 pandemic, Parliament will once again demonstrate its resilience and adaptability to ensure sustained delivery on its three-legged mandate of law-making, executive oversight and public participation. This phase requires resilience, to ensure that the work of Parliament carries on with minimal disruption, in consultation with other arms of the state including the Presidency and the custodian of public facilities – the Department of Public Works. We wish to assure you, the State of the Nation Address and the Budget Speech and other programmes will proceed as planned. Details will be shared when concrete alternatives are done. We have noted a number of speculative reports regarding the cause of this incident, including



those circulating in the social media space. What has been even more worrying is that some of these statements have been attributed to formal statements by organisations. We reiterate our appeal for calm, caution against any speculation and encourage everyone to afford both the law enforcement authorities and forensics teams the space to investigate and provide the much-needed conclusive information. The precinct of Parliament continues to be guarded by the South African Police Services, which was responsible for alerting the fire department when the fire started. Anyone with valuable information that they feel could assist in the

investigations is encouraged to supply such to the relevant authorities, instead of making wild and unhelpful speculations.

We are humbled by the messages of support and offers for assistance from various organisations and public institutions. We have received offers from both the provincial and local governments in the Western Cape for the temporary use of their office spaces and meeting rooms. We have also received messages of support from sister organisations, such as the Commonwealth Parliamentary Forum.

Presiding Officers accept Mayor's offer of Cape Town City Hall as venue for SONA 2022

HISTORIC SITE: Cape Town's City Hall has become part of the parliamentary precinct so that it can host the 2022 State of the Nation Address.



Parliament's Presiding Officers met to consider various options for venues to ensure that the work continues, including the hosting of the State of the Nation Address (SONA). They thanked the Western Cape Provincial Government and the City of Cape Town for offering various buildings in the city for Parliament to use,

including the Cape Town International Convention Centre, the City Council Chambers and the City Hall.

In this regard, after a great deal of consideration and following a thorough onsite inspection of alternative places, the Presiding Officers decided that the City Hall was the most suitable facility for the 2022 State of the Nation Address. This venue has

the necessary technology and capacity for the event, and also has historical significance, as it was the place where the first democratically elected former President Nelson Mandela addressed the nation after his release from prison on 11 February 1990, with President Cyril Ramaphosa by his side.

And again, on 9 May 1994, the late Archbishop Desmond Tutu introduced Tata Mandela to thousands of jubilant South Africans on the same balcony, after his



election as the first democratic President. President Ramaphosa will address the nation from the City Hall 32 years after the 1990 occasion.

The City Hall was built in 1905 and now boasts a full-sized statue of Tata Mandela on the balcony where he addressed the people in 1990. The statue was installed in 2017. The City Hall also has a permanent exhibition dedicated to Madiba.

The decision to host the SONA outside the NA Chamber is in compliance with the Joint Rules of Parliament that determine where a joint sitting may be held.

The President calls this Joint Sitting of the NA and the NCOP annually to deliver SONA in terms of section 42(5) of the Constitution, read with Joint Rule 7 of the Joint Rules of Parliament.

Since it is a Joint Sitting of the two Houses of Parliament, the Speaker of the NA and the Chairperson of the NCOP host the event, which is

attended by the three arms of the state.

The Joint Rules prescribe the venue for the Joint Sitting of Parliament thus: "Joint sittings are held in the Chamber of the Assembly". The rules also provide for the procedures for the sitting and the conduct of Members of Parliament.

Rule 2 of the Joint Rules provide for unforeseen matters. In terms of Rule 2(1), the Speaker and the Chairperson, acting jointly, may give a ruling or make a rule in respect of any matter for which the joint rules do not provide. In this regard, a joint rule made by the Speaker and the Chairperson will allow SONA to be held in a venue other than the Chamber of the Assembly. The rule will remain in force until the Rules Committee decides otherwise.

