



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 24 February 2022 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

S L Tsenoli (Deputy Speaker)

Boroto, M G (House Chairperson)	Majodina, P C P (Chief Whip of the Majority Party)
Dlakude, D E (Deputy Chief Whip of the Majority Party)	Mazzone, N W A (Chief Whip of the Opposition)
Frolick, C T (House Chairperson)	Mulder, Dr C P
Gwarube, S	Mkhaliphi, H O
Hendricks, M G E	Ntlangwini, E N
Herron, B N	Ntombela, M L D (House Chairperson)
Jafta, S M	Shaik Emam, A M
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Singh, N
Kwankwa, N L S	Swart, S N
Lesoma, R M M (Programming Whip)	Wessels, W W

Staff in attendance:

Acting Secretary to Parliament Ms P N Tyawa, Secretary to the National Assembly Mr M Xaso, Dr T Mbatha (Constitutional and Legal Services Office), Adv M Tau (Committees) and Mr D J Sithole (International Relations and Protocol).

1. Opening

The Speaker opened the meeting at 08:30 and welcomed everyone present. She commended the work done by the administration to enable the Minister of Finance to present the Budget Speech on the precinct in the Good Hope Chamber (GHC). The Speaker indicated that the delivery of the State of the Nation Address joint sittings in the Cape Town City Hall and the presentation of the budget the previous day in the GHC represented the achievement of significant milestones for the institution under current circumstances. Through continued cooperation and collaboration, Parliament would be made stronger and more effective. The Chief Whip of the Majority Party supported the sentiments expressed, but indicated that there were some shortcomings with the venue which she had shared with the administration. The Chief Whip of the Opposition also congratulated the administration on the work done under the circumstances.

Ms Mkhaliphi, however, expressed concern with the size of the Good Hope Chamber and that only eight of the Economic Freedom Fighters' (EFF) 44 members could attend. She indicated that there was a need for a bigger venue for normal sittings instead of using hybrid sittings as it had a number of shortcomings, and cited an incident that happened in a particular meeting whereby a chairperson was heard receiving advice from a staff

member unaware that microphones were on. Mr Kwankwa indicated that at some point there should be an assessment on the work and the quality of oversight conducted in the virtual medium thus far. He said that he was aware of instances whereby members used two devices to connect in two meetings simultaneously, but were unable to respond when recognised to speak. He also stated that the Good Hope Chamber was a short term solution and more work should be done in terms of seating arrangements and lighting. Adv Swart added that some meetings could be scheduled in other committee rooms as was experienced with M46, which was used as one of the lock-up venues prior to the budget speech.

Ms Ntlangwini contended that more effort was required in getting a more suitable venue that would allow for more physical sessions as some of her members struggled to connect to the virtual platform and that there had been an instance where one of the EFF members had to wait for 30 minutes before being admitted. Pertaining to committee meetings, she said that on several occasions some of her members were frequently removed from proceedings when addressing contentious matters which other members did not want to hear. She said that such matters needed to be addressed as this was in violation of the members' constitutional rights to do their work and suggested that some chairpersons needed to be trained further on how to conduct virtual or hybrid meetings.

House Chairperson Mr Frolick confirmed that while there were committee rooms that could be used in the Old Assembly Wing, they were not accessible due to the fire. There were, however, very limited meetings that were taking place and the other option was to make use of private facilities around Parliament in the form of conference packages which were however very expensive. With regard to conduct of chairpersons, he requested members of the EFF to submit a written complaint to him about specific incidences as he could not generalise about the conduct of chairpersons during committee proceedings.

Based on the size of the current venue, Ms Gwarube proposed as a practice, that an undertaking be made on communicating to members of the Executive who would be answering questions to be physically present to provide answers so as to improve the quality of oversight and accountability. Equally so, that should apply to members who would be asking questions. Ms Gwarube also asked whether the list of written questions that remained unanswered by some Ministers at the end of the previous year could be forwarded to the Speaker in order that they be communicated to those members of the Executive. Mr Xaso explained that a report on the responses by Ministers regarding unanswered questions would be submitted to the Rules Committee for information and published in the Announcements, Tablings and Committee Reports (ATC) for the information of all members.

The Speaker indicated that she had observed with concern the tone of discussion between the Chief Whip of the Opposition and Ms Ntlangwini through the chat function on the platform. She appealed to the two members to refrain from engaging in a dialogue especially when using language which could be considered 'unparliamentary' or offensive. The Speaker instructed that the chat function be disabled for all virtual meetings of the Programme Committee.

With regards to the presentation of a comprehensive report on the alternative venue for the National Assembly as previously resolved by the meeting, it was AGREED that the report would first be considered by the Chief Whips' Forum (CWF) on 2 March. It was indicated that the Speaker would also attend the meeting which would be held physically in Parliament.

