



SPECIAL NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Monday, 6 September 2021 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

Dlakude, D E (Deputy Chief Whip of the Majority Party)	Ntlangwini, E N
Frolick, C T (House Chairperson)	Ntombela, M L D (House Chairperson)
Julius, J W W	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Singh, N
Lesoma, R M M (Programming Whip)	Swart, S N
Majodina, P C P (Chief Whip of the Majority Party)	Tsenoli, S L (Deputy Speaker)
Mazzone, N W A (Chief Whip of the Opposition)	Van der Merwe, L L
Mkhaliphi, H O	Wessels, W W
Mulder, Dr C P	

Staff in attendance:

Ms P N Tyawa (Acting Secretary to Parliament) and Mr M Xaso (NA Table).

1. Opening

The Speaker opened the meeting at 14:00 and welcomed everyone. She indicated that the Constitutional Court had ruled that the Local Government Elections should be held between 27 October and 1 November 2021. She added that the special meeting was

convened in order to consider a revised Parliamentary Programme for the remainder of the year.

2. Apologies

There were no apologies, but it was noted that a few members had indicated that they would be joining the meeting late.

3. Consideration of draft agenda

The draft agenda was adopted as proposed.

4. Consideration of minutes of meeting of 2 September 2021

The minutes of 2 September were adopted.

5. Matters arising

Proceedings of the Ad Hoc Committee to Initiate and Introduce Section 25 Legislation

Mr Xaso reported that the ad hoc committee was expected to finalise its report, in line with its deadline of 10 September 2021. Dr Mulder asked if there was an intention to consider the report before the National Assembly adjourned. The Deputy Chief Whip of the Majority Party proposed that the debate should be scheduled in November in order for parties to have enough time to prepare. Ms Mkhali, however, proposed that the report be scheduled prior to adjournment, stating that the land issue was critical and that people were eager to know about the outcome of the process on land expropriation as processed in Parliament. She added that her party would be in a position to inform the general public how political parties voted on the matter during the campaign for the elections. Whilst acknowledging that the land issue was important, the Chief Whip of the Majority Party said the EFF could refer to the report of the committee that would be published in the Announcements, Tablings and Committee Reports (ATC).

Ms Ntlangwini said the report needed to be scheduled as an urgent matter instead of waiting for another month as the proceedings had been delayed so many times due to Covid-19 regulations. She said that people needed their land back and were keen to know if land would be expropriated without compensation or not. The Chief Whip of the Opposition argued that it was disingenuous for others to use the meeting, which was being broadcast, to advance political interests and that the focus of the meeting should be on the programming of business. The Speaker cautioned that members should keep in mind that the issue of land was a sensitive matter and that while members were

representing different constituencies, Parliament as an institution had a responsibility not to act in a reckless manner when addressing the issue.

House Chairperson Mr Frolick clarified that the ad hoc committee was expected to meet again on Wednesday of that week to finalise its report. He said that there was not a reasonable prospect to have a debate on a report that had not yet been finalised and that all reports were subjected to quality assurance processes before publication in the ATC. The rules also stipulated that the debate on the second reading of a bill could not commence until at least three working days had elapsed since the committee's report was tabled.

Consideration of Removal of Judge President John Hlophe

Mr Xaso reported that the matter had been referred to the Portfolio Committee on Justice and Correctional Services for consideration and political parties had been provided with the report from the Judicial Service Commission. The Legal Services unit was still drafting advice on whether the Speaker did have a discretion to allow a secret ballot in respect of the removal of a judge.

Ms Mkhalihi enquired about when the Justice committee would commence with its deliberations on the matter, adding that the EFF would not be supporting the removal of a black judge who they understood to be persecuted by the white arrogance of the judiciary. Dr Mulder took exception to this remark and stated that such "racist utterances" should not be allowed.

The Speaker ruled that Dr Mulder should withdraw the term "racist" as the implication of these remark was that the member was racist. The Speaker reiterated that while Dr Mulder could disagree with the views of Ms Mkhalihi but this should not degenerate into name calling. Dr Mulder refused to withdraw his remarks contending that he had intended to point out that the statement was racist and not that the member was racist. The Speaker undertook to come back to the meeting with a ruling on the matter.

