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POWERS AND PRIVILEGES COMMITTEE OF THE NATIONAL ASSEMBLY

In terms of Item 1 of the Schedule to the Rules of the National Assembly, which deals with the procedure for the investigation and determination of misconduct and contempt of Parliament, the following notice of hearing is issued.

NOTICE OF HEARING

To: Mr Henry Andries Shembeni MP

Date: 3 November 2020

You are hereby notified to attend a hearing on Tuesday 17 November, Wednesday 18 November, Thursday 19 November, Friday 20 November, Tuesday 24 November, Wednesday 25 November, Thursday 26 November, and Friday 27 November 2020. The venue for the hearing shall be Committee Room E249, in the Parliament of the Republic of South Africa, in Cape Town. The hearing shall commence on the aforesaid dates at 10h00 and shall adjourn for the day at 17h00.

Charges and allegations

You are required to answer the charges and allegations relating to contempt of Parliament as listed below, at the hearing.

Charge 1

It is alleged that you are guilty of conduct constituting contempt of Parliament in terms of section 13(c) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004 ('the Act') in that, as a Member of Parliament and during a mini-plenary session of the National Assembly convened on 11 July 2019 in Committee Room E249 for the purposes of holding a Debate on Vote 9: Public Enterprises, you contravened section 7(a) of the Act when, during the proceedings, you wilfully failed and/or refused to obey Rule 64(d) of the Rules of the National Assembly, by crossing the floor of the House in front of the benches during the proceedings.

Such conduct improperly interfered with, or impeded the exercise or performance by the House of its authority and functions.

Charge 2

It is alleged that you are guilty of conduct constituting contempt of Parliament in terms of section 13(c) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004 ('the Act') in that, as a Member of Parliament and during a mini-plenary session of the National Assembly convened on 11 July 2019 in Committee Room E249, for the purposes of holding a Debate on Vote 9: Public Enterprises, you contravened section 7(b) of the Act when, during the proceedings, you wilfully failed and/or refused to obey Rule 64(d) of the Rules of the National Assembly by crossing the floor of the House in front of the benches during the proceedings.

Such conduct improperly interfered with the performance by the Minister of Public Enterprises of his functions as a Member of Parliament.

Charge 3

It is alleged that you are guilty of conduct constituting contempt of Parliament in terms of section 13(c) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004 ('the Act') in that, as a Member of Parliament and during a mini-plenary session of the National Assembly convened on 11 July 2019 in Committee Room E249, for the purposes of holding a Debate on Vote 9: Public Enterprises, you contravened section 7(e) of the Act when, during the proceedings, you wilfully failed and/or refused to obey Rule 69(a) of the Rules of the National Assembly by deliberately engaging in conduct that created serious disorder or disruption in the House, when you crossed the floor of the House in front of the benches during the proceedings; approached the podium and remained there until your removal from the House.

By engaging in such conduct, which was grossly disorderly, you created and took part in a disturbance during a meeting of the House within the Parliamentary precinct.

Charge 4

It is alleged that you are guilty of conduct constituting contempt of Parliament in terms of section 13(a) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004 ('the Act') in that, as a Member of Parliament and during a mini-plenary session of the National Assembly convened on 11 July 2019 in Committee Room E249, for the purposes of holding a Debate on Vote 9: Public Enterprises, you contravened section 7(a) of the Act when, during the proceedings, you wilfully failed and/or refused to obey Rule 69(a), Rule 69(c) and Rule 69(d) of the Rules of the National Assembly by deliberately engaging in conduct that created serious disorder or disruption in the House when you crossed the floor of the House in front of the benches during the proceedings; approached the podium and remained there until your removal from the House.

By engaging in such conduct, you improperly interfered with the exercise or performance by the House of its authority and functions.

Charge 5

It is alleged that you are guilty of conduct constituting contempt of Parliament in terms of section 13(a) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004 ('the Act') in that, as a Member of Parliament and during a mini-plenary session of the National Assembly convened on 11 July 2019 in Committee Room E249, for the purposes of holding a Debate on Vote 9: Public Enterprises, you contravened section 7(b) of the Act when, during the proceedings, you wilfully failed and/or refused to obey Rule 69(a) of the Rules of the National Assembly by deliberately engaging in conduct that created serious disorder or disruption in the House when you crossed the floor of the House in front of the benches during the proceedings; approached the podium and remained there until your removal from the House.

By engaging in such conduct, you improperly interfered with the performance by the Minister of Public Enterprises of his functions as a member.

Your rights and obligations

At the hearing you will be afforded the opportunity to answer the charges and allegations against you and you are entitled to be assisted by a fellow member.

Furthermore, you may request the Committee to allow you legal representation by a person who is not a member at your own cost. In this regard, kindly notify the Committee timeously should you wish to seek outside legal representation so as not to delay the hearing. The Committee will then inform you in due course whether you may be represented by a legal practitioner who is not a member.

If you wish to give an explanation after receiving this notice, you may do so either verbally or in writing. You may present such oral explanation at the hearing. However, should you opt for a written explanation, then kindly submit the explanation to the Chairperson no later than 13h00 on Friday 13 November 2020, for the Committee's consideration.

The aforesaid charges will be put to you by the Initiator at the commencement of the hearing and the Chairperson will request you to plead to the charges. You may give a plea explanation, should you so wish. Should you refuse to enter a plea, the Chairperson will enter a plea of "not guilty" on your behalf.

You may call witnesses, present documentary and verbal evidence in support of your case at the hearing. The proceedings will be conducted in English. Should you require an interpreter, this will be provided by Parliament on your timeous request.

You will be provided with copies of the relevant video footage relating to the events on 11 July 2019, the unrevised Hansard relating to the proceedings on 11 July 2019, as well as other relevant documents and materials. Copies of other documents and materials will be provided to you upon request.

The Committee reserves the right to amend or supplement the aforesaid charges and to add further charges to the above, should this become necessary.

You are further advised that should you fail to attend this hearing, it may be conducted and concluded in your absence.

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Ms P Tyawa

Secretary to Parliament (Acting)

Issued in terms of the decision taken at the meeting of the Powers and Privileges
Committee on 11 March 2020.

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Date received by **Mr H A Shembeni MP**

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Signature of **Mr H A Shembeni MP** as confirmation of receipt