



OUTA

ORGANISATION UNDOING TAX ABUSE

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OUTA Introductory Report on Parliamentary Oversight in South Africa

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1. Introduction

On the 14th October 2016, the Public Protector's office published its report on state capture, entitled "State of Capture". On 15th June 2017, the National Assembly House Chairperson: Committees, Oversight and ICT, Dr Frolick sent a letter to selected portfolio committees, requesting that they investigate allegations contained in the report. On 28th June 2017, OUTA published its own report outlining the major state capture activities the organisation had uncovered. Copies of the "No Room to Hide" (NRTH) report were provided to all the political party Chief Whips represented in Parliament as well as the various law enforcement authorities. This report is essentially a legal case file; a compilation of information which was thinly spread in the public domain. It also describes potentially incriminating data sourced from the now infamous Gupta-emails in detail and provided potential cases for prosecution stemming from the fact-based opinion narrative.

During the last 5 years of state capture, there were public hearings in Parliament portfolios that OUTA concentrated on. After 2017, Parliament was instructed by the house Chairperson to investigate state capture. This report provides an account of how they performed.

According to OUTA's understanding, the Parliamentary Speaker's office referred selected sections of the NRTH report to several Parliamentary portfolio committees as it pertained to their sphere of competence: Transport, Public Enterprises, Home Affairs, Mineral Resources and Communications. Some also requested submissions independently. OUTA's fledgling Parliamentary Engagement Office coordinated the submission of the NRTH report to the relevant Parliamentary committees.

As we approach the 6th Parliament of the Republic of South Africa, OUTA has launched its parliamentary monitoring project. In its first phase, we explain the NRTH report and how it was received and processed by various committees in Parliament. As an illustrative case, this exercise highlights the observed strengths and weaknesses of the Legislature's capacity to perform its oversight function from a civil society perspective.

A strong Constitutional Democracy is built on an independent Parliament that holds the executive to account without fear or favour. OUTA monitors and supports the work of certain committees in Parliament to further its role in maintaining and enhancing the productivity and integrity of the South African public sector. Such committees are regarded as the engine rooms of Parliament, where MPs from different political parties interrogate the work of the executive arm of government in their respective portfolios

2. Tracking Parliamentary progress

To be transparent and effective, Parliamentary committees need to meet regularly and Ministers, Deputy Ministers (and Directors General) need to attend such committee meetings regularly to account for their department's activities.

In addition to Members of Parliament handing down their impartial judgement of executive performance, OUTA regards public participation as a cornerstone of good governance. One indicator of this in Parliament is the frequency and extent to which civil society is invited by committees to present their analyses and views into specific topics in the public interest.

However, routine public consultation processes do not necessarily result in stakeholders being heard or mean that their views are incorporated into governmental decision making. Portfolio committee reports provide insights into those issues Members of Parliament consider important and capture the views of the portfolio committees, including their decisions around recommendations made by external stakeholders.

In 2016, the above-mentioned Public protector report was published, and after consideration of the issue among the Presiding Officers of Parliament, it was decided that the matter could not be ignored. Numerous court cases were heard at the same time, with the judiciary having to rule on a decision by South Africa's four major banks to stop doing business with the now infamous Gupta family, and numerous court challenges brought against and by former President Jacob Zuma over the Public Protector's report. The most notable was Mr. Zuma's attempt to prevent the report from being publicized. The report recommended a judicial commission of inquiry with the same powers as a Chapter Nine institution. In 2017 several reports highlighting corruption and state capture were published, including OUTA's NRTH, which supported and augmented the existing decision in Parliament to commission inquiries into the various aspects of alleged state capture.

Before that time, then President Zuma had survived numerous attempts to oust him - the first in his own political party, and again in Parliament - where no less than eight motions of no confidence had been brought against him. Opposition parties became increasingly vociferous in their calls for President Zuma's removal. South Africa's media have largely been praised for their role in exposing the state capture project. President Cyril Ramaphosa claimed that it was the thousands of leaked emails from within the Gupta empire, which became known as the #Guptaleaks, that made him realise the country was dealing with a much bigger problem than he had ever imagined.

Since then, various civil society organisations, such as the Parliamentary Monitoring Group (PMG), People's Assembly, MyVoteCounts, as well as the Budget Justice Coalition, have produced analyses of Members of Parliament's (MPs) actions over the last five years. In the run up to the 2019 national and provincial elections, many organisations have specifically focused on the performance of the 5th Parliament and OUTA has drawn on these useful works in compiling this report.

OUTA has built on these solid foundations to provide our own MP tracker which shows which Parliamentary committees effectively performed their oversight function. For this report we used a sample of six such committees, some of which had hosted in-depth inquiries, while others resolved to abandon or outrightly disregard the proposed investigations.

This analysis thus focuses on the NRTH report, its dissemination and the relative impacts it had in Parliament, but subsequent phases will have broader scope covering a wide range of Parliamentary performance and its effectiveness. Due to time constraints, it was not possible to examine every committee and its work, or to examine the lack of accountability for all political leaders who have been exposed in the public realm to be linked with corrupt networks.

3. Committee specific performance measurement

OUTA acknowledges that qualitative evaluation of Parliamentary performance is inherently subjective. OUTA holds open governance, public participation and decisive leadership in addressing wrongdoing in high regard; and this is the beginning of a project aiming to monitor and improve this. We are confident that the ability to map progress and performance will be continuously improved and refined going forward and will be done in cooperation with like-minded civil society organisations, relevant stakeholders and with reference to Parliament's own account of its successes and failures during the 5th Parliament.

For the period between 2014 and 2019, the simple quantitative indicator of number of meetings held is used here to ascertain the degree to which committees executed their responsibility to oversee their respective organs of state.

Figure 1 graphically represents the activity of five sample committees which, as mentioned earlier, were made aware of the NRTH report in Parliament; it shows the number of meetings that they held over the 5-year Parliamentary term (2019 is excluded due to this being the election year with MPs focused on constituency work and preparation for elections).

Note that the Parliamentary Monitoring Group ranked the committees in terms of the attendance of its constituent MPs. There are 36 committees with the Portfolio Committee on Transport having the best attendance and Mineral Resources coming in at number 24.