Green Paper on social security reform

Mr Xaso indicated that the Green Paper had not been submitted to the Portfolio Committee on Social Development and did not appear on its programme.

6. Consideration of Revised Parliamentary programme

Mr Xaso highlighted some issues which were captured in an explanatory note which accompanied the proposed revised programme. Both documents had been circulated to

members. In summary, it was being proposed that Budgetary Review and Recommendation Reports be scheduled in the week of 8 November and be considered by the House around 23 November. The Auditor-General of South Africa had submitted a letter to Parliament to inform it about a delay in the completion of the 2020-21 audit of entities falling under the Public Finance Management Act, that this would result in a delay in the submission of annual reports. The Speaker had since written to the Leader of Government Business to request that annual reports be tabled as soon as possible. Once the Programme review was finalised, it would be possible to give specific dates for submission.

Mr Xaso added that provision had been made for legislation to be dealt with on Thursday, 9 September after the conclusion of condolence motions. Other statutory appointments and urgent legislation that would be finalised during the week, would be considered on Friday, 10 September. A constituency period was scheduled from 13 September until 1 November 2021. The debate on the Medium Term Budget Policy Statement and consideration of Votes and Schedule to the Adjustments Appropriation Bill could be scheduled for 2 December. The National Assembly could then adjourn on 10 December.

Ms Lesoma presented the Parliamentary Programme for the Third Term and highlighted the following:

Second Reading debate on Financial Sector Laws Amendment Bill and consideration of reports from Basic Education were scheduled for Tuesday, 7 September.

Consideration of reports from the Portfolio Committee on Police were scheduled on Wednesday, 8 September at 10:00. Questions for oral reply to the Economics cluster were also scheduled in the afternoon.

Condolence motions for five members who passed away were also scheduled for Thursday, 9 September. In the afternoon, Second Reading debates on Compensation for Occupational Injuries and Diseases Amendment Bill and Employment Equity Amendment Bill were scheduled.

Second Reading of the Criminal Procedure Amendment Bill, the reports on the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill as well as Domestic Violence Amendment Bill were scheduled for Friday, 10 September. In addition, the House would also consider the report and draft notice determining the remuneration of salaries of Financial and Fiscal Commissioners and other committee reports.

In view of the revised programme, Mr Xaso indicated that a meeting of the Joint Programme Committee in order to adopt a revised Parliamentary Programme Framework was proposed for 9 September, subject to confirmation by the National Council of Provinces.

In response to Mr Julius, the Chief Whip of the Majority Party indicated that questions for oral reply to the Deputy President, which were scheduled for 22 September, would be scheduled in November. Mr Xaso added that a consultative process was normally undertaken with the Presidency in finalising dates for questions to the President and Deputy President.

House Chairperson Mr Frolick pointed out that the changes in the programme had an impact on the schedule of committees but requested that, as from Wednesday, the following committees be allowed to meet until Friday:

- Ad Hoc Committee to Initiate and Introduce Legislation Amending Section 25 of the Constitution to finalise its report
- Standing Committee on Appropriations to consider the Second Special Appropriations Bill
- Portfolio Committee on Health to consider the National Health Insurance Bill
- Portfolio Committee on Public Works and Infrastructure to consider the Expropriation Bill

Furthermore, House Chairperson Mr Frolick advised that committees that would have urgent matters or timeframes would be allowed to meet during the Constituency Period. The Chief Whip of the Majority Party added that no committees would be allowed to conduct oversight visits but only those that have constitutional deadlines. The Portfolio Committee on Justice and Correctional Services, which was supposed to consider the issue of the removal of Judge Hlophe, would also not be allowed to meet during recess.

The Speaker requested that an updated programme reflecting a clear adjournment time on Friday be sent to members as soon as possible in order for them to secure their flights home.

7. Announcements

There were no announcements.

8. Closure

The meeting adjourned at 15:07.