



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 10 March 2022 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

Boroto, M G (House Chairperson)	Mazzone, N W A (Chief Whip of the Opposition)
Frolick, C T (House Chairperson)	Mkhaliphi, H O
Gwarube, S	Mulder, Dr C P
Herron, B N	Papo, A H M (Parliamentary Counsellor to the Deputy President)
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
Majodina, P C P (Chief Whip of the Majority Party)	

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) and Adv M Tau (Committees).

1. Opening

The Speaker opened the meeting at 08:30 and welcomed everyone present. She indicated that she had acceded to a request from the Leader of the Opposition for an urgent debate on a matter of national public importance in respect of '*The impact of the Russian Federation's invasion of Ukraine on the South African economy*'. The Leader of Government Business would be informed as required by the rules.

2. Apologies

Apologies on behalf of Deputy Speaker Mr S L Tsenoli, Deputy Chief Whip of the Majority Party Ms D E Dlakude and Ms T L Marawu were tendered.

3. Consideration of draft agenda

The draft agenda, as proposed, was adopted with the addition of an item on the 'Scheduling of the Zondo Commission's Inquiry into State Capture Report' as requested by Ms Gwarube. The matter would be dealt with under the item on the Parliamentary Programme.

4. Consideration of minutes of meeting of 3 March 2022

On the proposal of Mr Shaik Emam, seconded by Mr Singh, the minutes of 3 March were adopted.

5. Matters arising

Alternative venues

The Speaker indicated that the matter of alternative venues for sittings of the National Assembly was currently before the Chief Whips' Forum and that the Forum would be receiving a progress report on the matter.

Scheduling of motions of no confidence in President and in the Cabinet

The Speaker announced that the motion of no confidence in the President and the motion of no confidence in the Cabinet, in terms of Section 102 of the Constitution, would be scheduled for 30 March. In response to Ms Gwarube, the Speaker advised that an open voting mechanism would be followed for both motions. She said that in arriving at her decision she had taken legal advice. The Speaker noted that the environment was not toxic and that, since a hybrid system was in place, the usual manual voting procedure would be used and as always if any member wished to vote differently from their party, such a member could do so.

The Chief Whip of the Opposition contended that in her view the Mazibuko vs the Speaker judgment of 2012 stated that, when considering constitutional motions, a secret ballot should be followed as members could receive a backlash should they not vote in the same way as their party. Furthermore, legal precedence had been requested on other means of conducting a secret ballot. She stated that a secret ballot was also followed in the adoption of the report on the establishment of the Committee on Section 194 on the removal of the Public Protector from Office. As far as she was concerned, it would be unfair to conduct open voting. It was indicated that the Democratic Alliance would also be seeking a legal opinion on the matter.

The Speaker indicated that the court had expressly pointed out that it was the prerogative of the Speaker to decide on the manner of voting. The Speaker indicated that she had furnished the ATM with the reasons as to why she believed an open vote on the no confidence motion in the President should be held. With regard to the motion of no confidence in the Cabinet, she said that members of the Executive were, in all but a few cases, first and foremost members of the National Assembly prior to being appointed as Ministers. These members had the right to vote in the Assembly and could not be denied this right.

Ms Gwarube said that it did not make sense for members of the Cabinet, whose futures would be on the line, to vote when a motion of no confidence in the Cabinet was considered. The Chief Whip of the Majority Party stated that she was in support of the ruling by the Speaker and that the rules and practice made provision for members to vote differently, should they elect to do so.

As a way forward, the Speaker proposed that members could provide formal written submissions on the matter as there was still time to engage prior to the matter being considered on 30 March. Mr Kwankwa said that it was important that parties were allowed to express their views on the matter in a public platform and reiterated that the UDM would never support an open ballot on such an important matter unless the party that brought the motion

was in support of an open ballot process. He suggested that parties that were advocating for a secret ballot should provide further submissions prior to the Speaker making her determination. In the event that the Speaker had made a final ruling, political parties would have to explore the avenue of taking the matter on review.

Mr Singh stated that he was not in a position to make pronouncements on the ruling during the meeting, but that he would present the matter to his caucus for a decision. Since there was still time, he suggested that parties could use the opportunity of written submissions on the matter if not satisfied with the reasons advanced for an open vote.

After deliberations on the matter, it was AGREED that the advice received by the Speaker on the matter would be made available to members for their consideration. Parties would also be allowed to make formal submissions on the matter, should they wish to do so.

