



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 18 November 2021 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

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

Staff in attendance:

Mr M Xaso (NA Table), Adv C R van der Merwe and Mr N Bell (Constitutional and Legal Services Office) and Adv M Tau (Committees).

1. Opening

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

2. Apologies

Apologies were received from the Chief Whip of the Majority Party Ms P C P Majodina and House Chairperson Mr M L D Ntombela.

3. Consideration of draft agenda

The draft agenda, as proposed, was adopted.

4. Consideration of minutes of meeting of 9 November 2021

On the proposal of the Chief Whip of the Opposition, seconded by House Chairperson Ms Boroto, the minutes of 9 November were adopted.

5. Matters arising

Consideration of Removal of Judge President John Hlophe

The Speaker indicated that she had directed the Secretary to the National Assembly to make available to parties the opinion prepared by Legal Services on whether she had a discretion to allow a secret ballot in respect of the removal of a judge, so that members were able to familiarise themselves with the content of the advice. Furthermore, she would advise the committee on her position on the matter when scheduled for consideration by the House.

The Chief Whip of the Opposition proposed that the Speaker forward the legal opinion to the Office of the President, in light of the President being responsible for the shortlist of candidates for appointment as Chief Justice. After deliberations, the general consensus was that the legal opinion was prepared in respect of parliamentary processes and, in the context of separation of powers, it was not appropriate to forward the opinion to the Executive.

With regard to the removal process, the Portfolio Committee on Justice and Correctional Service would await the outcome of an appeal by Judge President Hlophe.

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

The Programming Whip indicated that the report on the Constitution 18th Amendment Bill, would be scheduled for 7 December.

Electronic voting

Mr Xaso reported that Parliament was still in a process of testing electronic voting platforms. Presentations had been made to the ICT Focus Group and Chief Whips' Forum (CWF). The matter was receiving priority and a presentation would also be made

to the Executive Authority of Parliament in due course. Ms Mkhalihi proposed that a presentation also be provided to party caucuses as the matter was of a technical nature.

Update on the Committee on Section 194 process on removal of the Public Protector from Office

Mr Xaso advised the Committee that the issue of constitutionality of certain rules for a Section 194 process was still before the Constitutional Court. Parliament was appealing the issue of legal representation as well as of a judge being on the panel. Judgment had been reserved and the Committee on Section 194 was advised to await the outcome of the court process. In response to the view that the matter was *sub judice*, the Chief Whip of the Opposition requested that at the next meeting Legal Services provide an opinion on matters that were deemed to be *sub judice*. She said that the issue of *sub judice* matters had changed in that matters could be discussed, as long as the merits of the case were not discussed. The Speaker replied that an opinion could be made available, if possible in the next meeting.

6. Report from Committee Section

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

The Portfolio Committee on Social Development was continuing with public hearings on the Children's Amendment Bill until 10 December 2021. The Portfolio Committee on Transport had been briefed by Legal Services on the National Land Transport Bill on 16 November, which had been returned from the National Council of Provinces due to proposed amendments.

On statutory appointments, Adv Tau indicated that the Portfolio Committee on Communications intended to conduct interviews and deliberate on recommendation of councillors on the Council of the Independent Communications Authority of South Africa (ICASA) on 19 November. The Portfolio Committee on Public Service and Administration would be advertising calling for filling of vacancies in the Public Service Commission.

7. Report by Bills Office

Mr Bell presented a report on legislation before Committees and indicated that the Division of Revenue Amendment Bill and Adjustments Appropriation Bill would be referred to the Standing Committee on Appropriations, after the adoption of the Revised Fiscal Framework. The Rates and Monetary Amounts Amendment Bill, Taxation Laws Amendment Bill and Tax Administration Laws Amendment Bill had also been introduced by the Minister of Finance during the Medium Term Budget Policy Statement on 11 November.

Mr Bell also indicated that the National Veld and Forest Fire Amendment Bill, Deeds Registries Amendment Bill and Criminal Law (Forensic Procedures) Amendment Bill had been certified for introduction.

Report on Constitutional Court deadlines

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

(1) Electoral Act, 1998 (Act No. 73 of 1998)

The Department of Home Affairs had confirmed that Cabinet had yet to deliberate on the matter. The advisory committee appointed in February 2021 had completed its work and the report will now be taken to Cabinet. It was not yet clear when the Bill would be introduced. In an event that a Bill was introduced early in January 2022, Parliament would only have just under six months to process it in both Houses, and for the President to consider and assent to the Bill. The period allowed for deliberations in Parliament was of concern. Legal Services had written a letter to the department whilst Committee Section support had also been in contact with the department on the matter.

