



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker

Committee Secretary:
A Mbangwa x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 25 May 2017, E249

Present:

B Mbete (Speaker)

Didiza, AT (House Chairperson)	Mente, NV
Dlakude, DE (Deputy Chief Whip of the Majority Party)	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:

M Xaso (NA Table), N Giba (Committees), N Bell and Adv C van der Merwe (Constitutional and Legal Services Office).

1. Opening remarks

House Chairperson, Ms AT Didiza, opened the meeting at 08:35.

2. Apologies

Apologies were tendered on behalf of Mr SL Tsenoli (Deputy Speaker), House Chairpersons Mr CT Frolick and Ms MG Boroto, Ms NWA Mazzone, Ms HO Hlophe, Messrs F Bhengu and NF Shivambu.

3. Consideration of the agenda

The agenda was adopted, with additional items on Funding of Political Parties, Press statement issued by Parliament and Behaviour of Members in the Chamber.

4. Consideration of draft Minutes of 18 May 2017

On the proposal of the Chief Whip of the Majority Party, seconded by Mr Singh, the minutes of 18 May were adopted.

5. Matters arising

Mr Xaso reported that the first draft on guidelines regulating the conduct of members of the public who attend parliamentary proceedings had been developed. House Chairperson Mr Frolick had been consulted on the matter and had made certain suggestions.

Mr Singh expressed his appreciation to the Chief Whip of the Majority Party and others who were involved in the facilitation of the meeting of the Portfolio Committee on Public Enterprises for the Minister and the Eskom Board to appear before the committee.

The Chief Whip of the Majority Party reported that the concerns raised previously about the Annual Performance Plan of the Portfolio Committee on Social Development had been attended to.

6. Report by the Committee Section

Ms Giba made a presentation on Bills and other matters before committees and highlighted the following:

The *Insurance Bill*, which was before the Standing Committee on Finance, had been prioritised. The Portfolio Committee on Communications intended to advertise for the appointment of members to the South African Broadcasting Corporation and the Media Development and Diversity Agency boards on 27 May. The Portfolio Committee on Trade and Industry had finalised its report on the recommendation for appointment of a candidate to the National Lotteries Commission.

7. Report by Bills Office

Mr Bell reported that the *Judicial Matters Amendment Bill* had been finalised and was ready for consideration by the House.

Report on List of pre-1994 Legislation

Adv Van der Merwe reported that the list of legislation passed prior to 1994 had been circulated and Legal Services had identified most of the Ministers that were responsible for the Acts from 1960 onwards but that more research was still required. She said that the Law Reform Commission had also offered to assist in the matter and indicated that the final list could be available towards the end of June.

Report on Constitutional Court deadlines for Legislation

Adv Van der Merwe also provided a report on legislation that had Constitutional Court deadlines and highlighted the following:

The *Local Government Municipal Systems Amendment Act* had been incorrectly classified as a section 75 legislation and its implementation remained suspended. The Chairperson of the Portfolio Committee on Cooperative Governance and Traditional Affairs had been briefed on the matter and it was proposed that the Executive should develop a Bill. The matter was discussed with the department to ensure that the Bill was correctly drafted, as the whole of the amendment Act had been declared invalid. The Bill had not yet been introduced. Mr Singh requested the Office of Leader of Government Business to provide a progress report on the matter in due course.

The *McBride v Minister of Police and Another* involved the provisions of the *Independent Police Investigative Directorate Act* on the disciplinary steps pursuant to suspension or removal from office of the Executive Director of the Independent Police Investigative Directorate.

The *Criminal Procedure Amendment Bill*, which was before the Select Committee of Justice and Security, was on track to meet the Constitutional court deadline of 26 June 2017. The *Estate Agency Affairs Act* was being processed by Cabinet and could be introduced in August 2017. The Constitutional Court deadline on it had already expired and the issue of search warrants would be dealt with through the Criminal Procedure Act. The Property Practitioners Bill, which was still going to be introduced in Parliament, would also address the matter.

