



MINISTRY
PUBLIC ENTERPRISES
REPUBLIC OF SOUTH AFRICA

MEDIA STATEMENT

DPE RESPONDS TO DISTORTIONS ABOUT ITS ENGAGEMENT WITH PARLIAMENT'S PORTFOLIO COMMITTEE ON PUBLIC ENTERPRISES

- 1) **PRETORIA, 29 February 2024** – The Department of Public Enterprises (DPE) has expressed indignation over the disturbing attempts to confuse the public and spread distortions about the rules that regulate how the DPE engages with Parliament's Portfolio Committee on Public Enterprises.
- 2) On Wednesday, 28 February 2024, the DPE met with the Committee over its requests for information on the proposed strategic equity partnership (SEP) transaction for South African Airways (SAA).
- 3) Prior to this meeting, the DPE had made a request to the Chairperson of the Portfolio Committee to assist the process by allowing for the meeting with the Committee to be held *in camera*.
- 4) The DPE's request was consistent with the rules of Parliament, specifically rule 184, which allows for closed meetings under certain circumstances.

Rule 184 of the National Assembly makes for the following provisions:

(1) Meetings of committees and subcommittees are open to the public, including the media, and the chairperson of the committee or subcommittee may not exclude the public, including the media, from the meeting, except when —

(a) legislation, these rules or resolutions of the Assembly provide for the committee or subcommittee to meet in closed session;

or

(b) the committee or subcommittee is considering a matter which

is —

(i) of a private nature that is prejudicial to a particular person,

(ii) protected under parliamentary privilege, or for any other reason privileged in terms of the law, or

(iii) confidential in terms of legislation, the nature of which is such that its confidential treatment is reasonable and justifiable in an open and democratic society.

(2) A decision in terms of Subrule (1) to exclude the public must be taken, after due consideration, by the committee or subcommittee concerned, provided that the chairperson of the committee or subcommittee may at any time —

(a) before the start of the meeting rule that the meeting must take place in closed session, but the committee or subcommittee may at any time after the start of the meeting open the meeting; or

(b) close the meeting for a decision by the committee or subcommittee whether the matter should be considered in closed session.

- 5) Considering the afore-mentioned rule, along with Section 59 (1) and (2) of The Constitution, at no point did the DPE make an undue or unlawful request to the Committee for the purposes of abrogating its responsibility to account.
- 6) The Committee had agreed and granted authorisation, in a letter that the Committee sent to the DPE prior to the engagement, that the meeting could be held *in camera* because of confidential undertakings that the Department made to other parties, consistent with the requirements inherent in sensitive commercial transactions involving private entities.
- 7) But rather than abide by its undertaking, the Committee reneged from the decision it had communicated to the department, saying in its letter to Public Enterprises Minister, Mr Pravin Gordhan, “we accept your request for an *in camera* meeting.”
- 8) In this context, it is disingenuous to suggest that the DPE would deliberately act in a manner that is inconsistent with the rules of parliament or would seek to undermine the role of Parliament to hold the administration accountable.
- 9) The distortions in media reports about this matter are unfortunate, and detrimental to the reputation of the DPE and the work of government. As previously stated, the DPE, and its political executive head, Minister Gordhan, take seriously the need for public accountability, and the transparency and openness of Parliamentary processes.
- 10) The transaction is at a sensitive stage. The DPE has previously undertaken to endeavour to transparently disclose all documents and information related to this transaction once it has been concluded. It is important for government to comply with the undertakings it makes in its efforts to leverage private investment, as well as maintain the integrity of its processes.

11)The DPE is aware that the country is in electioneering season where distortions, lies and outright propaganda abound in a competition for votes. The DPE will not allow anyone to besmirch its work, and falsely imply any intent by the department to not be transparent about any issue involving public trust.

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