(2) Drugs and Drug Trafficking Act 140 of 1992 —section 63, amendments to Schedules 1 and 2

A public consultation process is envisaged in January 2022. In respect of the Schedules, a Draft Bill had been approved by the relevant cluster of directors-general. It would now be submitted to Cabinet for approval of public participation. The Department of Justice and Correctional Services was aiming for introduction of a Bill during March/April 2022.

(3) Regulation of Interception of Communications and Provision of Communication Related Information Act and Electoral Amendment Act

A first draft of the Bill would be made available early in 2022 to relevant stakeholders for their comments and recommendations. The Department of Justice and Correctional Services was aiming for introduction of a Bill during July/August 2022.

With regards to the deadline for the Electoral Act which has a deadline of June 2022, Mr Singh expressed concern that Parliament might not have enough time to process it and indicated that the matter should be red-flagged. Mr Swart added that there was a tendency from the Constitutional Court not to grant extension of deadlines and, since the matter was in the public domain, the Speaker should write to the Executive as the order had been made against

Parliament. The matter should be closely monitored and regular feedback to be provided given that the matter was of a major policy development regarding elections. Given the concerns raised by members as well as the general public recently, the Speaker advised that she would be writing to the Leader of Government Business in order for the Executive to speed up the process of introducing the legislation.

8. Consideration of draft Parliamentary programme

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

Consideration of Budgetary Review and Recommendation Reports as well as committee reports were scheduled for Tuesday, 23 November.

Questions for oral reply to the Peace and Security cluster and consideration of Revised Fiscal Framework were scheduled for Wednesday, 24 November and Questions to the President were scheduled for Thursday, 25 November.

The Programming Whip advised that the debate on 16 Days of Activism on no violence against women and children, which was scheduled for 26 November in the form of a Joint Sitting, would now be conducted separately in the two Houses. In the National Assembly, it was scheduled for 2 December.

The Chief Whip of the Opposition indicated that the practice of inviting Chief Whips to meet with family members attending the plenary to hear condolence motions for members who had passed was an honour and especially important to personally be able to pay respects to the family. The Deputy Chief Whip of the Majority Party replied that whips were invited to a luncheon to meet with the families prior to the sitting where condolence motions for Mr E R K Maphatsoe and Prof H B Mkhize would be heard later in the day.

Mr Shaik Emam expressed concern about the limited opportunities for smaller parties to have their motions and subjects for discussion debated in mini-plenaries. He said that this had been previously raised in the committee and even though a mechanism was put in place, only a limited number of mini-plenaries were scheduled. The issue of scheduling of mini-plenaries would be referred to the CWF and a report would be made available to the Programme Committee once finalised.

9. Announcements

The Speaker indicated that she had been informed of a break-in in the office of the Chief Whip of the Opposition. She had discussed the matter with Ms Mazzone and the Parliamentary administration. It was noted that the police had promptly responded to the incident but that a report was still outstanding. The Speaker noted that some cameras were reportedly not in operation at the time of the incident, and that previously she had been informed by the Acting Secretary to Parliament, that certain members had objected to cameras being installed in some areas. The matter would be discussed further once the report from the police had been obtained. Ms Ntlangwini and Mr Kwankwa added that there was a general concern regarding safety on the precinct as well as members' residences. In addition, there were a number of people contracted to do work in these spaces. The Deputy Chief Whip of the Majority Party said it was important that cameras were installed in all the corridors in the parliamentary buildings. Mr Singh proposed that preventative mechanisms should be implemented and a confidential briefing on general security matters be arranged. The Chief Whip of the Opposition said that it was worrying that access had been gained through a key and the office was vandalised and expensive items stolen. She added that consideration should be given to demarcating areas of access for members only. The Speaker replied that she would engage the relevant personnel in Parliament and could enlist the assistance of some of the members to form part of a task team into the matter of security.

The Speaker advised that members would be briefed on the establishment of a Parliamentary Institute in the next meeting, in preparation for its launch on 9 December 2021.

10. Closure

The meeting adjourned at 09:50.