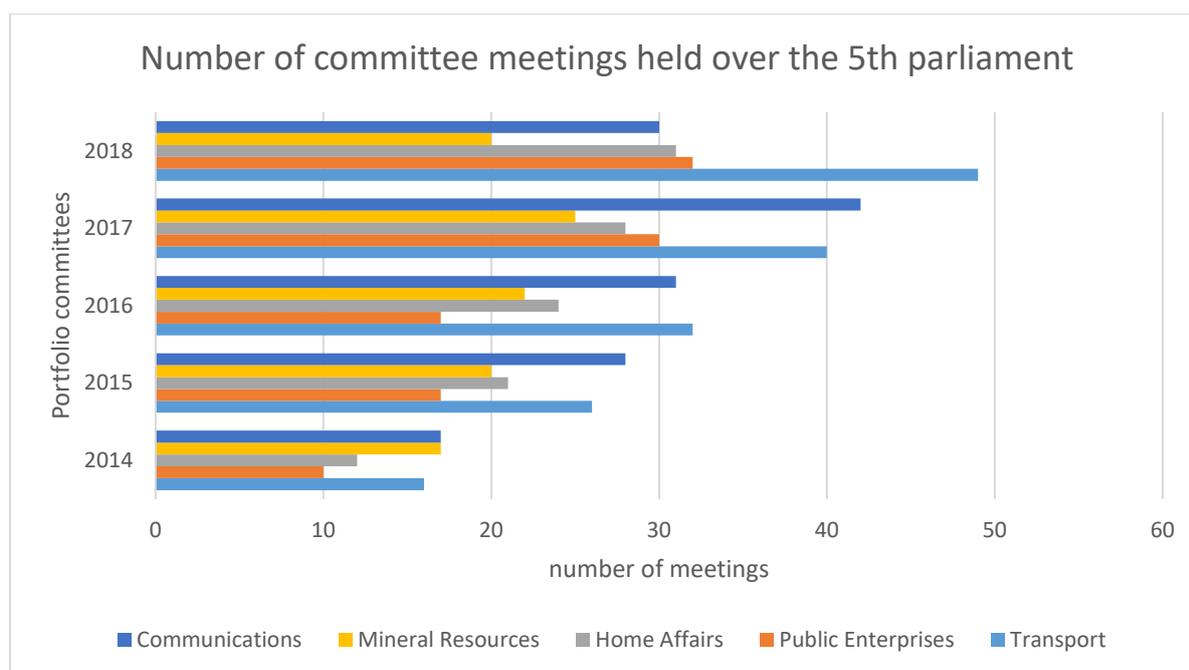


Figure 1. Number of meetings held by sample of respective portfolio committees- 2014-2018

The number of committee meetings held provides some measure of activity but does not provide any qualitative insights on whether any given committee was able to utilize meetings efficiently for impactful oversight. Such research will be conducted in subsequent phases of this project.

Ministers and Deputy Ministers have extensive responsibilities and cannot be expected to attend every committee meeting. However, it is expected that they should be available at regular intervals to meet with the committee and report.

4. Direct oversight of the Executive

Various Ministers, as head of the relevant portfolio in the executive department, have mounds of evidence of untoward conduct and allegations of corruption and abusing their positions. Did they attend parliament portfolio committee meetings, and were they accountable for their actions to MPs in parliament. Figure 2 graphically illustrates the frequency of each respective Minister's attendance of committee meetings compared to the number of meetings each committee held.

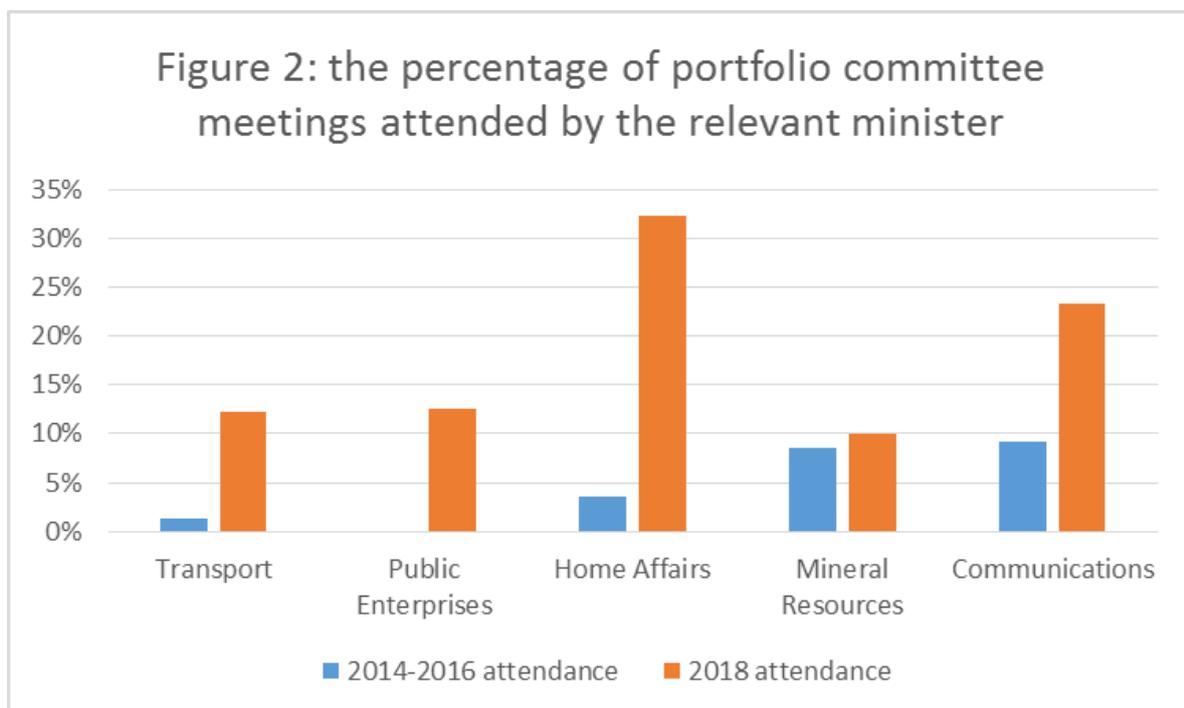


Figure 2: Percentage of portfolio committee meetings attended by the relevant Minister

Since many of these Ministers were in office from 2014 until early 2017, committee records for 2014, 2015 and 2016 were used for this analysis. 2018 saw a marked increase in the percentage of committee meetings that were attended by relevant Ministers, when compared to the Zuma years.

OUTAs NRTH report outlines in detail, the evidence against various Ministers who were active in cabinet, mostly from 2014 to 2017. We have included extracts from the NRTH report which highlights some of the allegations.

To place the conduct of these individuals into context, consider the behavioural guideline which dictates the expected ethical standards of Members of the Executive as well as Presiding officers in Parliament: The Ministerial Handbook. Under the 'General Standards' heading, it states explicitly that members may not:

- Deliberately or inadvertently mislead the President, or the Premier or, as the case may be; the legislature (Parliament);
- use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person;
- use information received in confidence during the execution of their duties otherwise than in connection with the discharge of such duties;
- expose themselves to any situation involving the risk of a conflict between their official responsibilities and their financial and/or personal interests;
- receive remuneration for any work or service other than for the performance of their functions as Members;
- make improper use of any allowance or payment properly made to them, or disregard the administrative rules, which apply to such allowances or payments

In the NRTH Report, OUTA exposed Cabinet Ministers who failed to comply with this code of ethics, and in some cases appear to have outrightly failed to abide by the rule of law. In the second phase of this report, these will be highlighted in more detail. Here follows core extracts of some of such cases:

1. Ms Faith Muthambi was Minister of Communications from 25th May 2014 until March 2017. The following extract from OUTAs NRTH report, provides an indication of her fitness to be minister.

“November 2015, the High Court found that Minister Muthambi acted irrationally and unlawfully in appointing Hlaudi Motsoeneng as Chief Operations Officer of the SABC in the face of the Public Protector’s damning findings against him of abuses of power, fraud and maladministration. The court held that “the [Minister’s] decision to appoint Mr Motsoeneng, when there was a manifest need for a transparent and accountable

public institution such as the SABC to exhaustively examine all of the disputes raised about his integrity and qualifications, cannot be considered as a rational decision”.185

2. Mr Malusi Gigaba served as Minister of Home Affairs from 26th May 2014 until the end of March 2017. The following summary from OUTAs NRTH report provides an indication of his involvement with state capture activities.

Minister Gigaba is not in the same category as Ministers Zwane and Muthambi when it comes to the Guptas. Nevertheless he has a track record of exercising his powers in a manner that is advantageous to the Guptas.

Mr Gigaba appointed Gupta family allies to the Board of Transnet where they presided over transactions that diverted billions of rands in public funds to Gupta companies.

