



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 14 May 2020 [Virtual Meeting]

Present:

C T Frolick (As Chairperson)

Boroto, M G (House Chairperson)	Ngwezi, X
DIakude, D E (Deputy Chief Whip of the Majority Party)	Ntlangwini, E N
Julius, J W W	Ntombela, M L D (House Chairperson)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Lesoma, R M M	Pilane-Majake, Dr M C C (Programming Whip)
Majodina, P C P (Chief Whip of the Majority Party)	Singh, N
Mazzone, N W A (Chief Whip of the Opposition)	Swart, S N
Mkhaliphi, H O	Wessels, W W
Mulder, Dr C P	

Staff in attendance:

Ms P N Tyawa (Acting Secretary to Parliament), Mr M Xaso (Secretary to the National Assembly), Adv M Tau (Committees) and Mr N Bell (Constitutional and Legal Services Office).

1. Opening

House Chairperson Mr Frolick opened the meeting at 08:40 as it was noted that the Speaker was experiencing difficulties with connection.

2. Apologies

Apologies were received from the Deputy Speaker and Ms N V Mente. The Chief Whip of the Majority Party and Ms Ntlangwini indicated that they would leave the meeting earlier.

3. Consideration of draft agenda

The draft agenda was accepted as proposed.

4. Consideration of minutes of meeting of 7 May 2020

On the proposal of Mr Singh, seconded by Dr Mulder, the minutes of 7 May were adopted.

5. Matters arising

Mr Singh sought a progress report on the extension of deadline for reporting by the *Ad Hoc* Committee to initiate and introduce legislation amending Section 25 of the Constitution.

Mr Xaso reported that the Speaker had written to the Executive advising on the scheduling of the virtual question session set for 27 May, as well as the issue of unanswered questions for written reply. With regard to the list of legislation, it had subsequently been established that the list was not an official programme, but a list of possible legislation. Mr Singh requested the timeframe within which an official document from the Office of Leader of Government Business would be made available, and reiterated his concern about the number of unanswered written questions by the Executive. He indicated that over 200 questions remained unanswered since the beginning of the year. The Parliamentary Counsellor to the Deputy President reported that the two matters were receiving attention and that a response would be provided soon, emphasising that Departments had also been requested to identify priority legislation for introduction.

House Chairperson Mr Frolick informed the meeting that a vacancy in the Office of the Auditor-General would occur in October 2020 and that an *ad hoc* committee to consider the matter should be set up. He said that it was important to conclude the matter before the incumbent left office.

The Chief Whip of the Opposition asked for feedback on the incident of the previous week where external parties interfered with the meeting of the Programme Committee, impugning the dignity of members and resulting in the temporary suspension of proceedings of the Committee. She added that the interference had been caused by the sharing of the link to the meeting via a tweet and indicated that a similar incident had occurred with a briefing by the Minister of Human Settlements, Water and Sanitation. She also raised her concern with the manner in which parliamentary committees were being run on virtual platforms. She had since written to the Speaker expressing concern that the meetings were now scheduled for three hours, but departmental officials were given too much time to speak, leaving very little time for members to engage on the issues. As a result, Parliament could be rendered constitutionally delinquent as it could not exercise its oversight effectively. House Chairperson Mr Frolick informed the meeting that in respect of the incident of the previous week, a report had been compiled and submitted to the Executive Authority. He disagreed with the view expressed that committee meetings were in a shambolic state, but acknowledged that in certain instances there was room for improvement. He indicated that his office monitored the majority of virtual committee meetings and requested that if a problem was encountered it should immediately be brought to the attention of his office. He appealed to parties that, where possible, it should be the members of the committee that engaged on the virtual platform.

The Chief Whip of the Majority Party urged members of the Programme Committee to await feedback from the Presiding Officers prior to concluding which platform was better between Zoom and Microsoft Teams. Also, not all committees should be painted with the same brush as far as challenges were concerned. Members did not have prior training on the use of the virtual platforms. House Chairperson Mr Frolick advised that the Information and Communications Technology Focus Group received a presentation on the different virtual platforms that were available in the market. He proposed that the same findings be presented to the meeting of the Chief Whips' Forum (CWF) in the following week. For the time being, he said that Parliament would continue to use Microsoft Teams for official meetings unless advised otherwise.

6. Report by Committee Section

Adv Tau presented a report on matters before committees and highlighted the following:

The Portfolio Committee on Agriculture, Rural Development and Land Reform would be briefed on the Upgrading of Land Tenure Amendment Bill on 25 May. On 27 May, the Portfolio Committee on Justice and Correctional Services would also be briefed on the following matters:

- State Liability Amendment Bill;

- Prevention of Hate Crimes and Hate Speech Bill;
- Treaty between the Republic of South Africa and the United Mexican States on Mutual Legal Assistance in Criminal Matters; and
- Treaty between the Republic of South Africa and the United Mexican States on Extradition.

Adv Tau also reported that the Portfolio Committee on Communications had finalised its report on filling of vacancies in the Independent Communications Authority of South Africa (Icasa).

In response to the query why some committees had revised their programmes to deal with some items and not others, in particular not prioritising petitions, Adv Tau explained that committees were prioritising the budget process and Covid-19 related matters. House Chairperson Mr Frolick added that, as per a request by the Deputy Speaker, committees had since updated their programmes, and reminded the meeting that in terms of the Rules committees determine their own programme. He however, undertook to follow up on the matter of petitions.