In response to Mr Singh, Adv Van der Merwe clarified that Parliament was not in contempt of court by not adhering to the deadline as it was not the respondent in the matter and the court ruling addressed a gap in the law.

The Chief Whip of the Majority Party asked if there was a mechanism for Parliament to be made aware in advance of judgments affecting Parliament, and cited the case of the *Criminal Procedure Amendment Bill*, which had been rushed through in order to meet the deadline of 26 June 2017, although the ruling was made in 2015. Adv Van der Merwe clarified that the Legal Services unit would only report on matters that had deadlines by informing relevant committee chairpersons. She added that the Legal Services unit did not report on matters that did not have deadlines as these would be left to the Executive to decide on how to address them. With regard to the issue of the *Criminal Procedure Amendment Bill*, the chairperson of the Portfolio Committee on Justice and Correctional Services had been informed about the deadline and had consulted with the department. House Chairperson Ms Didiza suggested that the Chief

Whip of the Majority Party could consult with House Chairperson Mr Frolick on whether at any stage there were any lapses on processing of the *Criminal Procedure Amendment Bill* after the ruling in 2015.

8. Political Party Funding

The Chief Whip of the Majority Party reported that the majority party, through his office, was proposing that Parliament establish an ad hoc committee in order to consider the issue of funding of political parties. The ad hoc committee would also determine whether parties were adequately funded and assist with the regulation of private funding of political parties. He said that there was a huge outcry from civil society that parties were not disclosing their funders. The ad hoc committee would also consider the possibility of introducing or amending legislation that would allow parties to disclose their funders to ensure that parties were not serving negative interests as opposed to serving the interests of the Constitution. He said that the matter had been discussed in the Chief Whips' Forum and requested the Programme Committee to consider scheduling a motion in that regard.

The Chief Whip of the Opposition stated that his party was in support of the establishment of such ad hoc committee and would welcome any regulations provided that they applied equally to all parties. He added that the matter was a contentious issue that would take a lot of time and should the ad hoc committee conduct its work properly, that would be good for South Africa. Mr Singh said that as there had been a number of court actions by various civil societies groups on the matter, Legal Services should advise on the legal status of the proposal by the Chief Whip and suggested that the Right to Know could also brief the ad hoc committee. He added that Dr C P Mulder had advised him that the FF Plus was seeking a declaratory order from the Constitutional Court on the interpretation of equity and proportional allocation to parties and that could have an impact on the functioning of the ad hoc committee. Prof Khubisa indicated that his party also supported the proposal and that it would be the best way towards the advancement of democracy, and welcomed the fact that the proposal would include businesses conducted by parties. The Chief Whip of the Majority Party indicated that since the matter was publicised, civil society groups had welcomed the idea and that, irrespective of what would happen in the courts, the matter would be considered in the best interest of the country.

9. Press statement issued by Parliament

The Chief Whip of the Opposition indicated that a report was given in the Chief Whips' Forum the previous day about the gadgets that were spotted on the roof of the National Assembly chamber. He said that he was astonished that a press statement issued by Parliament that he had lodged a complaint with the Speaker's Office as that was never the case. The Chief Whip of the Opposition said that it was impossible to suggest that the lights were meant to spy on the opposition as they were also hanging above ANC benches, and indicated that the

spirit of the press statement issued by Mr Mothapo lacked professionalism and integrity that was espoused in Parliament. He added that the statement was a complete fabrication and requested Mr Mothapo to conduct his work in a non-partisan manner. Mr Singh suggested that all the press statements issued by Parliament, especially those in the previous two weeks, be looked at and proposed that the statements should be endorsed by the chairperson of a committee or the Speaker. Prof Khubisa asked whether the statement could be retracted, in light of the explanation by the Chief Whip of the Opposition.

The Chief Whip of the Majority said that he agreed with the sentiments expressed by Prof Khubisa, as there was no need for a statement making accusations and suggested that the Office of the Speaker attend to the matter. He said that the matter should not be clouded with other issues such as the operations of the institution as those had more to do with the Executive Authority of Parliament. Ms Mente indicated that Mr Mothapo could not issue a statement without the approval of the relevant authorities, suggesting that somebody would have authorized it.