He also fast tracked the naturalisation process of Gupta family members

3. Mr Mosebenzi Zwane served as Minister of Mineral Resources from 22nd September 2015 until 26th February 2018. The following extract from the NRTH report provides an indication of his state capture linked activities.

Zwane was appointed as Minister of Mineral Resources by President Zuma after first being vetted by members of the Gupta family, and without the prior knowledge of the ANC National Executive Committee

....As Minister of Mineral Resources, Zwane utilised his public office to facilitate the sale of Optimum Coal Mine from Glencore to Tegeta Exploration & Resources (Pty) Ltd (“Tegeta”), a company that is owned by the Guptas, their close business associate, Mr Salim Essa and Duduzane Zuma. In December 2015, Zwane flew to Switzerland to meet with Glencore’s CEO, in the company of Atul Gupta, Ajay Gupta and Mr Essa, to influence Glencore into selling its Optimum Coal Mine to Tegeta. This sale was followed shortly by the conclusion of coal-supply contracts between Tegeta and Eskom at escalated prices.

.....

On 1 September 2016, Minister Zwane issued a public statement announcing that Cabinet had agreed on a recommendation of the Inter-Ministerial Committee that a judicial inquiry investigate why South Africa’s banks had blacklisted Gupta-owned businesses. In fact, Cabinet had done nothing of the sort.

Despite the fact that Minister Zwane had publicly misrepresented what Cabinet had decided, he has been retained in the Cabinet by President Zuma and remains responsible for the Mineral Resources Portfolio that is of obvious importance to the Gupta family

4. Ms Lynne Brown served as Minister of Public Enterprises from 26th May 2014 until the 26th February 2018. The following extract from the NRTH report summarises her involvement in state capture activities.

President Zuma, and his appointed Ministers for Public Enterprises, Malusi Gigaba and Lynne Brown, have overseen the plundering of billions of rands of public resources through the unlawful conclusion of contracts by State-Owned Enterprises (SoEs) to the benefit of companies owned and controlled by the Gupta family, Duduzane Zuma and their business associates.⁴⁹

.....

Eskom's award of an estimated R11.7 billion worth of coal-supply contracts at inflated prices to Tegeta Exploration and Resources (Pty) Ltd between 2015 and 2016. The Guptas' Oakbay Investments company holds a 34.5% stake in Tegeta; Duduzane Zuma's Mabengela Investments (Pty) Ltd holds a 28.5% stake; and Mr Essa's Elgasolve a 21,5% stake.

....Eskom's conclusion of a R43 million contract with the Gupta's media company, TNA (Pty) Ltd in October 2014. South African Airways, Transnet and Denel have concluded similar contracts with TNA Media for millions of rands.

5. Ms Dipuo Peters served as Minister of Transport from 26th May 2014 until 30th March 2017.

Although we did not focus on deputy ministers, it is worth noting, for example, the deputy minister of transport, Ms Sindi Chikunga, has served as deputy minister of transport since 2014. During 2014-2016, she attended 1 meeting, but in 2018 she attended 10 meetings.

The deputy minister for mineral resources Mr Godfrey Oliphant was appointed in 2014 until now, attended 1 meeting in 2014-2016 and 3 in 2018. In conclusion, from Figure 2, it seems once President Ramaphosa took over the Presidency, Ministers became markedly more responsive and accountable to Parliament.

5. Civil Society bridging the gap between Parliament and the people

A recent report produced by the Joint Standing Committee on the Financial Management of Parliament (JSCFMP) in the Fifth Parliament indicated that constituency offices, which are funded by Parliament and therefore by taxpayers, are inadequately monitored. The implication is that oversight visits rarely, if ever, emanate from the work parliamentarians perform in their constituencies. In the general course of parliamentary business, representatives of executive departments attend committee meetings cyclically and present on their progress toward achieving agreed Annual Performance Plans (APPs) and popular expectations of the public they serve.

However, MPs are limited in their ability to perform oversight for several reasons. The same report from the JSCFMP raised the question whether the current model allows for effective oversight of the Executive in a manner that ensures that the broad objectives of the National Development Plan (NDP) are realised. The way oversight has been conducted has made it difficult to identify inefficiencies within the Executive.

One reason for poor oversight is a lack of meaningful key performance indicators (KPIs). On the other hand, direct accounting from the representatives of the departments or organs of state being overseen often results in selective reporting and unrealistically optimistic feedback. More accurate, alternative sources of performance measurements may include community leaders representing respective constituencies and/or public hearings where civil society organisations can present their own views on whether organs of state are performing. Through such avenues, MPs may be better equipped to critically engage departmental staff and ministers robustly. OUTA argues that Parliament would then be better able to uncover corruption, abuse- and mismanagement of state resources.

These views are not new, but the translation into new practice is still a major challenge. According to the Report of the High-Level Panel on the Assessment of Legislation and the Acceleration of Fundamental Change – an extensive governmental review document that was compiled by a panel of renowned South African politico-economic experts and headed by former President Kgalema Motlanthe – effective Parliamentary oversight is dependent on Members of Parliament acting in the best interests of the people of South Africa without fear, favour or prejudice. “At the heart of whether government delivers on its Constitutional mandate, and whether Parliament legislates to bring about change and exercises oversight effectively, are issues of accountability.” The Panel proposes ways to deepen the relationship between constituencies and their representatives to assure more direct accountability to the public. OUTA strongly supports this movement and aims to contribute to it through this project.

In its analysis of selected committees, OUTA looked at the committee meeting records, specifically the Budgetary Review and Recommendations Reports (BRRRs) for 2017, and the legacy reports prepared by the respective committees to hand over to the 6th Parliament. Portfolio Committees that received the NRTH report were also tracked. The NRTH report was submitted directly to the Speakers office, and the responsibility to analyse its content (alongside that of the Public Protector's report) was handed over to the five committees. So, what did the respective committees do in response?

OUTA recognizes that several other committees held public hearings and intends to evaluate the quality of such public consultation in Parliament more generally over the next term. Five committees that received the NRTH report were evaluated, and from the PMG's minutes, using the following metrics:

1. Responsiveness: Was the issue of state capture addressed/discussed by the committee either before or after the 28th July 2017?
2. Inclusivity: Were any public engagements held to solicit civil society views on the issue in question?
3. Action: Were there any recommendations from the committee reports to address the state capture issues?

Portfolio Committee Public Enterprises:

1. Responsiveness: Was the issue of state capture addressed/discussed by the committee either before or after the 28th July 2017?

Yes. The Committee initiated an inquiry into the governance, procurement and financial sustainability of Eskom. This was conducted after the committee unanimously resolved to institute an inquiry on 21 June 2017, partly due to noting that there had been widespread public outcry. The committee received threats and attempts to undermine its work. Threats to personal safety and security were made by anonymous parties, for example, against: Inquiry Chairperson, Ms Zukiswa Rantho, including an anonymous threat made to her child that "your mother is making life difficult for us"; attempts to undermine the committee's work included letters from Ministers Lynne Brown and Malusi Gigaba. The committee continued its work and called on witnesses and public input. Continuing their work in the face

of executive opposition demonstrates strong-willed oversight and resilience against executive interference.

2. Inclusivity: Were any public engagements held to solicit civil society views on the issue in question?

Yes. The inquiry started on the 17 October 2017, and the report mentions inputs received from OUTA. It also notes inputs from other civil society players including SACC and Professors Chipkin and Eberhard from the State Capacity Research Project. Hearings were held in public, 30 witnesses were called, and the inquiry was broadcast live.

