

REPUBLIC OF SOUTH AFRICA

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# RELOCATION OF THE SEAT OF PARLIAMENT BILL

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*(As introduced in the National Assembly (proposed section 76); prior notice of introduction  
and explanatory summary of Bill published in Government Gazette No. 46422 of  
27 May 2022)*  
*(The English text is the official text of the Bill)*

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(MR. J S MALEMA, MP)

[B 29—2022]

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# BILL

**To provide for the relocation of the seat of Parliament from Cape Town to Tshwane in terms of section 42(6) of the Constitution of the Republic of South Africa, 1996; and to provide for matters connected therewith.**

## **Preamble**

**WHEREAS** section 42(6) of the Constitution provides that the seat of Parliament is Cape Town, but an Act of Parliament enacted in accordance with section 76(1) and (5) may determine that the seat of Parliament is elsewhere;

## **BEARING IN MIND THAT—**

- Parliament’s current location in Cape Town creates several problems for Members of Parliament, the Executive, government and officials from organs of state, and the broader society that wishes to participate in legislative and oversight functions performed by Parliament;
- Parliament is located in the farthest province from the majority of provinces, making it inaccessible to the majority of South Africans, including Members of Parliament who spend a significant amount of time traveling to and from Parliament; and

## **IN ORDER TO—**

- give effect to section 42(6) of the Constitution;
- alleviate the financial burden on the national fiscus; and
- bring Parliament closer to the majority of the people of this country and thus making it more accessible,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:

## **Relocation of the seat of Parliament**

**1.** In terms of section 42(6) of the Constitution of the Republic of South Africa, 1996, the seat of Parliament is relocated from Cape Town to Tshwane.

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## **Short title and commencement**

**2.** This Act is called the Relocation of the Seat of Parliament Act, 2022, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

## **MEMORANDUM ON THE OBJECTS OF THE RELOCATION OF THE SEAT OF PARLIAMENT BILL, 2022**

### **1. INTRODUCTION**

Parliament's current location in Cape Town creates several problems for Members of Parliament, the Executive, government and officials from organs of state, and the broader society that wishes to participate in legislative and oversight functions performed by Parliament. Parliament is located in the farthest province from the majority of provinces, making it inaccessible to the majority of South Africans, including Members of Parliament who spend a significant amount of time traveling to and from Parliament. As a result, participation in parliamentary programmes is limited to individuals and institutions with financial resources, excluding those unable to travel to Cape Town. As a result, Parliament and the government spend a lot of money on travel and lodging for Members of Parliament, the Executive, the government, and state officials in order to keep colonial agreements that separate the administrative and legislative capital in two cities by racist colonisers who excluded the majority of black people and still do so today.

### **2. OBJECTS OF THE BILL**

The purpose of the Bill is to relocate the seat of Parliament from Cape Town to Tshwane in terms of section 42(6) of the Constitution of the Republic of South Africa, 1996.

### **3. CONTENTS OF THE BILL**

- 3.1 Clause 1 provides for the relocation of the seat of Parliament from Cape Town to Tshwane.
- 3.2 Clause 2 is the short title and commencement.

### **4. FINANCIAL IMPLICATIONS FOR THE STATE**

- 4.1 It is crucial to note that Parliament and the government currently spend a significant amount of money on travel and housing for Members of Parliament, the Executive, the government, and state officials in order to maintain a separate administrative and legislative capital in two cities. The Executive is expected to spend more than R8 billion on expenditures associated with attending legislative sessions (plane travel, hotel, car hire/shuttles), travel time, dependants' travel, departmental support, and annual operational costs of ministerial houses. This is an extremely low estimate.
- 4.2 The current Parliament precinct is made up of historic structures that require regular maintenance and traditional maintenance practices that cannot be used with innovative maintenance technologies. As a result, it is expected that Parliament will spend no less than R4.2 billion on precinct renovation and refurbishment.
- 4.3 Before the 2022 Parliament fire, a R4.2 billion refurbishment and renovation estimate was made in May 2019. According to the Department of Public Works, it will cost at least R2 billion.
- 4.4 It will cost at least R14 billion to retain Parliament in Cape Town. A new Parliament precinct in the City of Tshwane is estimated to require R7 million, and the move will save the fiscus more than R7 billion in the short to medium term.

**5. DEPARTMENTS, BODIES OR PERSONS CONSULTED**

The following stakeholders were consulted:

- The general public, via a notice of intent to propose the Bill.

**6. PARLIAMENTARY PROCEDURE**

- 6.1. The Member proposes that the Bill must be dealt with in accordance with the procedure established by section 76(1) and (5) as provided for in section 42(6) of the Constitution.
- 6.2. The Bill does not need to be referred to the National House of Traditional and Khoi-San Leaders in terms of 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), as it does not contain any provisions pertaining to customary law or customs of traditional or Khoi-San communities, nor does it contain any provisions pertaining to any matter referred to in section 154(2) of the Constitution.