



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY
OFFICE OF THE LEADER OF THE OPPOSITION

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26 March 2020

Hon T Modise MP
Speaker of the National Assembly
Parliament of the Republic of South Africa
P.O. Box 15
Cape Town
8000

Dear Madam Speaker,

PROPOSAL TO ENSURE THE CONTINUATION OF THE EXECUTIVE OVERSIGHT FUNCTION AND PROTECTION OF CIVIL LIBERTIES DURING THE LOCKDOWN PERIOD.

With reference to the above-mentioned matter.

I am writing to you to put forward a proposal to ensure that Parliament continues to fulfill its functions in terms of section 55(2) of the Constitution during this period of national disaster.

Section 55(2) of the Constitution directs the National Assembly to:

- (a) *to ensure that all executive organs of state in the national sphere of government are accountable to it; and*
- (b) *to maintain oversight of-*
 - (i) *the exercise of national executive authority, including the implementation of legislation; and*
 - (ii) *any organ of state.*

It therefore is essential that during this period of national disaster, and because the National Assembly is currently in recess and unable to meet in plenary, an alternative mechanism must be found to exercise oversight over the executive function and the actions of organs of state, as envisaged by the Constitution.

I would like to propose that we utilise the power at the disposal of the Speaker, in terms of Rule 253(1)(b) of the Rules of the National Assembly (“the Rules”), to establish an *ad*

hoc committee of the National Assembly for the purposes of ensuring that the provisions of all applicable legislation and Constitutional provisions are upheld and that adequate oversight exists over the exercise of executive functions by the national executive authority and organs of state during this period of national crisis.

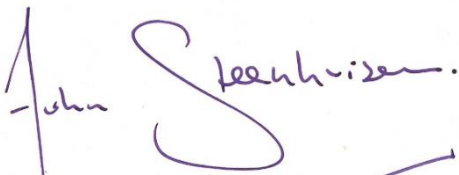
Rule 167(g) of the Rules indicate that a committee may meet at a venue determined by it, which may be a venue beyond the seat of Parliament.

This would mean that a meeting of such ad-hoc committee via an online platform or videoconferencing facility would be possible. Information and documentation can be furnished to appointed members of the ad hoc committee via electronic mail.

We find ourselves in an exceptionally unusual time in the life of our nation, and it is vital that Parliament during this period should not be found wanting. We need to uphold the highest standard of regard for our Constitution and the Rule of Law and ensure that we exercise scrupulous oversight over the actions of the Executive, as is our Constitutional role and mandate.

I look forward to hearing from you in this matter.

Yours faithfully,

A handwritten signature in blue ink that reads "John Steenhuisen". The signature is written in a cursive style with a large, prominent 'S'.

John Steenhuisen MP
Leader of the Official Opposition
Parliament of RSA