



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

THE SPEAKER

PO Box 15 Cape Town 800 Republic of South Africa
Tel: 27(21) 403 2595 Fax: 27(21) 461 9462
speaker@parliament.gov.za

Mr Zackie Achmat

#UniteBehind

Per email: zackie.achmat@gmail.com

Dear Mr Achmat,

RE: SFISO BUTHELEZI MP: PARLIAMENT SPECIFICALLY SCOPA MUST ACT AGAINST STATE CAPTURE, CORRUPTION, MALADMINISTRATION, MISMANAGEMENT AND MALFEASANCE AT PRASA

I hereby acknowledge receipt of your letter dated 24 July 2023.

Although your concerns are noted, I need to provide the following points of clarity in response to your demands for action:

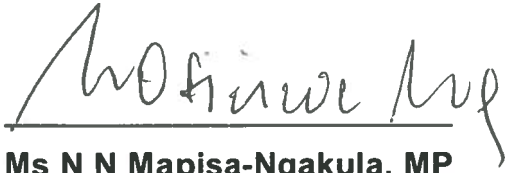
- a. A Member of Parliament can only lose membership in terms of the areas of disqualification set out in section 47(1) of the Constitution of the RSA, 1996. Mr Sfiso Buthelezi has not been found guilty of any crime that would trigger his disqualification as a Member of Parliament by operation of law. The Speaker does not lawfully have the power to remove his membership.
- b. As a qualifying Member of Parliament Mr Sfiso Buthelezi was duly and democratically elected Chairperson of the Standing Committee on Appropriations. Only the Committee can take a decision to remove him. However, the Speaker does not have the power to instruct the Committee to do so.
- c. As you have conceded, SCOPA has in the exercise of its committee work been engaging with PRASA. It has done so in execution of its mandate to perform oversight as an extension of the work of the National Assembly, with due regard to the general powers assigned to it in terms of National Assembly Rule 167. In addition to the July 2023 railway site visits of the

Committee, as mentioned in your letter, I wish to elaborate on your reference to the SCOPA meeting of 16 May 2023. At this meeting PRASA was called upon to provide SCOPA with an update on investigations and the implementation of corrective measures. Accordingly, the aim of the meeting was to follow-up on issues of accountability, making it clear that the oversight work of SCOPA is always ongoing. As such, you are invited to submit any information you may regard as beneficial to its work through correspondence directed to the relevant Committee Secretaries: Ntombi Nkabinde (nnkabinde@parliament.gov.za) and Ben Kali (bkali@parliament.gov.za).

- d. With regard to the referenced work of the Joint Committee on Ethics and Members' Interest, I note the comments, but will withhold engaging on aspects that are subject to litigation, in due deference to the Judiciary and the principle of separation of powers, as the matter of *#UnitedBehind NPC and Others v Co-Chairpersons of the Joint Committee on Ethics and Members' Interest and Others* is pending before the High Court.
- e. I note the review application referenced in paragraph 16 of your letter. I am advised that Parliament was only served with papers in this matter on 2 August 2023, after your letter of 24 July 2023.
- f. When information reflecting on the integrity of an Assembly member comes before a Committee it is not for that Committee to investigate, but in terms of National Assembly Rule 165 to refer the matter to the Speaker. Parliament has provided for a specific mechanism through the Joint Committee on Ethics and Members Interests for the investigation of such matters. In this instance the complaints outlined against Mr Buthelezi in your correspondence have already served before the Joint Committee and the Committee ruled that it did not have jurisdiction to consider the complaints. There is therefore no further action to be taken by the Speaker in this regard. Rule 165 does not however stand to be interpreted or applied in any manner that would undermine the oversight work of a Committee. SCOPA is actively pursuing its mandate in relation to oversight over PRASA as is evident from its meetings.
- g. I wish to emphasise that Parliament takes its constitutional oversight responsibility very seriously. Steps already taken by Parliament to date in

response to the State Capture Report issued by the Zondo Commission have been publicly reported on in the document titled "Progress Report on the Implementation of Commission Recommendations" (dd 26 June 2023). You are invited to peruse such on Parliament's website at www.parliament.gov.za

Yours sincerely,



Ms N N Mapisa-Nqakula, MP

Speaker of the National Assembly

Date: 04 AUGUST, 2023