Section 2 of the Powers, Privileges, and Immunities of Parliament and Provincial Legislatures Act defines the precincts of Parliament as any area of land and every building or part of a building

under Parliament's control, including "the chambers in which the proceedings of the Houses are conducted and the galleries and lobbies of the chambers"; and include all other parts of the buildings and committee rooms and other meeting places used for Parliament's business and in connection with the proceedings of Parliament, while so used.

Section 2 (2) provides that "where a House or committee convenes beyond the seat of Parliament, this Act applies as if the premises where the House or committee is sitting were within the precincts of Parliament".

Therefore, section 2 of the Act makes allowances for any business of Parliament to be conducted elsewhere. Section 3 of the Act reinforces that the precinct's control vests with the Speaker and the Chairperson, irrespective of the venue. The Presiding Officers are looking forward to a successful SONA.



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

HAVE YOUR SAY

CALL FOR PUBLIC SUBMISSIONS AND COMMENTS

THE ELECTORAL AMENDMENT BILL [B 1 – 2022]

The Portfolio Committee on Home Affairs (National Assembly) encourages interested individuals and organisations to submit written comments on **the Electoral Amendment Bill [B 1 -2022]**. **The Bill is accessible at: <https://www.parliament.gov.za/bill/2300397>**

Background: The Constitutional Court declared the Electoral Act 73 of 1998 unconstitutional to the extent that it requires that citizens may be elected to the National Assembly and Provincial Legislatures only through their membership of political parties. The Court directed Parliament to rectify the defective sections of the electoral laws within 24 months; that is from 10 June 2020 to 11 June 2022.

The purpose of the Bill is to amend the: Electoral Act, 1998, so as to insert certain definitions consequential to the expansion of this Act to include independent candidates as contesters to elections in the National Assembly and provincial legislatures; to provide that registered parties must submit a declaration confirming that all its candidates are registered to vote in the region or province where an election will take place; to provide for the nomination of independent candidates to contest elections in the National Assembly or provincial legislatures; to provide for the requirements and qualifications which must be met by persons who wish to be registered as independent candidates; to provide the procedure to follow for a non-compliant nomination of an independent candidate; to provide for the inspection of copies of lists of independent candidates and accompanying documents; to provide for objections to independent candidates; to provide for the inclusion of a list of independent candidates entitled to contest elections; to provide that independent candidates are bound by the Electoral Code of Conduct; to provide for the return of a deposit to independent candidates in certain circumstances; to amend Schedule 1; to substitute Schedule 1A; and to provide for matters connected therewith.

Written submissions and enquiries must be emailed to Mr Eddy Mathonsi, the Committee Secretary: electoralact1@parliament.gov.za or if not possible faxed to 086 655 0502 or mailed to Mr Mathonsi at P.O. Box 15, Cape Town and he can be reached on 083 709 8523. **Written submissions must reach Parliament by no later than 21 February 2022 at 16:00. In addition to written submissions, kindly indicate if you would like to make oral submissions**

Issued by Mr MS Chabane, MP, Chairperson of the Portfolio Committee on Home Affairs.

**Parliament – Following up on our commitments to the People
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OUR SOUTH AFRICA – THE SUN

The sun heals the divisions of the past, improves the quality of life of all South Africans, frees the potential of each person and builds a united and democratic South Africa, taking its rightful place as a sovereign state in the family of nations.



OUR PEOPLE – THE PROTEA LEAVES

Our people, building on the foundation of a democratic and open society, freely elect representatives, acting as a voice of the people and providing a national forum for public consideration of issues.



OUR PARLIAMENT – THE DRUM

The drum calls the people's Parliament, the National Assembly and the National Council of Provinces, to consider national and provincial issues, ensuring government by the people under the Constitution.



OUR CONSTITUTION – THE BOOK

Our Constitution lays the foundation for a democratic and open society based on democratic values, social justice and fundamental human rights. It is the supreme law of our country, and ensures government by the people.