Mr Shaik Emam asked whether there was a need for the Programme Committee to meet every week as the meeting tended to deliberate on the same issues, instead of only meeting when there were developments in respect of parliamentary business. Dr Koornhof added that, historically it was the norm for the meeting not to last for more than

30 minutes as it mainly provided an update on the programming of specific business. He, however, said that it was up to the Speaker to decide on the frequency of meetings. Given the fact that the CWF was a consultative forum in nature, Mr Kwankwa said that any issues raised therein were normally subject to confirmation by the Programme Committee. The Speaker replied that there should be a discussion on the matter as she was made to understand that the committee was meant to meet on a weekly basis during session.

2. Apologies

No apologies were received.

3. Consideration of draft agenda

The draft agenda, as proposed, was adopted.

4. Consideration of minutes of meeting of 17 February 2022

On the proposal of the Deputy Speaker, the minutes of 17 February were adopted.

5. Matters arising

Consideration of a comprehensive report on an alternative venue for the National Assembly

The Speaker indicated that as discussed the matter would be dealt with in the coming week.

Request for a motion of no confidence in the Cabinet

The Speaker indicated that she had written to the Democratic Alliance informing it that a suitable date for scheduling of the motion of no confidence in the Cabinet in terms of Section 102 the Constitution would be presented to the meeting, after consultation with the Leader of Government Business.

Concerns with processing of the Electoral Laws Amendment Bill

The Speaker reported that she had since approved a request for Parliament to approach the Constitutional Court for an extension of the deadline of 10 June 2022. The Legal Services unit had also briefed the relevant attorney attending to the matter.

Consideration of issues emanating from international conferences and the legislative sector

The Speaker indicated that she had received the list of reports that were published in 2021. The reports would have lapsed at the end of the 2021 annual session and would have to be revived if they were to be considered by the House. Furthermore, a list of reports that would be published soon had been received. The National Assembly Table would work with the Office of House Chairperson Mr Ntombela around which of the reports were to be considered by the House.

On the issue of legislative sector matters, Mr Xaso would table a proposal for consideration by the Speaker on how those reports could be processed in Parliament.

6. Report from Committee Section

Adv. Tau presented an update on matters before committees. He reported that the Portfolio Committee on Home Affairs had finalised its report on the Electoral Second Amendment Bill, which is a private member's Bill. The committee would also embark on public hearings on the Electoral Laws Amendment Bill during March and intended to finalise the Bill on 16 May.

Adv Tau also indicated that the Committee on Section 194 Enquiry had received a briefing by the Legal Services unit on 22 February and deliberated on its terms of reference and way forward. The Committee intended to finalise its report by 21 September.

7. Report by Bills Office

Dr Mbatha presented a report on legislation before Committees and indicated that the Bills Office was working on the second language text of the National Forests Amendment Bill and National Environmental Management Laws Amendment Bill, which were on the Order Paper for consideration by the National Assembly. Furthermore, the Appropriation Bill and Division of Revenue Bill would be referred to committees after the adoption of the report on Fiscal Framework and Revenue Proposals. Furthermore, the Second Adjustments Appropriation (2021/22 Financial Year) Bill and Climate Change Bill had since been introduced and referred to relevant committees.

8. Consideration of draft Parliamentary programme

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

Reports on National Forests Amendment Bill and National Environmental Management Laws Amendment Bill, were scheduled for 1 March. Report of PC on Basic Education on *First and Second Quarterly Report on performance of Department of Basic Education in meeting its pre-determined objectives for 2021/22* was also scheduled for that day.

Questions for oral reply to the Peace and Security cluster were also scheduled for Wednesday, 2 March.

On Thursday, 3 March, mini-plenary sessions were scheduled to consider motions from the ANC, DA and EFF.

The debate on International Women's Day was scheduled for 8 March.

The Programming Whip also indicated that items emanating from international conferences and external bodies would be considered for scheduling once they had been published in the ATC. House Chairperson Mr Ntombela indicated that, following concerns in the previous meeting that protocols emanating from these forums were either not referred to committees or the House, a list of 39 reports that had been published had since been compiled. Besides those, 12 reports which had not yet been published would be tabled in the meeting of the Parliamentary Group on International Relations, which was scheduled for 4 March. He, however, indicated that it was not clear whether these reports were published for information or for consideration by the House, in future this would be clarified.

House Chairperson Mr Ntombela also indicated that an advisory note on the issue of vaccination and online sexual exploitation had been forwarded for tabling. Mr Sithole added that an executive summary had also been attached on the 39 reports, outlining resolutions that had been taken on the international forums. In practice, the International Relations section would also advise members on steps that needed to be taken in processing a particular resolution. Mr Sithole further emphasised that the area that needed refinement was how the reports should be processed beyond publication in the ATC, as well as finding some expression in the institution.

In addition to the points raised by Ms Gwarube earlier, Mr Kwankwa said that the request for members of the Executive to be physically present was in line with a recommendation from the

Zondo Commission on State Capture that called for more effective oversight and accountability of the Executive. The Speaker said that it was always her understanding that Ministers were encouraged to answer questions from the House as a directive from the Chief Whip of the Majority Party. It was, however, noted that the current rules for hybrid sittings provided for all members to be present during a session, either virtually or physically and that they would not be violating any rule. It was further AGREED that a reminder would be sent to members of the Executive encouraging them to be present in the House, where possible.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:59.