List of matters that lapsed at the end of 2021

The Speaker reported that certain lapsed business at the end of 2021 had since been revived.

6. Report from Committee Section

Adv. Tau presented an update on matters before committees. He reported that the Portfolio Committee on Communications intended to finalise its reports on filling of vacancies in the board of the South African Broadcasting Corporation (SABC), board of the Media Development and Diversity Agency (MDDA) and Council of the Independent Communications Authority of South Africa (ICASA) on 15 March. Furthermore, the Committee intended to finalise its report on a petition from residents of Jansenville and Klipplaat, located in the Dr Beyers Naude Local Municipality in the Eastern Cape, calling on the Assembly to investigate the failure of the Jansenville Post Office to serve the residents, as submitted by Ms S Graham-Maré, MP, on 8 March.

7. Report by Bills Office

Dr Mbatha presented a report on legislation before Committees and indicated that the Disaster Management Amendment Bill was on the Order Paper for consideration by the House. The National Health Amendment Bill, Pension Funds Amendment Bill and Ease of Doing Business Bill had been revived. Following the adoption of the Fiscal Framework and Revenue Proposals, the Division of Revenue Bill and Appropriation Bill had been referred to the Standing Committee on Appropriations for consideration and report.

8. Consideration of draft Parliamentary programme

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

On Tuesday, 15 March, the debate on the urgent matter of national public importance was scheduled as indicated by the Speaker earlier in the meeting. Reports were also scheduled for that day.

Questions for oral reply to the Governance cluster were scheduled for Wednesday, 16 March.

On Thursday, 17 March, questions for oral reply to the President were scheduled.

With regard to the list of items that had been revived, the Programme Whip advised that they would be scheduled in due course. Ms Gwarube enquired as to whether the report on filling of vacancies in the National Lotteries Board as well as other matters that needed to be reintroduced would form part of committee reports on 15 March. The Chief Whip of the Majority Party responded that the Special Investigations Unit had published a report which implicated some members of the board. Furthermore, the Minister of Trade, Industry and Competition had alluded to the issue of the board being disbanded, during members' statements earlier in the week. As a result, the report had not been revived, however, it was within the rights of the committee to take up the matter based on the response by the Minister.

Mr Xaso further explained that ordinarily not all the items that had lapsed were revived, but if there was a view that any specific matter should be revived, that it should be raised with the Offices of the Chief Whip of the Majority Party or the Programming Whip for consideration. In the case of the National Lotteries Board, indications were that the matter would be started afresh through the normal processes as prescribed by the law. Ms Gwarube replied that she would confer with the Table on how to take the matter further when guiding members of her party serving in that committee.

Scheduling of the Zondo Commission's State Capture Inquiry Report

The Speaker indicated that she had received a request from Ms Gwarube for a decision on scheduling of the Zondo Commission's report on the State Capture inquiry. The Speaker provided the following views on the matter:

The President had indicated that he would submit the full report to Parliament by 30 June 2022, with an indication of his intentions with regard to implementation of the Commission's recommendations. Once the report was submitted, the Rules Committee would meet to discuss the processing of the Report. That process might entail referring aspects of the Report to particular committees. To the extent to which the report dealt with the role of Parliament as a constitutional body, depending on the issues raised, would be dealt with by the Rules or Joint Rules Committees respectively. The process to be followed could only be conclusively decided when the report was formally before Parliament, together with an implementation plan.

Ms Gwarube replied that whilst she accepted the explanation, she was concerned that the report was making a number of damning findings against the institution and the role that it should have played in holding key players of state capture to account. She maintained that it was important that the Programme Committee discussed the process that should be followed in a proactive manner, over and above what the President would prescribe. Mr Singh cautioned that the meeting should not "put the cart before the horse" and requested that the remarks by the Speaker on the process to be undertaken be sent to all parties.

9. Announcements

The Speaker reminded the meeting the President would be answering questions on Thursday, 17 March. In response to the Chief Whip of the Opposition, she said that President had not yet indicated if he would be attending physically or virtually.

The Speaker also noted that she would be meeting with the Chief Whip of the Opposition and Ms Natasha Ntlangwini of the EFF on 15 March on the incidents that had occurred during meetings of the programme committee.

10. Closure

The meeting adjourned at 09:41.