



## NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:

Speaker

Committee Secretary:

A Mbanga x 3218

### DRAFT MINUTES OF PROCEEDINGS

Thursday, 18 May 2017, E249

Present:

B Mbete (Speaker)

Frolick, CT (House Chairperson)	Mazzone, NWA
Dlakude, DE (Deputy Chief Whip of the Majority Party)	Mente, NV
Hlophe, HO	Mthembu, JM (Chief Whip of the Majority Party)
Khubisa, Prof NM	Singh, N
Koornhof, Dr GW (Parliamentary Counsellor to the Deputy President)	Steenhuisen, JH (Chief Whip of the Opposition)
Kwankwa, NLS	Waters, M

#### Staff in attendance:

G Mgidlana (Secretary to Parliament), M Xaso (NA Table), S Tshabalala (Committees), N Bell and Adv C van der Merwe (Constitutional and Legal Services Office).

#### **1. Opening remarks**

The Speaker opened the meeting at 08:35.

#### **2. Apologies**

Apologies were tendered on behalf of Mr SL Tsenoli (Deputy Speaker), House Chairpersons Ms AT Didiza and Ms MG Boroto, Messrs F Bhengu and NF Shivambu.

#### **3. Consideration of the agenda**

The agenda was adopted as proposed.

#### **4. Consideration of draft Minutes of 11 May 2017**

On the proposal of the Chief Whip of the Majority Party, seconded by Mr Singh, the minutes of 11 May were adopted.

#### **5. Matters arising**

Mr Singh wanted to know what process was going to follow on the disruptions of the joint meeting of the Standing Committee on Finance and the Portfolio Committee on Trade and Industry on 3 May 2017 by civil society group Black First Land First (BLF) in order to bring the matter to a conclusion. House Chairperson Mr Frolick replied that a letter would be sent to the BLF which simply outlined what is expected of members of the public when attending committee meetings in Parliament. The Speaker indicated that the other part was what kind of action the institution would communicate to the other members of the public who would visit Parliament in the future, in line with the recommendations that were made in the previous meeting. Mr Xaso advised that a process on development of guidelines was underway and that an appeal had been made for Protection Services personnel to be available in all the venues in order to ensure the safety of Members of Parliament and that proceedings were not disrupted.

The Chief Whip of the Opposition said that the matter was getting urgent as members in the gallery during a budget vote in the National Assembly the other day made threatening gestures towards Members of Parliament while the debate was underway. He said the disturbing thing was that there

was no member of the Protection Services available and that it took about 15 minutes before anyone

could be deployed. The Chief Whip of the Opposition added that it was becoming clear that other people in the public gallery had a political agenda, instead of observing proceedings and said that could not be acceptable. Mr Singh emphasised that what happened became really ugly in the sense

that there could in future be a verbal altercation between members of the public and Members of Parliament. Mr Kwankwa indicated that some members of the public tended to cheer members in the public gallery and that should not be done as it aggravated the situation. He said that there were

only about two or three members of the Protection Services available and that he doubted that they would have been able to remove the people who were causing the disturbance. In line with the suggestion that a provision in the Powers and Privileges Act should also be considered, Mr Kwankwa

added that section 59 of the Constitution provided that, where appropriate, the National Assembly may refuse access into its committees in order to have full control of a situation but that it could be used as a last resort, when also considering sanctions that could be imposed.

House Chairperson Mr Frolick reiterated the point that one of the problem was the failure to enforce

the measures that are already in place. Regarding public access, he said that the measures should

be applied to visitors starting from the Visitors' Centre right up to the venue where a person is going

to. By failing to apply the rules that are in place, Parliament will never know how far-reaching the shortcomings are. House Chairperson Mr Frolick also reminded the meeting that previously during the President's State- of-the-Nation Address, a member of the public released a mysterious substance in the gallery and that nothing had happened since then. Ms Hlophe added that, unlike in the National Assembly chamber, it was not safe for members during budget vote debates as the setup in the committee venue was not conducive, due to the fact that the public gallery was close to

members. She further said that she was concerned that the Protection Services personnel were not helpful during the disruption as they were merely begging the people instead of removing them.

