



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 25 February 2021 [Virtual Meeting]

Present:

T R Modise (Speaker)

Boroto, M G (House Chairperson)	Ntlangwini, E N
Frolick, C T (House Chairperson)	Nxumalo, M N
Julius, J W W	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Pilane-Majake, Dr M C C (Programming Whip)
Kwankwa, N L S	Shivambu, N F
Lesoma, R M M	Singh, N
Majodina, P C P (Chief Whip of the Majority Party)	Swart, S N
Mazzone, N W A (Chief Whip of the Opposition)	Tsenoli, S L (Deputy Speaker)
Mkhaliphi, H O	Wessels, W W
Mulder, Dr C P	

Staff in attendance:

Ms P N Tyawa (Acting Secretary to Parliament), MrM Xaso (NA Table), Adv. M Tau (Committees) and Ms T Mtyobile (Constitutional and Legal Services Office).

1. Opening

The Speaker opened the meeting at 08:30 and welcomed all members.

2. Apologies

Apologies were received from House Chairperson Mr M L D Ntombela, Deputy Chief Whip of the Majority Party Ms D E Dlakude and Mr A M Shaik Emam.

3. Consideration of draft agenda

The draft agenda as proposed, was adopted.

4. Consideration of minutes of meeting of 18 February 2021

On the proposal of the Chief Whip of the Majority Party, seconded by Mr Julius, the minutes of 18 February were adopted with the correction that House Chairperson Ms Boroto be reflected as present at the meeting.

5. Matters arising

Mr Xaso provided feedback on the following matters:

Whether Parliament can force the President to assent to bills within a stipulated timeframe

The Speaker had written to the Presidency with regards to suitable timeframes for the assent to bills.

List of legislation prior to 1994

The Speaker had written to the Leader of Government Business for a progress report from members of the Executive on the matter. The list had also been circulated to members of the committee.

National Youth Development Agency Board

The National Assembly adopted the report by the Portfolio Committee on Women, Youth and Persons with Disabilities on processing of the Appointment of National Youth Development Agency (NYDA) Board members and agreed that the process be restarted by the same committee.

Public hearings/participation during Covid-19

A report on public hearings and participation during the pandemic period was still being processed by the Office of House Chairperson Mr Frolick.

House Chairperson Mr Frolick added that he had been advised earlier that a report on the matter was available, but that it would first be referred to the Chief Whips' Forum for consideration.

With regards to the assertion by Mr Shivambu that the chairperson of the Portfolio Committee on Health did not address the issue of a question posed to the Minister of Health during a meeting based on a 'non-disclosure agreement', House Chairperson Mr Frolick reported that he had since consulted with the chairperson on the matter. A meeting of the Portfolio Committee on Health would be scheduled pending the availability of the Minister and the meeting would be conducted in a closed session to consider that specific matter. The Deputy Speaker added that he had been given an assurance by the Minister that he was available to engage the committee at an appropriate time and had not refused to answer questions, but that it was in the nature of negotiations and procurement processes that certain information could not be revealed in public. Mr Shivambu, however, said that the principle of a member of the Executive refusing to answer questions on 'non-disclosure agreements' should be addressed as that was a broader accountability issue. He cited as an example that currently no one knew exactly how much the vaccine was costing the country. The Speaker reiterated that, from her side, she would arrange sessions with chairpersons of committees so as to outline the powers of committees as stipulated in the rules. The Speaker stated that she was in support of committees exercising their oversight as far as public funds were concerned in a transparent manner. Parliament would, however, not interfere with the Executive on its procurement processes as that was not the role of Parliament.