10. Behaviour of Members in the Chamber

Mr Singh said that he had previously asked whether the chairpersons of mini-plenaries had been adequately trained on the rules as he observed that when debates became extremely robust, some chairpersons were overwhelmed. Despite the assurances by House Chairperson Mr Frolick, it happened that in the Public Service and Administration Budget Vote, a certain member repeatedly referred to members of the opposition in a racist manner and was recalcitrant even when asked by his own whips to withdraw the remarks. The chairperson could not handle the situation and indicated that he would consult Hansard.

The Chief Whip of the Opposition said that he was concerned about the level of racial invectives emerging in the House as it was not helpful in securing a shared future. He indicated that in terms of the Annotated Digest of Rulings there had been rulings by presiding officers regarding the important role that Parliament had to play towards nation-building and reconciliation. He said that he understood that debates could be robust and cited that the debate on Women also degenerated as some members of his party were called all sorts of terrible things and suggested that experienced chairpersons should rather be deployed to those debates that were expected to be contentious.

The Chief Whip of the Opposition also said that his caucus would discuss the issue of decorum of the house. Mr Kwankwa said that during the debate on the Women Budget Vote, a member of the DA was racially insulted by members of the ANC for quoting statements made by the Minister of Women in the Presidency. Two members of the public sitting in the public gallery hurled insults and made threatening gestures at the DA members as they

walked out after the debate. He said that the issue of beefing up security in mini-plenary venues should be considered. The Chief Whip of the Majority Party said that the ANC distanced itself from the utterances cited, as it did not sit well with the values and principles that governed their work in Parliament. He added that the member that Mr Singh referred to would be attended to. He said that some of the concerns raised were cutting through parties and indicated that members of the Programme Committee, as leaders, should reflect on all those issues.

It was **AGREED** that parties should address the concerns raised and try to maintain the decorum of the House.

11. Consideration of draft Parliamentary programme

The Chief Whip of the Majority Party appealed to party whips to ensure that all members of committees that had budget vote debates scheduled for the following day were available, and thanked parties which postponed their prior engagements in order to honour the proceedings. He presented the Parliamentary Programme for the Second Term and highlighted the following:

Parliament's budget vote and consideration of reports on budget votes were scheduled for Tuesday, 30 May. It was **AGREED** that the reports would be taken as one order and that there would be no declarations but parties would be allowed to object to the reports, as applicable.

The Presidency's budget vote as well as the reply by the President was scheduled for 31 May and 1 June, respectively. The debate on the urgent matter of national importance by Mr Z N Mbhele on '*the scourge of violence against women and children*' was also scheduled for Thursday, 1 June.

The following items as well as committee reports were scheduled for 6 June:

- Decision of Question on Second Reading on *Border Management Authority Bill*
- Second Reading debate on *Extension of Security of Tenure Amendment Bill*
- Second Reading debate on *Courts of Law Amendment Bill*
- Consideration of the Interim Report of Portfolio Committee on Public Works on the *Expropriation Bill*
- Consideration of *Recommendations to fill vacancies in Commission for Gender Equality*

The debates on Africa Day and Youth Day were scheduled for 13 and 15 June, respectively. The condolence motion for Mr Ahmed Kathrada, former Member of Parliament, was also scheduled for 13 June.

Concerning the Water and Sanitation budget vote that was scheduled for Friday, 26 May, the Chief Whip of the Opposition indicated that the Portfolio Committee on Water and Sanitation had rejected the report and the budget of the department. He said that the department had been asked to come back and address the issue of the R3 million shortfall and asked whether that would not have an effect on the scheduling of the debate. House Chairperson Ms Didiza informed the meeting that House Chairperson Mr Frolick had advised that the committee was meeting that morning to consider the matter.

Mr Singh asked if there was feedback on the letter he addressed to the Speaker requesting the establishment of an ad hoc committee on Eskom. House Chairperson Ms Didiza indicated that the Office of the Speaker was considering the request.

12. Announcements

There were no announcements.

13. Closure

The meeting adjourned at 09:40.