3. Action: Were there any recommendations from the committee reports to address the state capture issues?

Yes. The committee produced an inquiry report finalised on 28 November 2018 which had recommendations concerning governance, Parliamentary powers going forward, as well as monitoring and implementation plans. The committee concluded by handing over the inquiry report to the Zondo commission; and it was ultimately state that this had been well received. The committee also finalised its legacy report in March 2019 where various recommendations regarding good governance were made. It also noted potential policy amendments and suggested that the Justice and Correctional Services Committees might sit jointly regarding their findings on Eskom going forward.

Portfolio committee on Mineral Resources

1. Responsiveness: Was the issue of state capture addressed/discussed by the committee either before or after the 28th July 2017?

Yes, but only in response to a letter from the House Chairperson that they should do so. The matter was raised first on 16th August 2017. The background to the inquiry was the release, in 2016, of a report by the then Public Protector, containing findings that pointed to governance failures and maladministration in the Department of Mineral Resources, as well as information on a conflict of interest on the part of the previous Mineral Resources Minister, Mosebenzi Zwane. According to minutes, the committee debated the need to respond and the nature of their response. On the 23rd of August 2017 it resolved to call the Minister to come and account. The Minister was unable to appear that day and only did so on the 18th of October 2017. The Minister then denied all allegations, and the committee resolved to ask for legal opinion on the way forward. On 1 November that year, the Minister failed to attend a follow up meeting,

and it was resolved to continue questioning him later. On 29 November 2017, the Minister was unable to attend because he had not recovered from an illness (according to the minutes) and the committee decided to ask the Minister to make himself available at its first meeting in 2018. On 21 Feb 2018, the Minister once again failed to attend, and the committee concluded that further attempts to get the minister to appear might be fruitless and resolved to prepare for a formal inquiry. On 14 March 2018, the committee explicitly opted to conduct an inquiry within 60 days starting after Easter. On 25 April, the Terms of Reference (ToRs) for the formal inquiry were discussed and a list of potential witnesses mentioned. On 22 August 2018, newly appointed Minister Gwede Mantasha attended the committee, but no mention was made of the state capture inquiry. On 12 September 2018, the committee resolved to continue to ask for a budget to conduct its inquiry but also discussed narrowing its ToR. The inquiry was never carried out.

2. Inclusivity: Were any public engagements held to solicit civil society views on the issue in question?

No. According to the minutes of a meeting held on the 23rd of May 2018, an advert was published but only 2 submissions were received. One was from OUTA. The committee's legal advisors were in the process of arranging a day long meeting with legal representatives from OUTA in Johannesburg when the process was halted without an explanation. On 30 May, the committee was informed that there were budgetary constraints and the committee resolved to write to the Speaker's office to request a budget. No hearings were ever held.

3. Action: Were there any recommendations from the committee reports to address the state capture issues?

No. The 2018 Budgetary Review and Recommendation Report's discussion held on 17 October 2018 did not mention State Capture or the failed inquiry. According to the legacy report of the Mineral Resources committee, there are 4 urgent issues for the 6th parliament to act on, none of them include state capture or good governance.

Portfolio Committee on Home Affairs

1. Responsiveness: Was the issue of state capture addressed/discussed by the committee either before or after the 28th July 2017?

Yes. On 20 June 2017, the Committee acknowledged that the naturalisation of the Gupta family was a matter in the public domain, resolving to call the Minister to account. He was

unavailable. On 27 June 2017, the Committee again asked the previous Home Affairs Minister who was now the Finance Minister, the current Home Affairs Minister, as well as the Deputy Minister of Home Affairs to appear. None were available. The committee received documents which were not readily available to the public. The Department presented the documents to the committee and its determination was that there was nothing wrong with the processes of Home Affairs as presented. However, on the 15 August 2017, the committee again raised the issue of the Gupta family's naturalisation, but the Chairperson refused to entertain discussion. He resolved to set a date and inform the members of the date that the Minister would appear, but outside of the meeting. On 22 August 2017, members engaged with the current Minister Prof Hlengiwe Mkhize who stated that she would have made the same decision as the former Minister Malusi Gigaba. Members demanded further time with the Minister Gigaba. On the 5 September 2017, members asked the Chairperson for a response on their summons for Minister Gigaba to appear. The chair ruled to stick to the original agenda for the meeting and not to discuss the matter at that time. Only on 27 February 2018, the committee received further evidentiary documentation and resolved to analyse it. Under a new Chairperson, on the 27th of March 2018, the committee resolved to hand over all relevant documents to the Parliamentary legal advisors to guide the committee on what route to take. On 24 April 2018, the committee was briefed on ToRs for their inquiry. On 14 August 2018, it was briefed on the results of the investigations and discussed the report further on 15 August 2018. On 4 September, the committee prepared for the hearings where twelve witnesses and Minister Malusi Gigaba would be called.

2. Inclusivity: Were any public engagements held to solicit civil society views on the issue in question?

Yes. However, we would make a qualifying remark. This committee failed to take the inquiry process forward until the Chairperson was replaced. In meetings held on the 12th and 13th of September 2018, the committee heard from 12 witnesses it had identified. OUTA was among those invited to present external views on the issue. More specifically, an analysis of the Gupta-emails was presented showing potential maladministration. There was no advertisement to solicit additional inputs from the public. The hearings were held over three full days including a session on the 9th of October with former Home Affairs Minister Malusi Gigaba. Selected officials from the Department of Home Affairs were also called to account.

3. Action: Were there any recommendations from the committee reports to address the state capture issues?

Yes. The committee adopted the Gupta Naturalisation Inquiry Report on the 19 March 2019, which was added to the Announcements, Tablings and Committee Reports archive in March 2019. The report recommends that criminal charges be laid against the Guptas and the right-hand man Ashu Chawla for the false information they submitted in their bid for early South African naturalisation. With regards to wrongdoing on the part of public officials, the committee concluded that the problem had arisen due to structural issues of oversight within the Department of Home Affairs. It also recommended that the Citizenship Act be amended to remove the power granted to the Minister to grant early naturalisation under 'exceptional' circumstances.

Portfolio Committee on Communications

1. Responsiveness: Was the issue of state capture addressed/discussed by the committee either before or after the 28th of July 2017?

Yes. On 5 October 2016, in response to the Public Protector's report, the SABC board was called to account and the committee resolved to request existing SABC board members to resign and to explore legal option to appoint an interim board.

An ad hoc committee was established by the National Assembly to inquire *inter alia* into the fitness of the SABC Board to discharge its duties. This multiparty committee established by the NA comprised eleven members of which four had served on PC Communications at some time. The chair of the ad hoc committee was the chair of the comms committee.

On the 27th of March 2018, the committee noted that it had received a request from the Organisation Undoing Tax Abuse's (OUTA) to consider instituting an inquiry into the former Minister of Communications, Ms Faith Muthambi. After careful deliberation, the committee resolved that the matter be put before the Joint Committee on Ethics and Members' Interests as it addressed an allegation that Ms Muthambi had violated the confidentiality of Cabinet. Some of the other findings in the report had been mentioned in the report by the Ad Hoc Committee on the SABC and would also be in the purview of the work the Judicial Commission of Inquiry into State Capture by Deputy Chief Justice Raymond Zondo. The latter is currently taking place.