With regards to the availability of committee rooms that were Covid-19 compliant for hybrid meetings, House Chairperson Mr Frolick reported that, upon inspection earlier in the week, Committee Rooms E249 and S21 in the National Council of Provinces (NCOP) building were the only ones currently available for meetings. Mr Singh suggested that more committee rooms should also be made available, in light of the fact that more members were attending sessions in Parliament than before. He said that a further report on the matter should be provided. Ms Ntlangwini said that she was interested to know whether committees would continue to be conducted virtually as a lot of expenses were saved due to the fact that officials from the department were not required to travel to Cape Town. The Chief Whip of the Opposition expressed her appreciation to the staff in servicing the institution in line with the increased numbers of members in attendance in the chamber, thus providing an image to the country that Parliament was working and leading from the front. She added that her party had made internal arrangements, that members who did not have comorbidities, especially those from the Western Cape, were attending in order to eliminate unnecessary costs.

6. Report by Committee Section

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

The Programme of the *Ad Hoc* Committee to initiate and introduce legislation amending Section 25 of the Constitution would be reviewed on 26 February. Further changes were to be made after that meeting. The Standing Committees on Finance and Appropriations would be briefed by the Minister of Finance on the Fiscal Framework and Revenue Proposals and Division of Revenue Bill on 26 February. The standing committees would also be briefed by Parliamentary Budget Office and Financial Fiscal Commission on 2 March.

The Chief Whip of the Majority Party asked if there was feedback on whether the Recognition of Customary Marriages Amendment Bill was addressing the challenges faced with Hindu and Muslim marriages. Mr Swart said that his understanding was that the Bill was not necessarily covering those issues but it was a specific response to a Constitutional Court ruling and that this issue would be addressed by different legislation. The Speaker said that bringing together South Africa as one nation was a challenge as currently there were no marriage laws applying across the spectrum of cultures. The Programming Whip added that, in order to renew a discussion on the matter, there was a need to establish the status of the Muslim Marriages Bill which had been withdrawn. Mr Kwankwa suggested that, instead of dealing with the matter in a piecemeal manner, a more comprehensive approach was required as there seemed to be a complete misunderstanding of cultural practices and traditions when dealing with customary marriages. He further indicated that his party had made this input in the committee deliberations in 2020. He asked if the Programme Committee would consider rescheduling the Bill so as to allow the Portfolio Committee on Justice and Correctional Service more time to look at those issues. Mr Swart said that he agreed with the sentiments expressed and that it was an indictment that these concerns had not yet been addressed, but that there were various processes underway, citing the law reform commission investigation into marriages which would be considered by the Portfolio Committee on Home Affairs, as an example. Mr Singh added that there should be a comprehensive relook at the matter and the department of Home Affairs should play a pivotal role as more priests could be recognised as marriage officers. Mr Xaso advised the committee that information relating to the objective of the Bill would be provided to members prior to its adoption on Tuesday. The Bill had been passed by the National Assembly and transmitted to the NCOP, but returned to the Assembly due to proposed amendments.

7. Report by Bills Office

Ms Mtyobile presented a report on legislation before Committees and indicated that the Correctional Services Amendment Bill, Customary Initiation Bill and Local Government: Municipal Structures Amendment Bill were on the Order Paper for consideration. The Division of Revenue Bill, Appropriation Bill and Special Appropriation Bill had been introduced and tabled by the Minister of Finance during his Budget Speech. Ms Mtyobile also indicated that the Disaster Management Amendment Bill, which is a private member's Bill, was also before the Portfolio Committee on Cooperative Governance and Traditional Affairs.

8. Consideration of draft Parliamentary programme

The Programming Whip presented the draft Parliamentary Programme for the First Term and highlighted the following:

Members' statements, consideration of Recognition of Customary Marriages Amendment Bill as well as Budgetary Review and Recommendation Reports were scheduled for 2 March.

Questions for oral reply on Cluster 1: Peace and Security were scheduled for 3 March.

Four motions from the ANC and DA were scheduled in virtual mini-plenary sessions on 4 March. The Chief Whip of the Opposition indicated that the topic from the DA would be made available that afternoon.

Dr Mulder asked for an explanation on why the meeting of the Portfolio Committee on International Relations and Cooperation was scheduled that morning to meet during caucus time. House Chairperson Mr Frolick replied that his understanding was that the committee would meet at 08:30, but that he would follow up on the matter.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:23.