The Speaker said that it was outrageous for people to continue to be disruptive even though they were spoken to and wondered whether perpetrators could be identified. Prof Khubisa suggested that the guidelines could, to a certain extent, assist drastically in the matter but expressed concern that the same people were quoted in the media making a vow that they would return to cause more disruption. The Chief Whip of the Majority Party suggested that a report on the incident as well as the assistance the Protection Services actually rendered should be prepared and submitted to the appropriate office.

The Chief Whip of the Majority Party expressed his appreciation to the Speaker for her assistance in requesting the Minister of Public Works to facilitate the availability of entities under his department to brief the Portfolio Committee on Public Works in preparation for the budget vote on 16 May. The briefing took place on Friday, 12 May at the O R Tambo International Airport and that the budget vote debate went well.

## **6. Report by the Committee Section**

Mr Tshabalala made a presentation on Bills and other matters before committees and highlighted the following:

The Portfolio Committee on Agriculture, Forestry and Fisheries intended to hold hearings on *Liquor Products Amendment Bill*, *National Forests Amendment Bill* and *National Veld and Forest Fire Amendment Bill* on 13 – 14 June. Workshops on the framework and the Marine Spatial Planning Bill were planned by the Portfolio Committee on Environmental Affairs for 2

June. The Portfolio Committee on Public Service and Administration had finalised the *Public Service Commission Amendment Bill*.

The Portfolio Committee on Communications had revised its programme in order to consider the appointment of candidates to the Independent Communications Authority of South Africa and the Media Development and Diversity Agency boards, including re-advertisement in order to attract a wider demographic representation. The closing date for applications was 30 June.

In August, the Portfolio Committee on Environmental Affairs intended to conduct hearings on the *Marine Spatial Planning Bill* in the Eastern Cape, KwaZulu-Natal and the Western Cape. The Portfolio Committee on Public Enterprises had finalised three petitions referred to it.

## **7. Report by Bills Office**

Mr Bell reported that the *Traditional Leadership and Governance Framework Amendment Bill* had been classified as a section 76 legislation and referred to the National House of Traditional Leaders for comment. Currently, four Bills had been introduced and four certified for introduction.

In response to Mr Singh, Mr Bell explained that, besides the *Criminal Procedure Amendment Bill* which had since been referred to the National Council of Provinces for concurrence, the Municipal Systems Amendment Bill and Estate Agency Affairs Amendment Bill had a Constitutional Court deadline and were reflected on the Bills Statistics. Mr Bell also indicated that the Legal Services unit would provide a detailed update on the matter.

The Chief Whip of the Opposition said that, judging from the Bills Statistics report, it was very unlikely that Bills would be finalised during the course of the year and suggested that a request be made to the Leader of Government Business to indicate what legislation was prioritised from the Cabinet's Legislative Programme for 2017 so that a proper planning could be done. He said that all the Bills should be accorded due and reasonable consideration for processing. The Speaker said that she agreed that the best approach would be for the Office of Leader of Government Business to take the matter into consideration as Parliament needed to be realistic in what it could and could not do. Mr Bell indicated that from experience, the risk of determining the period for the legislative programme was that some committee weeks were sometimes converted into constituency periods, committee meetings were postponed and that made it difficult for targets to be met.

With regards to the number of Bills before the President, Mr Bell advised that besides the *Division of Revenue Bill* that was still to be sent to the President for assent, the *Protection of State*

*Information Bill* and *Private Security Industry Regulation Amendment Bill* were already before the President for assent.

It was also **AGREED** that the Legal Services unit would provide a progress report on the list of legislation that had been repealed prior to 1994, as was requested by Ms Mente. Adv. Van der Merwe advised that a big bulk of the work had been done and that the final list could be available towards the end of June.