2. Inclusivity: Were any public engagements held to solicit civil society views on the issue in question?

Yes. The ad hoc committee heard from about 28 witnesses. The hearings took place from 7 to 15 December 2016 and on 13 January 2017. The final report was adopted on 24 February 2017. The draft report specifically mentioned evidence submitted by OUTA, as well as by Media Monitoring Africa; the Right2Know Campaign; and SOS Support Public Broadcasting Coalition.

On 27 March 2018, Following OUTAs follow up letter regarding allegations re former Minister Muthambi, the committee did not hold further public engagement, but resolved to ask the Speaker for a progress update regarding issues emerging from the ad hoc inquiry.

3. Action: Were there any recommendations from the committee reports to address the state capture issues?

Yes. Various recommendations regarding the SABC board and operations were followed up through committee meetings on the 10th and 30th of May 2017, and 13th Feb 2018 and again on 27 Nov 2018.

Serious findings were made by the ad hoc committee and these were included in its closing report: *“The Committee found that the Minister displayed incompetence in carrying out her responsibilities as Shareholder Representative. all political interference in the SABC Board’s operations must be condemned and must be reported to the Ethics Committee for processing in line with its mandate. ordering appropriate corrective action which could include but is not limited to the institution of charges..... The President should seriously reconsider the desirability of this particular Minister retaining the Communications portfolio”*. The committee met on 10 May 2017 to discuss progress made on the implementation of the inquiry’s recommendations. On 30th May 2017, in further committee discussions about specific recommendations of the ad hoc committee regarding the previous Minister Faith Muthambi, the committee resolved to await the outcome of a court case on the matter which was currently underway in the Western Cape High Court.

On 27 March 2018, the Committee discussed a letter from OUTA and the necessity of dealing with allegations regarding the previous Minister F. Muthambi. Some of the issues in the OUTA letter overlapped with the ad hoc SABC inquiry committee report. The Committee decided that there was no need for further inquiries, but simply to implement the recommendations from the ad hoc SABC report echoed by OUTA. The committee resolved to write to the

speaker within 24 hours of that meeting. The letter would ask the Speaker what had been done in relation to the recommendations of the Ad Hoc Committee on SABC Board Inquiry report. More simply, members of the committee strongly recommended that charges laid against Ms. Muthambi by OUTA be heeded and processed by the relevant law enforcement agencies.

The joint committee on ethics holds closed meetings and there is no record of any decision regarding the allegations regarding former Minister F. Muthambi.

Portfolio Committee on Transport

1. Responsiveness: Was the issue of state capture addressed/discussed by the committee either before or after the 28th July 2017?

Yes. On the 7th and 8th days of March 2017, the Committee heard of various allegations of corruption and fraud in the Passenger Rail Agency of South Africa (PRASA). The committee resolved to hold an inquiry. However, at the end of the meeting, the Minister of Transport sent a letter to the Chairperson of the committee in which she informed them that she had dissolved the board. In a heated meeting discussion on 14 March 2017, the committee eventually opted to postpone their decision on the basis that Treasury, Werkmans Attorneys and the Special Investigating Unit (SIU) are busy investigating PRASA as an organisation and this did not need to be duplicated by Parliament. In addition, the Chairperson wanted to consult with the Speaker in relation to a letter purportedly received in November 2016, from then CEO of PRASA, Lucky Montana, which had been sent to Speaker, requesting an inquiry into corruption and fraud at the State Owned Entity. On 24 November 2017, committee members discussed the issue focusing on the fact that PRASA decided to outsource the investigation of alleged corruption in the state-owned entity. Ultimately, PRASA board members responded that this SOE had not been mentioned in the Public Protector's 'State of Capture' Report, but rather fell under the 2015 'Derailed' Report. The matter was not pursued after this. Apart from the Werkmans Attorneys investigations, State Capture was not mentioned in the 2017 BRRR or the 2018 BRRR reports.

2. Inclusivity: Were any public engagements held to solicit civil society views on the issue in question?

No. The committee opted to leave the oversight function relating to allegations of State Capture in PRASA to the Executive itself. There was no opportunity for any civil society organisation or non-governmental stakeholder to provide inputs.

3. Action: Were there any recommendations from the committee reports to address the state capture issues?

No. The investigation was dropped and left to government operated institutions (Treasury and the Special Investigations Unit). The Transport legacy report was not available when this report was finalised.

Water and Sanitation

1. Responsiveness: Was the issue of state capture addressed/discussed by the committee either before or after the 28th July 2017?

Yes. On 3 March 2017, the committee engaged the Minister about media reports regarding corruption. However, more than a year later, on 8 May 2018, the committee discussed the draft ToRs for its own investigation. It should start from the BRRR of the Portfolio Committee on Water and Sanitation, followed by the Standing Committee on Public Accounts' (SCOPA) meeting held on the 27 February 2018 and a joint meeting on 20 March, where it had been formally agreed by both committees on what action would be taken. Subsequent, a meeting was held on 27 March with the Auditor General of South Africa (AGSA), the SIU and National Treasury, which had eventually led to the development of the terms of reference. As a result, SCOPA had requested to become part of the Commission of Inquiry.

However, there is no further record of any inquiry in the minutes of the Portfolio Committee.

2. Inclusivity: Were any public engagements held to solicit civil society views on the issue in question?

No. There is no record of any inquiry taking place. On 17 October 2018, the SIU and National Prosecuting Authority (NPA) briefed the committee on their investigations but this meeting was closed the public.

3. Action: Were there any recommendations from the committee reports to address the state capture issues?

Not in the form of an inquiry. In its 2017 BRRR, the committee made recommendations such as “In light of the critical issues highlighted the Portfolio Committee strongly recommends that an independent forensic audit or a forensic audit by AGSA or the Special Investigating Unit (SIU) is undertaken to obtain a full understanding of the financial and non-financial risks apparent in the department’s Programme 3: Water Infrastructure Development and Water Trading Entity”. Despite the committee meeting held on the 8th of May 2018, the 2018 BRRR report contains no mention of such an inquiry. However, the Committee does make a number of governance related recommendations in the 2018 BRRR report aimed at overcoming some of the alleged mismanagement. For example, *“The Portfolio Committee was particularly concerned by the lack of oversight by the Department in respect of their obligations under the National Water Act, 1998 (Act Number 36 of 1998); the Water Research Act, 1971 (Act Number 34 of 1971), and the (Act Number 1998 and Water Services Act (1997).”*

The committee’s legacy report does not mention state capture explicitly, but does highlight transgression of the provisions of the Public Finance Management Act (PFMA) and National Treasury regulations as a key area of future work.

Joint Committee on Ethics and Members’ Interests

This committee received two substantive submissions from OUTA regarding the conduct of former Minister of Communications, Miss Faith Muthambi, as well as that of former Minister of Mineral Resources, Mr Mosebenzi Zwane on the 25th of October 2017.

As indicated in the sections above, specific committees referred matters to the Joint Committee on Ethics and Members’ Interests. However, this committee’s meetings are closed to the public and there is no means of assessing its efficacy. What we do know is that the committee did not host more than ten meetings in any year throughout the course of the 5th Parliament. Since OUTA’s submission on 25 October 2017, 14 meetings were held and no visible repercussions for those accused have been seen to date. Indeed, both individuals the complaints were lodged against have been selected to be redeployed in Parliament following the 2019 National and Provincial elections. From this we may infer that the committee did not make any adverse findings regarding the fitness of these MPs for office despite serious allegations of corruption and maladministration outlined in OUTA’s NRTH Report and subsequent submissions, in addition to referrals made the some Portfolio Committees on the same issue.

