



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 27 May 2021 [Virtual]

Present:

T R Modise (Speaker)

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

Staff in attendance:

Ms P N Tyawa (Acting Secretary to Parliament), Mr M 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

An apology was tendered on behalf of the Chief Whip of the Majority Party, Ms P C P Majodina.

3. Consideration of draft agenda

On the proposal of Mr N Singh, seconded by House Chairperson Ms M G Boroto, the draft agenda was adopted.

4. Consideration of minutes of meeting of 20 May 2021

On the proposal of Chief Whip of the Opposition, seconded by Dr Mulder, the minutes of 20 May were adopted.

5. Matters arising

Mr Xaso indicated that the issue of the composition of the Committee on Section 194 Enquiry was considered by the Rules Committee. The Committee is now inclusive of all the parties. Parties were requested to submit names by Tuesday, 1 June.

The Parliamentary Programme Framework for the remainder of the year would be discussed by the Joint Programme Committee in the following week, subject to confirmation of the date of the meeting by the National Council of Provinces. Proposals from the side of the National Assembly had been presented to the Chief Whips' Forum the previous day.

In respect of the absence of the Acting Minister in The Presidency during the mini-plenaries the previous week, Mr Xaso indicated that no prior notification of the Minister's absence had been received, and correspondence regarding her absence was only received by Parliament after the budget vote debate. The Speaker would deal with the matter.

Mr Singh enquired about the completion date for the work of the "Moseneke Commission" set up to inquire whether the local government elections would be free and fair, in view of the challenges posed by the Covid-19 pandemic. In his view, the completion date of the task would guide Parliament regarding its programme. The Speaker indicated that she would write to the Electoral Commission to obtain information on the relevant timeframes.

6. Report by Committee Section

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

- Finalised reports on Bills and matters before Committees.
- Matters to be finalised during the current term.
- Matters not yet scheduled.
- Committees likely to meet during recess.
- One Bill relating to gender-based violence and femicide had been completed.

House Chairperson Mr Frolick informed the meeting of an incident that occurred during a meeting of the Ad Hoc Committee to Initiate and Introduce Section 25 Legislation, where some members disagreed with a legal opinion prepared by the Parliament's Legal Services unit. Some members accused Parliamentary Legal Services of being infiltrated by "right-wing forces". Mr Shivambu confirmed that it was his view was that the legal opinion sought to dissuade Parliament from what it sought to achieve.

Mr Singh said that this was an extremely serious allegation and that an independent enquiry would need to deal with the allegations. Dr Mulder also expressed his support for the investigation of the allegations, adding that Mr Shivambu had undertaken to provide the Speaker with evidence to substantiate his claim. Mr Swart confirmed that he was present at the ad hoc committee meeting when the allegations were made. It was the view of Mr Shaik Emam that it was not uncommon for legal opinions to differ and that this did not give one a right to cast aspersions and make unsubstantiated allegations.

The Chief Whip of the Opposition pointed out that the same attacks had been levelled against members of the judiciary. She further expressed the view that members should not abuse their privilege and cast aspersions on staff or members. Ms Mkhalihi argued that Mr Shivambu had a right to a different legal view and that there was no need for anyone to be investigated. Her view was that it was unfortunate for members to threaten other members with investigations.

The Deputy Speaker cautioned members against the use of inflammatory language and emphasised that the onus was on Mr Shivambu to supply evidence that substantiated his claims against the Parliamentary Legal Services.

The Deputy Chief Whip of the Majority Party indicated that they had never doubted the integrity of Legal Services, and thus it was unfortunate that Mr Shivambu had made such allegations.

Mr Shivambu responded that the ad hoc committee had rejected the “nonsensical” legal opinion which advised the committee to only focus on one section to the exclusion of other sections. He added that members had the right to criticise legal opinions, and the EFF would never be intimidated. The Speaker cautioned Mr Shivambu on his use of language and invited him to submit his letter substantiating his claims. Mr Shivambu indicated that he would write to the Speaker and substantiate that the legal opinion was being influenced by other forces.

Mr Singh asked if the ad hoc committee would be able to report by 31 May 2021 or whether its reporting deadline would need to be extended. House Chairperson Mr Frolick replied that, based on the report from Committee Section, the committee was on track to report by 31 May.

Ms MkhaliPhi raised a concern about the National Health Insurance Bill and how this committee would operate with a lack of adequate support. Mr Xaso responded that the Acting Secretary to Parliament had approved support for the committee dealing with the processing of the Bill.

Ms Ntlangwini indicated that the EFF members had problems with receiving the Order Paper on time. Mr Xaso responded that he would establish the problem and whether there was any particular issue on the email system in respect of members of the EFF.

7. Report by Bills Office

Ms Mtyobile presented a report on legislation before Committees and highlighted that out of 31 bills from the 2020/2021 Executive Legislative Programme, as submitted by the Office of Leader of Government Business, six bills had been introduced. The Programming Whip enquired about the status of the Women Empowerment and Gender Equality Bill. Mr Xaso responded that the Bill was not within the system of Parliament and would establish with the Executive on how far the Bill was.

8. Consideration of draft Parliamentary programme

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

On 1 June, a mini-plenary session on State Security was scheduled for 11:00. In the afternoon, Parliament's Budget Vote, the Copyright Amendment Bill, Performers' Protection Amendment Bill as well as the debate on Youth Day were scheduled.

The debate on the Presidency Budget Vote as well as the reply were scheduled for 2 and 3 June, respectively. Consideration of the Criminal and Related Matters Amendment Bill, Criminal Law (Sexual Offences) Amendment Bill and Domestic Violence Amendment Bill; as well as Liquor Products Amendment Bill were also scheduled for 3 June.

On 4 June, consideration of Special Appropriation Bill and Appropriation Bill, as well as consideration of Votes and Schedule to the Appropriation were scheduled.

Mr Xaso indicated that for the last week of the term more business could be added to the programme, especially those relating to statutory appointments. Mr Xaso also informed the meeting that the draft Parliamentary Programme Framework had been circulated to members. He highlighted that the Budgetary Review and Recommendation Reports would be considered on 5 - 15 October. Another Constituency Period on 18 October till 1 November was proposed. The National Assembly would likely finish its work in the first week of December. The National Treasury had since advised that the Minister of Finance would table the Medium-Term Budget Policy Statement on 2 November.

9. Announcements

The Deputy Chief of the Majority Party announced that the funeral service of Ms M A Tongwane was currently in progress.

10. Closure

The meeting adjourned at 09:32.