



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 24 March 2022 [Virtual]

Present:

S L Tsenoli (Deputy Speaker)

Boroto, M G (House Chairperson)	Mazzone, N W A (Chief Whip of the Opposition)
Breedt, T	Mkhaliphi, H O
Frolick, C T (House Chairperson)	Ntlangwini, E N
Gwarube, S	Ntombela, M L D (House Chairperson)
Jafta, S M	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Singh, N
Kwankwa, N L S	Shaik Emam, A M
Lesoma, R M M (Programming Whip)	Swart, S N
Majodina, P C P (Chief Whip of the Majority Party)	Van Staden, P A
Majozi, Z	Zungula, V

Staff in attendance:

Acting Secretary to Parliament Ms P N Tyawa, Secretary to the National Assembly Mr M Xaso, Dr T Mbatha and Mr N Bell (Constitutional and Legal Services Office), Adv M Tau (Committees) and Ms F Boltman (Chief Information Officer).

1. Opening

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

2. Apologies

Apologies on behalf of the Speaker Ms N N Mapisa-Nqakula, Deputy Chief Whip of the Majority Party Ms D E Dlakude, Dr C P Mulder and Mr B N Herron, were tendered.

3. Consideration of draft agenda

The draft agenda was adopted as proposed.

Consideration of minutes of meeting of 17 March 2022

On the proposal of Mr Shaik Emam, seconded by the Chief Whip of the Opposition, the minutes of 17 March were adopted, with an amendment that Mr Singh tendered an apology for the meeting.

5. Matters arising

Mr Xaso provided a feedback on the following matters:

Motion of no confidence in the President and the Cabinet

The African Transformation Movement (ATM) court application regarding a secret ballot on the motion of no confidence in the President was to be heard on 28 March 2022. Both the motion of no confidence in the President and the motion of no confidence in the Cabinet were scheduled for 30 March 2022.

Mr Singh requested that the administration provide explanatory notes to members on the voting process to be followed, in an event that the court granted a secret ballot. Mr Xaso explained that currently the virtual platform was unable to support a secret ballot, but that if a decision should direct so, the Speaker would provide a directive on how to proceed with the matter. In that case, Mr Papo suggested that the Speaker would have to consider to postpone the sitting to the next term, due to the absence of a virtual mechanism. Mr Kwankwa said that he concurred with Mr Papo as it was also possible that a party could appeal the matter should the judgment be not in their favour. Furthermore, Mr Shaik Emam said by not rescheduling the motions it would cause unnecessary pressure.

Ms Mkhalihi asked what would happen to the motion should a court not issue judgment on that day. Mr Xaso replied that it was difficult to speculate on this as it would be for the party to advise on how it wished to proceed with the motion. In the past, motions had been withdrawn or postponed for a later date. The Chief Whip of the Majority Party said Parliament should continue with its plan to consider the motions as scheduled until advised otherwise, as there was no interdict on Parliament. The Chief Whip of the Opposition indicated that she had on numerous occasions written to the National Assembly Table and the Speaker explaining how the OpaVote online voting system worked and requested that this solution be considered. She indicated that the DA had used the system more than once as it was simple and free. Furthermore, she stated that she had not received a response to her submission and it was hard to believe that with less than a week before a secret ballot could be required that the administration was still contemplating a solution. Mr Xaso indicated that he had requested that the Division Manager for Information and Communications Technology (ICT) join the meeting in order to provide an update on the work that had been done on the electronic voting system for hybrid plenaries. He further stated that he was aware that the system proposed by the DA had been tested and that communication in this regard undertaken. The Acting Secretary to Parliament added that ICT had also conducted demonstrations with staff from both tables. Ms Mkhalihi, indicated that the matter was also considered by the Chief Whips' Forum (CWF) and, as far as she could recall, it was also mooted that party caucuses would receive demonstrations once Parliament had taken a decision on the appropriate system to be employed. The Deputy Speaker said the underlying point was that the National Assembly should be prepared for any eventuality.

Mr Zungula expressed concern that the Speaker had requested parties to provide formal submissions on their preferred method of voting prior to the Speaker making a final determination on the matter. He said that the Speaker had not communicated her response and was concerned that this would affect logistics for the sitting as there would be no other meeting to discuss the matter. The Deputy Speaker suggested that the matter be followed up with the Speaker in order to ascertain feedback on her final determination on the matter.