It is useful to contrast the actions of various portfolio committees with regards to the state capture inquiry processes. Public Enterprises took on the inquiry, called witnesses, held public hearings and concluded in good time, despite attempts to undermine the process. The Mineral Resources committee and others abandoned any dedication to undertake thorough inquiries, seemingly unable or unwilling to investigate any state capture issues, while the Portfolio Committee on public enterprises handed their inquiry report over to the Zondo Commission and made recommendations in this regard to the incoming MPs for after May 2019, others remained deafeningly silent to the very end of the 5th Parliament.

It is also worth noting that a breach of confidence within committees by singular Members can undermine months' worth of oversight work. For example, the Report on Corporate Governance at Eskom submitted to the Zondo Commission by the Portfolio Committee on Public Enterprises was leaked by a member of the committee before accused persons had a chance to respond – jeopardizing its recommendations. The variation in levels of responsiveness, inclusivity and action between other committees and their individual Members demonstrates the importance of personal integrity and commitment to justice in Parliamentary committees.

6. How effective were State Capture oversight processes?

New MPs and a new Cabinet is impending. The choice of MPs on party political lists is complex but OUTA believes that performance in Parliamentary oversight committees should strongly influence the decision as to whether former Members return to this important public office. This does not appear to be the case and serious red flags must be raised in this regard.

Appendix 2 provides a timeline of how state capture oversight processes unfolded over the 5th Parliamentary term. This provides a snapshot in time and shows how different Portfolio Committees were to a lesser or greater extent able to fulfil the mandate provided to them on the 15 June 2017 by the House Chair.

Of the five Portfolio Committees OUTA has analysed here it is apparent that the Mineral Resources committee was ineffective in exposing and addressing allegations of state capture while the Public Enterprises Portfolio Committee had performed exceptionally well in hearing the voices of civil society and addressing the issues emanating therefrom, particularly around governance and procurement fraud at Eskom.

Some Ministers undermined these oversight processes outrightly. Ministers Brown and Gigaba undermining the Public Enterprises Parliamentary inquiry process whereas Minister Zwane's behaviour can be best described as dismissive. An extract from the PC inquiry report highlights the conduct of Ministers Brown and Gigaba: *"There were several attempts by persons and organisations to undermine the authority and function of the Committee. These attempts included baseless legal challenges, attempts to delay and subvert investigations by providing irrelevant or incorrect information, public smear campaigns targeting the Committee and its members and threats to the personal security of Committee members, witnesses and their families. letters to this effect were received from: Black First Land First (2) (who called the Inquiry a "witch hunt"), Mr Brian Molefe's lawyers (1), Eskom (3), Gupta family's lawyers (2), Mr Atul Gupta's Lawyers (1), Dr Baldwin "Ben" Ngubane (1), Mr Duduzane Zuma (1), Mr Matshela Koko's Lawyers (1), Minister Lynne Brown (2), Minister Malusi Gigaba (1)."*

An extract from the Minutes of the Mineral Resources Committee shows the frustration that MPs experienced, *"The Chairperson pointed out that the Minister had already made an appearance before the Committee. It was the dissatisfaction with his answers to Members' questions, his evasive manner of responding, and the fact that Members had more questions that had led to the attempt to get the Minister to appear a second time. Members came to the realisation that further attempts along those lines might be fruitless, even if the Minister did make an appearance."*

Neither the Water and Sanitation committee nor the Transport Committee opted to follow through on a full inquiry although they did make recommendations to address allegations of mismanagement within the departments.

Generally, the Joint Committee on Ethics and Members' Interests (JCEMI) is crucial in insuring that Members of Parliament (including Ministers and Deputy Ministers) conduct themselves in an ethical and accountable manner. The political reasoning behind its operational confidentiality are debatable, but very little impact (if any) can be observed from its existence.

It also appears that different Portfolio Committees did little follow up to ascertain the outcomes of deliberations undertaken by the JCEMI. OUTA recommends that the JCEMI be obliged to provide an annual report to National Assembly on its decisions, focus points and recommendations at the very least. The accountability of such crucial committees is paramount despite the understandable confidentiality with which its deliberations must be conducted.

In evaluating MPs, OUTA considered their overall attendance in Parliament, and the effectiveness of the committees on which they served, as in the analysis per committee above. Committees were rated depending on whether they responded to state capture allegations in their portfolio, whether they invited and received public submissions, and whether they took any action as a result.

Appendix 1¹ (summarised in Table 1 per committee) provides our analysis which looked at individual MPs' participation in addressing state capture issues, particularly in relation to the issues raised in the NRTH report or other OUTA submissions. Political party lists for the 2019 elections were used to determine which politicians had been put forward by their political party for the 6th Parliament.

According to the political party lists of candidates for 2019, many tainted MPs have been put forward for inclusion in the 6th Parliament. This is worrying and reflects a failure on the part of political parties to maintain appropriate levels of ethicality and integrity among its most powerful members. The table below presents a summary of the assessment of each portfolio committee assessed and the number of its MPs who have been maintained on the lists for their respective political parties.

¹ Performance is green or red (yes or no). attendance is green more than 70%, orange 50 to 70 and less than 50% is red

Portfolio committee	State capture on agenda	Public hearings held	Action taken	% of members potentially returning ²
Public Enterprise	YES	YES	YES	47 %
Home Affairs ³	YES	YES	YES	35%
Communication	YES	YES	YES	36%
Transport	YES	NO	NO	41%
Mineral Resources	YES	NO	NO	42%
Water and Sanitation	YES	NO	NO	27%

Table 1: A summary of the assessment of each Portfolio Committee evaluated and the number of its MPs who have been maintained on the lists for their respective political parties

Results indicate that Parliamentary performance does not play a role in whether individual MPs continue to hold political office. Parliament is a key leg of democracy and if its members fail to hold the executive to account, the citizens of the country suffer as taxes are misspent and the looting of state coffers continues unabated. In our analysis we highlighted that the Portfolio Committees on Public Enterprises and Home Affairs ultimately did sterling work, while the Mineral Resource, Water and Sanitation and Transport Committees performed poorly. It can only be inferred that the Joint Committee on Ethics and Members' Interests has not effectively performed its oversight function either.

However, the percentage of MPs returning is approximately the same. The Portfolio Committee on Water and Sanitation will see a significant removal of poor performing (from our analysis) MPs, but Transport, which was equally poorly performing, will see a higher return of MPs than a better performing committee such as Home Affairs. It is difficult to fairly evaluate the performance of individual MPs as those of smaller parties are likely to be stretched thinner and therefore miss a few more committee meetings than larger parties, for example. As the 6th Parliament settles in, OUTA will use the baseline of MP performance (as per appendix 1) as a foundation for a more nuanced analysis.

² Some Committees have changed Chairpersons and Members so the members considered were those present from June 2017 at the time parliament Hon Frolick requested committees to address state capture.

³ The issue of state capture was only addressed after the replacement of the Chairperson

7. Conclusion

Parliament is supposed to represent the public interest, incorporate the views of civil society and ensuring that the Executive is held to account. From this initial analysis, we can infer that MPs often failed to hold the Executive to account; be it due to incapacity or a lack of political will to do so. Ministers and Deputy Ministers did not attend committee meetings, until the removal of former President Zuma and his replacement with President Ramaphosa.

