



**NATIONAL ASSEMBLY PROGRAMME COMMITTEE**

Chairperson:  
Speaker of the National Assembly

Committee Secretary:  
A Mbanga x 3218

**DRAFT MINUTES OF PROCEEDINGS**

Thursday, 3 June 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)	Singh, N
Lesoma, R M M	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), Mr M Xaso (NA Table), Adv M Tau (Committees), Ms T Mtyobile and Adv C R van der Merwe (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**

The draft agenda was adopted with the addition of an item on 'progress report on the appointment of Secretary to Parliament' as requested by Ms Mkhalihi under the Programme item.

## **4. Consideration of minutes of meeting of 27 May 2021**

On the proposal of Mr Singh, seconded by the Deputy Speaker, the Minutes of 27 May were adopted with textual corrections.

## **5. Matters arising**

Mr Singh asked if there was a feedback on the allegations made by Mr N F Shivambu on the legal opinion prepared by the Parliamentary Legal Services unit on the proceedings of the meeting of the *Ad Hoc* Committee to Initiate and Introduce Section 25 Legislation. Mr Xaso reported that no correspondence had been received from Mr Shivambu on the allegations that he levelled against Legal Services. Due to the seriousness of the matter, House Chairperson Mr Ntombela suggested that Ms Mkhalihi should request Mr Shivambu to provide correspondence in the next meeting in order for investigations to commence on the allegations made. The Parliamentary Counsellor to the Deputy President added that Mr Shivambu made a commitment to provide substantiated evidence, but suggested that a deadline should be set for him to submit such, in view of the fact that his claims could have a bearing on the proceedings of the ad hoc committee. Ms Ntlangwini, however, said that Mr Shivambu would provide the necessary substantiation as he had undertaken, but that he should not be given any deadlines to do so, as there could be other internal matters that were being considered within the party. Mr Singh stated that serious allegations were made against the Legal Services section and these were a matter of public record and, if such claims were true, that this would affect the integrity of the Legal Services section. As a result, it was imperative that the matter be speedily dealt with in the interest of the Legal Services section who were not in a position to defend themselves.

Mr Swart requested that a reasonable deadline be considered for submission of the substantiated evidence, should a letter not be forthcoming, alternatively the allegations should be withdrawn. Dr Mulder indicated that the allegations had been made for quite some time and repeated in the previous week ever since the legal opinion was made available and suggested that Mr Shivambu should withdraw the claims made and that consideration be given as to what action could be taken against him. The Deputy Chief Whip of the Majority Party, supported by Mr Shaik Emam, indicated that this was not an EFF matter as allegations had been made against a section that was responsible for providing a service to all parties. The Deputy Speaker proposed that Mr Shivambu be given a week's deadline, failing which he should be asked to withdraw his remarks unconditionally and apologise to the Legal Services section. Further steps should be taken if he failed to do so. The Speaker remarked that it was not only Legal Services' reputation that was on the line but also that of Parliament and suggested that the matter be given space. Members would be informed in due course on how the matter would be addressed.

With regards to the re-establishment of the *Ad Hoc* Committee to Initiate and Introduce Section 25 Legislation, House Chairperson Mr Frolick reported that the matter had been discussed at the previous meeting of the Chief Whips' Forum and that it was clarified that the committee would be re-established with the same mandate and membership with a deadline of 30 August 2021. He said that the motion would be scheduled for Friday, 4 June. Notwithstanding the fact that the committee was requesting only a 30 days' extension, House Chairperson Mr Frolick indicated that the National Assembly would be in a Constituency Period at that time and, as a result, its report could be considered in August when the House resumes its business.

Mr Xaso reminded the meeting that parties should have submitted names for membership on the Committee on Section 194 Enquiry by 1 June 2021. To date only four parties had submitted names.

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

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

- Matters to be finalised during the current term.
- Committees likely to meet during recess

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

Ms Mtyobile presented a report on legislation before Committees and highlighted that there were seven Bills on the Order Paper for consideration by the House. The Performers' Protection Amendment Bill and Copyright Amendment had been recommitted to the Portfolio Committee on Trade and Industry for further consideration and report.

### *Report on Constitutional Court deadlines*

Adv Van der Merwe presented a report on Constitutional Court deadlines as follow:

(a) Regulation of Interception of Communications and Provision of Communication Related Information Act, 2002

The Department of Justice and Correctional Services confirmed that a Bill revisiting Regulation of Interception of Communications and Provision of Communication Related Information Act was in the process of being developed. The Legal Services also briefed the Portfolio Committee on Justice and Correctional Services on 1 June.

(b) Drugs and Drug Trafficking Act, 1992 —section 63 + amendments to Schedules 1 and 2 Regarding: Smit v Minister of Justice and Correctional Services and Others [2020] ZACC 29 (18 Dec 2020)

The Department of Justice and Correctional Services had confirmed that the proposed amendments were being addressed in the new Extradition Bill. A Bill dealing with the Schedules had been submitted to an expert in the South African Police Services for finalisation. The Legal Services also briefed the Portfolio Committee on of Justice and Correctional Services on 1 June.

Adv Van der Merwe also informed the meeting that the President had since assented to the following matters:

- Correctional Services Act, 1998 (Act No. 111 of 1998)
- Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991)
- Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998)

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

The Programming Whip presented the Parliamentary Programme for the remainder of the Second Term and indicated that on 4 June, consideration of the draft notices determining the remuneration of Commissioners of the Electoral Commission of South Africa (IEC) and councillors of the Independent Communications Authority of South Africa (ICASA) were added for consideration. Also on that day, First and Second Reading debates on Special

Appropriation Bill and Appropriation Bill, as well as consideration of Votes and Schedule to the Appropriation Bill were scheduled.

Mr Xaso advised that the consideration of the report on appointment of commissioners to the South African Human Rights Commission would require a majority of 201 members in support for the motion to be passed. He added that the revised Parliamentary Programme Framework for 2021 would be considered at the meeting of the Joint Programme Committee, which was to follow immediately after the Programme Committee.

#### *Progress on the appointment of Secretary to Parliament*

The Speaker reported that the panel had to first agree on a revised downward salary scale of R2,4 million for the position, in line with other director-generals. The EFF did not participate in the selection process and three candidates were identified. Negotiations were currently underway with the top candidate, as far as the salary package was concerned. The matter was expected to be finalised in due course.

#### **9. Announcements**

There were no announcements.

#### **10. Closure**

The meeting adjourned at 09:13.