7. Report by Bills Office

Mr Bell presented a report on Bills and indicated that he was concerned about the timeframes for processing of the Division of Revenue Bill and Appropriation Bill. He explained that that any Bill that was submitted to the President for assent should be accompanied by a second language text, as required by the Constitution and the Joint Rules, but that preparations for this normally take time. Mr Xaso indicated that the National Assembly would only be able to consider reports on the Appropriation Bill once the National Council of Provinces (NCOP) had passed the Division of Revenue Bill on 2 June. Currently, there was no formal communication that the NCOP had changed its date but that this matter would be considered further when the meeting discussed the proposals on mini-plenaries. The Chief Whip of the Opposition cautioned that Parliament should guard against falling foul of procedures as far as public participation was concerned when processing the two Bills.

8. Consideration of draft Parliamentary programme

The Programming Whip presented the draft Parliamentary Programme for the Second Term and indicated that committees would continue to meet virtually in the following week to continue with oversight on Covid-19 matters and receive briefings on Departmental Strategic Plans. Meetings were also scheduled for Saturdays and Mondays.

On Tuesday, 19 May, the Rules Committee was scheduled. Mr Julius asked if it could be confirmed that the plenary on 27 May would start at 15:00.

Mr Singh asked when questions to the President and the Deputy President would be scheduled during the current term. The Programming Whip replied that the matter was receiving attention. Dr Mulder asked why committees were scheduled to meet on Mondays as it was a Constituency Day. The Programming Whip indicated that she had noted the concerns on scheduling of meetings on Mondays and reminded the meeting that, due to the unusual circumstances, some adjustments had to be made to accommodate committees that needed a slot. House Chairperson Mr Frolick clarified that due to restrictions on the number of meetings on the virtual platform, committees were forced to also meet on Mondays. It was **AGREED** that committees would be allowed to meet on Monday in the following week.

Mini-plenaries

Mr Xaso presented a proposal on scheduling of mini-plenaries to conduct budget votes debates in early June. He said that in order to effectively manage proceedings in a virtual sitting (whether fully virtual or hybrid), the persons “present” in the meeting would be the members of that portfolio committee and a limited number of duty whips and a member from any party who did not have representation on that committee. A hybrid sitting could also be endorsed for consideration of the Appropriation Bill, with a first reading debate of about 90 minutes. The suggestion was that there should be no declarations of vote when the votes and schedule were considered but that objections to the budget vote would be recorded.

To assist in allowing the maximum number of budget votes in a limited timeframe the proposal was that on each day, three mini-plenary debates be held in each of three time slots with three sessions simultaneously.

That would result in total with nine mini-plenary sessions per day. The proposed time allocation for a 100 minute debate and a 77 minute debate were set out as follows:

100 minute debate		77 minute debate	
ANC	20	ANC	10
DA	9	DA	7
EFF	6	EFF	5
IFP	4	IFP	4
FF Plus	4	FF Plus	4
Smaller Parties	3 x9	Smaller Parties	3 x9

Minister/Deputy Minister	30 (open and close)	Minister/Deputy Minister	20 (open and close)
Total Time Allocation	100	Total Time Allocation	77

With regards to time allocation for the Presidency budget vote, he reminded the meeting that usually the President's speech was not timed. Mr Xaso also highlighted that consideration would need to be given to not having divisions when the Votes and Schedule were considered by the House. This would enable the Assembly to finalise the Appropriation Bill and afford the NCOP adequate time to process the Bill as well as to create space for the introduction of the Adjustment Appropriation Bill.

The Chief Whip of the Opposition indicated that she supported the 100 minutes' time allocation and that parties should be allowed to have their support or objection recorded when question was put on the votes and schedule in the House. Mr Singh supported the allocation of 100 minutes, but expressed concerns with the issue of travel restrictions that could impact on members attending the hybrid plenaries as the matter had not yet been clarified. The Deputy Chief Whip of the Majority Party suggested that those members who were already in Cape Town should be considered to attend the plenary, instead of expecting other members to travel from different provinces. She indicated that the ruling party did not have a problem with either time allocation, but preferred the option of 77 minutes.

Mrs Mkhalihi expressed concern on the issue of transport and the type of virtual connection that would be used to allow other members to connect to the sitting. Mr Julius indicated that the whippers had resolved that 100 members would be allowed and that the ANC and DA could give up seats in order to ensure that all parties were represented.

The Parliamentary Counsellor to the Deputy President indicated that his understanding was that, irrespective of the actual number, it was envisaged that all parties would be represented in the House.

House Chairperson Mr Frolick advised that the matter of mini-plenaries required further consultation with the presiding officers for a decision to be made. He indicated that he would be raising the matter with the Speaker and provide feedback in the following week. He added that the Speaker was ultimately responsible for what happens in the institution in terms of the National Disaster Management Act.

9. Announcements

House Chairperson Mr Frolick clarified that the incident that occurred involving the Minister of Human Settlements, Water and Sanitation had been hosted by the Minister. Consequently, Parliament was not expected to compile a report on this incident.

10. Closure

The meeting adjourned at 09:53.