While there appears to be a lack of action taken by various important committees around corruption and maladministration generally, there are also signs of hope in the determination of many individual Members of Parliament to ensure that the rule of law reigns in the public sector. This goes to show that personal values of integrity, accountability, honesty and justice can, and must be visibly engrained in the day-to-day behaviour of influential public office bearers. Parliament is imbued with the power and responsibility to oversee the Executive without fear or favour, and when its Members are driven primarily by the mandated purpose of representing the public interest – accountability can be the result. Accountability mechanisms and core oversight committees such as the Joint Committee on Ethics and Members' Interests are in place, but these must be utilized with the highest degree of duty and responsibility for them to be effective. Whether this has been the case thus far is evidently doubtful, but there is light at the end of the tunnel.

Admittedly, the prevailing political machinery and its structure can impede transparent governance and self-discipline among powerful public officials. That is why civil society's inclusion in the various mechanisms of accountability in government is so important. OUTA aims to enhance and utilize the existing mechanisms by monitoring and evaluating their effectiveness and efficiency.

The tax all economically active South Africans pay finances our elected MPs to conduct oversight and to prevent abuse and mismanagement of state funds. We should be asking ourselves why poorly performing MPs continue to appear on political party lists as this does not augur well for addressing corruption and promoting good governance in the future. This should not be accepted.

As the 6th Parliament rises, OUTA will continue to examine and publicize MP performance and to expose its failures, thereby empowering citizens to hold our MPs accountable.

8. References

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- People's Assembly (2018). Review of Parliament 2018. <https://www.pa.org.za/blog/review-parliament-2018> [10 December 2018]

9. Appendix 1

Simple analysis of MPs' performance as per their activities at committee level

NAME	PARTY	COMMITTEE	ATTENDANCE ⁴	State capture on agenda	Public hearings	Action	ON 2019 LIST
Ms LA. Mnganga-Gcabashe, (Chairperson)	ANC	P/C Public Enterprises	103/104= 99%	YES	YES	YES	NO
Mr M. Cele	ANC	P/C Public Enterprises	92/140 = 66%	YES	YES	YES	NO
Mr MM Dlamini	EFF	P/C Public Enterprises	61/134 = 45%	YES	YES	YES	YES
Mr NL Kwankwa	UDM	P/C Public Enterprises	112/495= 23%	YES	YES	YES	YES
Dr Z Luyenge	ANC	P/C Public Enterprises	144/193= 75%	YES	YES	YES	NO
Mr M Gungubele	ANC	P/C Public Enterprises	71/80= 89%	YES	YES	YES	NO
Mr E.J. Marais	DA	P/C Public Enterprises	97/122= 80%	YES	YES	YES	YES
Ms NW Mazzone	DA	P/C Public Enterprises	128/158= 81%	YES	YES	YES	YES
Ms GN Nobanda	ANC	P/C Public Enterprises	121/151= 80%	YES	YES	YES	NO
Ms DZ Rantho	ANC	P/C Public Enterprises	160/192= 83%	YES	YES	YES	NO
Mr ML Shelembe	NFP	P/C Public Enterprises	132/310= 43%	YES	YES	YES	NO
Mr F Shivambu	EFF	P/C Public Enterprises	168/524= 32%	YES	YES	YES	YES
Mr N. Singh	IFP	P/C Public Enterprises	181/264= 69%	YES	YES	YES	YES
Mr SN Swart	ACDP	P/C public Enterprises	252/307= 82%	YES	YES	YES	YES
Mr RM Tseli	ANC	P/C Public Enterprises	203/236= 86%	YES	YES	YES	NO
Mr S Luzipho (Chairperson) 20	ANC	P/C Mineral Resources	114/115= 99%	YES	YES	YES	YES

⁴ Some MPs are part of two committees, so this is a measure of their individual attendance out of total committee meetings from 2014 to 2018

June 14 – 7 May 19							
Ms MV Mafolo	ANC	P/C Mineral Resources	115/192= 60%	YES	YES	YES	NO
Mr Nkosi ZM Mandela	ANC	P/C Mineral Resources	113/150= 75%	YES	YES	YES	YES
Mr M Matlala	ANC	P/C Mineral Resources	179/207= 86%	YES	YES	YES	NO
Ms HV Nyambi	ANC	P/C Mineral Resources	165/216= 76%	YES	YES	YES	NO
Ms Z Faku	ANC	P/C Mineral Resources	78/105= 74%	YES	YES	YES	YES
Mr S Mthimunye	ANC	P/C Mineral Resources	149/180= 83%	YES	YES	YES	NO
Mr IA Pikinini	ANC	P/C Mineral Resources	180/197= 91%	YES	YES	YES	NO
Mr G Oliphant (Deputy Minister)	ANC	P/C Mineral Resources	7/109= 6%	YES	YES	YES	NO
Mr M Zwane (Former Minister) 23 Sep 15 – 26 Feb 18	ANC	P/C Mineral Resources	13/106= 12 %	YES	YES	YES	NO
Ms D Tsotetsi	ANC	P/C Mineral Resources	127/146= 87%	YES	YES	YES	NO
Mr JR Lorimer	DA	P/C Mineral Resources	95/115= 83%	YES	YES	YES	YES
Adv H Schmidt	DA	P/C Mineral Resources	97/114= 85%	YES	YES	YES	YES
Mr JA Esterhuizen	IFP	P/C Mineral Resources	197/376= 52%	YES	YES	YES	NO
Mr SM Jafta	AIC	P/C Mineral Resources	149/250= 60%	YES	YES	YES	NO
Ms Y Yako	EFF	P/C Mineral Resources	7/7= 100%	YES	YES	YES	YES
Ms M Mokause	EFF	P/C Mineral Resources	29/65= 45%	YES	YES	YES	NO
Mr L Mokoena	EFF	P/C Mineral Resources	44/103= 43%	YES	YES	YES	YES
Mr J Malema	EFF	P/C Mineral Resources	18/150= 12%	YES	YES	YES	YES
Prof H Mkhize (chairperson)	ANC	Communications	33/37= 89%	YES	YES	YES	NO
Mr C Maxegwana	ANC	Communications	153/177= 86%	YES	YES	YES	NO
Mr M Gungubele	ANC	Communications	71/80= 89%	YES	YES	YES	NO
Mr M Kalako	ANC	Communications	193/222= 87%	YES	YES	YES	NO

Mr B Bongo	ANC	Communications	244/319= 76%	YES	YES	YES	YES
Ms M Matshoba	ANC	Communications	140/216= 65%	YES	YES	YES	YES
Mr R Tseli	ANC	Communications	203/236= 86%	YES	YES	YES	NO
Mr N Xaba	ANC	Communications	45/51= 88%	YES	YES	YES	NO
Ms S Ndabeni-Abrahams (Minister)	ANC	Communications	23/23= 100%	YES	YES	YES	NO
Ms F Mutambi (Former Minister)	ANC	Communications	37/156= 24%	YES	YES	YES	YES
Ms N Mokonyane (Former Minister)	ANC	Communications	26/156= 17%	YES	YES	YES	NO
Ms P Kekana (Former deputy Minister)	ANC	Communications	150/225= 67%				
Mr D Kekana	ANC	Communications	151/217= 70%	YES	YES	YES	NO
Ms W Newhoudt-Druchen	ANC	Communications					
Ms N Tolashe	ANC	Communications	45/65= 69%	YES	YES	YES	NO
Ms S Van Schalkwyk	ANC	Communications	165/185= 89%	YES	YES	YES	NO
Ms E Prins	ANC	Communications	140/152= 92%	YES	YES	YES	NO
Mr A Williams	ANC	Communications	203/242= 84%	YES	YES	YES	NO
Mr W Madisha	COPE	Communications	76/240= 32%	YES	YES	YES	YES
Mr A Shaik Emam	NFP	Communications	230/439= 52%	YES	YES	YES	YES
Ms P Van Damme	DA	Communications	116/158= 73%	YES	YES	YES	NO
Ms V Van Dyk	DA	Communications	122/138= 88%	YES	YES	YES	YES
Mr J Selfe	DA	Communications	73/153= 48%	YES	YES	YES	YES
Ms L van der Merwe	IFP	Communications	110/244= 45%	YES	YES	YES	YES
Dr C Mulder	FF Plus	Communications	42/141= 30%	YES	YES	YES	NO
Dr M Ndlozi	EFF	Communications	72/178= 40%	YES	YES	YES	YES
Mr F Shivambu	EFF	Communications	168/524= 32%	YES	YES	YES	YES