The Chief Whip of the Majority Party informed the meeting that he had received information that NEDLAC was requesting the Office of the Speaker to facilitate an opportunity for them to provide inputs on the *Traditional Courts Bill* and asked for an update on that process. House Chairperson Mr Frolick acknowledged that the matter had been referred to his office for consideration and that consultations were taking place with NEDLAC, and that the Portfolio Committee on Justice and Correctional Services had been asked to postpone hearings on the Bill. He said that in his consultations with the chairperson of the Committee, it was felt that the six months' timeframe as requested by NEDLAC was problematic for the committee as it meant that the committee could only finalise the Bill towards the end of the year. As a result, House Chairperson Mr Frolick had proposed to the Speaker that consultations on the matter should continue so that executive members of NEDLAC were made aware of the time constraints as the Bill had been in Parliament for quite some time. Whilst acknowledging the Committee's challenges, the Speaker suggested that it was important for Parliament to facilitate public participation as widely as possible and to find out why NEDLAC required so much time. She said that an impression should not be created that Parliament had a long of time for that process.

## **8. Consideration of draft Parliamentary programme**

The Chief Whip of the Majority Party presented the Parliamentary Programme for the Second Term and highlighted the following:

The following budget vote debates in the form of mini-plenaries were scheduled for the following week as follows:

Tuesday, 23 May: Trade and Industry, Tourism, National Treasury, Transport, Police and Arts and Culture

Wednesday, 24 May: Agriculture, Forestry and Fisheries, Basic Education, Telecommunications and Postal Services, Labour, Public Service and Administration and Women

Thursday, 25 May: Defence and Military Veterans, Public Enterprises, International Relations and Cooperation, Economic Development, Social Development and Environmental Affairs

Friday, 26 May: Sport and Recreation South Africa, Water and Sanitation, and Communications.

The Chief Whip of the Majority Party announced that the President was available to take questions on 22 June. He also indicated that a number of issues would be considered for consideration by the House and that the programming whip, Mr Bhengu, would consult further on the scheduling of those items. Ms Hlophe proposed that the issue of killing of women should also be considered for consideration as an urgent matter of national public importance and that Parliament could not be silent on the matter. The Speaker indicated that she was considering a request from the DA in that regard.

Mr Waters reported that the Portfolio Committee on Social Development could not consider its Annual Performance Plan (APP) due to a Constitutional Court judgment that impacted on the South African Social Security Agency and asked how the matter would be handled as the Committee's budget vote debate was scheduled for the following week. The Chief Whip of the Majority Party said that he agreed that the APP should have cited the decision of the court and that he had been informed that it would be amended. Arrangements were in place for the department to brief the committee to consider the amendments.

Mr Waters also reported that the Minister of Public Enterprises was refusing to attend the meeting of the Portfolio Committee on Public Enterprises, citing the *sub judice* principle regarding the case involving Mr Brian Molefe and Eskom. He said that Ms Mazzone was in possession of an opinion from the Legal Services unit to the effect that there would not be a contravention of that rule. Mr Singh said that he was a member of that committee and that the issue of Mr Molefe would be raised without necessarily getting into the merits of the case and requested that the NA Table provide an advice on the matter as the Minister was refusing to come to the meeting. Mr Kwankwa said that the broader issue was that a member of the Executive could not treat Parliament with disdain and indicated that those issues would be raised during the budget vote debate. The Deputy Chief Whip of the Majority Party indicated that the Office of the Chief Whip of the Majority Party and the Office of the Leader of Government Business would look into the matter of the Minister's appearance before the Committee.

The Chief Whip of the Majority Party appealed to party whips to ensure that all members of the committees that had budget vote debates scheduled for Fridays were available.

## **9. Announcements**

There were no announcements.

## **10. Closure**

The meeting adjourned at 09:15.