Consideration of the Zondo Commission's State Capture Inquiry Report

The letter received from the President bringing to Parliament's attention Part 3 of the report of the Commission had since been published in the Announcements, Tablings and

Committee Reports for the attention of all the Members of Parliament. In the meantime, the Speaker was receiving legal and procedural advice on the report.

Consideration of an alternative venue

The matter was under consideration by the CWF. The Executive Authority would be briefed and make a decision on taking the matter forward.

Report on appointment of the board of the National Lotteries Commission

The report on the request by the Minister of Trade, Industry and Competition to make recommendations on suitability of candidates for the position of chairperson of the board of the National Lotteries Commission, which lapsed last year, had been revived and referred to the Portfolio Committee on Trade and Industry for further consideration.

6. Report from Committee Section

Adv Tau presented an update on matters before committees. He reported that the Portfolio Committee on Cooperative Governance and Traditional Affairs had finalised its report on Local Government: Municipal Systems Amendment Bill, which had been returned from the National Council of Provinces due to proposed amendments. The Portfolio Committee on Justice and Correctional Services had finalised an interim report requesting the committee to go beyond its scope on the Cannabis for Private Purposes Bill.

Adv Tau also indicated that the Portfolio Committee on Home Affairs would be concluding hearings on the Electoral Amendment Bill that week.

The Chief Whip of the Majority Party requested Committee Section to provide a consolidated report on the type of concerns raised by the different petitions before committees. She said such a report could advise about the general concerns and how they could be taken forward through an integrated approach, beyond petitions.

7. Report by Bills Office

Dr Mbatha indicated, in response to concerns raised previously that the report from the Bills Office was not helpful for the public following proceedings of the programme committee, that the Bills Office had a large number of members of the public who subscribed to their mailing list. Every Friday an updated report on Bills before Parliament and Proceedings on Bills was distributed to this group and posted on the parliamentary website. She added that people were regularly added on the mailing list should they request so, and indicated they were willing to revisit their approach in improving how information was communicated. With regard to the report on legislation before Committees, Dr Mbatha indicated that the Division of Revenue Bill was on the Order Paper for Second Reading debate that afternoon. The Compensation for Occupational Injuries and Diseases Amendment Bill would be returned to the National Assembly, due to proposed amendments from the NCOP.

8. Consideration of draft Parliamentary programme

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

Committees were scheduled for 29 March and 1 April.

The motions of no confidence in the President and the Cabinet, respectively, were scheduled for Wednesday, 30 March.

Questions for oral reply to the Deputy President was scheduled for Thursday, 31 March.

The period of 4 – 14 April was set aside for Constituency Period.

The Programming Whip also presented the Parliamentary Programme for the Second Term. She indicated that a debate on 'the energy crisis and the threat of a protracted failure of Eskom' as a matter of national public importance as requested by Mr Singh would be considered on 5 May.

In respect of mini-plenaries on Budget Votes, Mr Xaso indicated that a determination would be made in the following week on whether the sittings would be fully virtual or hybrid, based on feedback on the readiness of venues.

In response to Ms Gwarube on scheduling of questions for oral reply to the President, the Programming Whip explained that ordinarily questions to the President were not scheduled due to the fact that the President would be presenting Vote 1: The Presidency on 9 and 10 June, but she had noted the query raised. Questions to the Deputy President were scheduled for 2 June.

In respect of the earlier issue raised about an electronic voting solution for hybrid plenaries Ms Boltman provided an update as follows:

From a practical technological perspective, ICT had looked at 65 electronic voting solutions against the functional criteria required by Parliament. The criteria also entailed consideration of use of a single integrated solution; the ease of use by members as well as their ability to access the electronic voting via a web-based platform. From that analysis, only two voting solutions met the criteria and these also included the ability to conduct a secret ballot and an open voting ballot as well as producing immediate reports.

The solutions had been presented to the ICT Focus Group which comprised representatives from the two Houses, as well as the CWF. The recommendation from the DA had also been assessed. The solution identified met about 90 percent of Parliament's requirements and also had a solution that would improve interpretation capabilities. The solution would also assist members and staff to work remotely on the current platform. The system would be piloted in the beginning of the new financial period and the procurement processes were expected to be finalised soon. Technical implementation and training would commence thereafter. In line with recommendations from the CWF, demonstrations would be provided to party caucuses.

9. Announcements

House Chairperson Ms Boroto advised that there were challenges with the bus service that morning and the matter was receiving attention. Shuttles could be provided around 12:30.

10. Closure

The meeting adjourned at 09:25.