Mr M Mokoena	EFF	Communications	44/103= 43%	YES	YES	YES	NO
Ms D Magadzi (chairperson)	ANC	P/C Transport	155/178= 87%	YES	YES	YES	YES
Mr M Maswanganyi	ANC	P/C Transport	70/83= 84%	YES	YES	YES	NO
Mr G Radebe	ANC	P/C Transport	108/129= 84%	YES	YES	YES	NO
Mr L Mpumlwana	ANC	P/C Transport	307/341= 90%	YES	YES	YES	YES
Mr T Nkondo	ANC	P/C Transport	60/73= 82%	YES	YES	YES	NO
Mr L Ramatlakane	ANC	P/C Transport	266/331= 80%	YES	YES	YES	NO
Mr M Sibande	ANC	P/C Transport	160/169= 95%	YES	YES	YES	NO
Ms S Xego	ANC	P/C Transport	165/219= 75%	YES	YES	YES	NO
Mr T Mpanza	ANC	P/C Transport	65/72= 90%	YES	YES	YES	YES
Ms D Carter	COPE	P/C Transport	84/368= 23%	YES	YES	YES	YES
Mr C Hunsinger	DA	P/C Transport	156/173= 90%	YES	YES	YES	NO
Mr M De Freitas	DA	P/C Transport	133/173= 77%	YES	YES	YES	YES
Mr T Mulaudzi	EFF	P/C Transport	194/288= 67%	YES	YES	YES	YES
Ms N Nolutshungu	EFF	P/C Transport	22/32= 69%	YES	YES	YES	NO
Mr M Shelembe	NFP	P/C Transport	132/310= 43%	YES	YES	YES	NO
Mr M Mabika	NFP	P/C Transport	110/384= 29%				NO
Mr K Sithole	IFP	P/C Transport	168/350= 48%	YES	YES	YES	YES
Mr H Chauke (chairperson) 30 May 2018 – 7 th May 2019	ANC	P/C Home Affairs	125/193= 65%	YES	YES	YES	NO
Mr BL Mashile (chairperson) 24 June 2014 – 29 May 2018	ANC	P/C Home Affairs	159/188= 85%	YES	YES	YES	NO
Mr D Kekana	ANC	P/C Home Affairs	151/217= 70%	YES	YES	YES	NO
Mr S Cwele	ANC	P/C Home Affairs	25/123= 20%	YES	YES	YES	NO
Ms B Dambuza	ANC	P/C Home Affairs	80/90= 89%	YES	YES	YES	NO

Mr D Gumede	ANC	P/C Home Affairs	132/147= 90%	YES	YES	YES	NO
Ms T Kenye	ANC	P/C Home Affairs	199/233= 85%	YES	YES	YES	NO
Ms D Raphuti	ANC	P/C Home Affairs	201/218= 92%	YES	YES	YES	YES
Ms N Shabalala	ANC	P/C Home Affairs	16/17= 94%	YES	YES	YES	YES
Ms N Mnisi	ANC	P/C Home Affairs	128/200= 64%	YES	YES	YES	NO
Mr BL Mashile	ANC	P/C Home Affairs	159/188= 85%	YES	YES	YES	NO
Mr G Cachalia	DA	P/C Home Affairs	108/118= 92%	YES	YES	YES	YES
Mr A Figlan	DA	P/C Home Affairs	104/119= 87%	YES	YES	YES	NO
Mr M Hoosen	DA	P/C Home Affairs	95/121= 79%	YES	YES	YES	YES
Mr M Waters	DA	P/C Home Affairs	57/70= 81%	YES	YES	YES	YES
Mr J Steenhuisen	DA	P/C Home Affairs	52/67= 78%				YES
Mr N Khubisa	NFP	P/C Home Affairs	104/379= 27%	YES	YES	YES	NO
Ms S Nkomo	IFP	P/C Home Affairs	90/535= 17%	YES	YES	YES	NO
Dr C Mulder	FF Plus	P/C Home Affairs	42/141= 30%				NO
Ms H Mkhalihi	EFF	P/C Home Affairs	96/150= 64%				YES
Mr M Johnson (chairperson)	ANC	P/C Water & Sanitation	142/152= 93%	NO	NO	NO	NO
Ms B Bilankulu	ANC	P/C Water & Sanitation	192/225= 85%	NO	NO	NO	NO
Mr A Botes	ANC	P/C Water & Sanitation	18/20= 90%	NO	NO	NO	YES
Ms H Kekana	ANC	P/C Water & Sanitation	185/251= 74%	NO	NO	NO	NO
Ms B Maluleke	ANC	P/C Water & Sanitation	152/174= 87%	NO	NO	NO	YES
Mr D Mnguni	ANC	P/C Water & Sanitation	175/203= 86%	NO	NO	NO	NO
Ms C Madlopha	ANC	P/C Water & Sanitation	208/321= 65%	NO	NO	NO	YES
Ms M Manana	ANC	P/C Water & Sanitation	178/240= 74%	NO	NO	NO	NO
Mr B Martins	ANC	P/C Water & Sanitation	108/135= 80%	NO	NO	NO	YES
Mr G Nkwinti (Minister)	ANC	P/C Water & Sanitation	45/144= 31%	NO	NO	NO	NO

Ms Y Phosa	ANC	P/C Water & Sanitation	227/239= 95%	NO	NO	NO	NO
Ms D Senokoanyane	ANC	P/C Water & Sanitation	162/207= 78%	NO	NO	NO	NO
Ms S Shope-Sithole	ANC	P/C Water & Sanitation	185/221= 84%	NO	NO	NO	NO
Mr N Gcwabaza	ANC	P/C Water & Sanitation	259/283= 92%	NO	NO	NO	NO
Mr L Basson	DA	P/C Water & Sanitation	137/146= 94%	NO	NO	NO	YES
Mr H Geyer	DA	P/C Water & Sanitation	3/3= 100%	NO	NO	NO	NO
Mr R Hugo	DA	P/C Water & Sanitation	28/28= 100%	NO	NO	NO	NO
Ms M Khawula	EFF	P/C Water & Sanitation	163/207= 79%	NO	NO	NO	NO
Mr M Shelembe	NFP	P/C Water & Sanitation	132/310= 43%	NO	NO	NO	NO
Mr M Galo	AIC	P/C Water & Sanitation	90/232= 39%	NO	NO	NO	NO
Inkosi R Cebekhulu	IFP	P/C Water & Sanitation	155/309= 50%	NO	NO	NO	NO
Mr A Shaik Emam	NFP	P/C Water & Sanitation	230/439= 52%	NO	NO	NO	YES

10. Appendix 2 – See next page

Parliament Processes State Capture

● Home Affairs ● Minerals ● Communications
● Public Enterprises ● Transport ● Water

