



## NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:  
Speaker of the National Assembly

Committee Secretary:  
A Mbanga x 3218

### DRAFT MINUTES OF PROCEEDINGS

Thursday, 9 June 2022 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

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

Staff in attendance:

Acting Secretary to Parliament Ms P N Tyawa, Secretary to the National Assembly Mr M Xaso, Dr T Mbatha and Adv C R van der Merwe (Constitutional and Legal Services Office), and Adv M Tau (Committees).

### 1. Opening

The Speaker opened the meeting at 08:32 and welcomed all present. She indicated that she had received letters from Messrs B H Holomisa and V Zungula and that she was still considering the substantive issues canvassed in the letters. In essence the two Members were asking for Parliament to institute investigations against the President. Furthermore, Mr Zungula was requesting the Speaker to reverse the decision of the Programme Committee that two dates should be secured for the President to come only in the next term for questions for oral reply. The Speaker had responded on this matter by declining the request on the basis that the decision had been properly considered by the meeting. Ms Mkhalihi asked about timeframes for a response on the letters as the matter raised was serious. The Speaker said she could expect a report in the next meeting.

The Chief Whip of the Opposition asked whether political parties would be provided with a copy of the Hansard record for verification on their declarations on the reports on budget votes as there was a problem with the sound on the online platform when the questions were put for decision. She said that parties were also advised to provide such information to the National Assembly Table for verification. Mr Xaso requested to have a discussion with the Chief Whip

of the Opposition immediately after the meeting, in order to understand the request as well as to properly assist the members on the process to be followed. If there was a need to inform the meeting, he would prepare communication to that effect. Mr Wessels noted that political parties could object to a report on a budget vote because they do not agree with recommendations contained therein, but that did not mean that they objected to the budget vote or vice versa, adding that he had understood the procedure followed in the House on the day in question.

## **2. Apologies**

Apologies were tendered on behalf of Programming Whip Ms R M M Lesoma.

## **3. Consideration of draft agenda**

The draft agenda was adopted, as proposed.

## **4. Consideration of minutes of meeting of 2 June 2022**

On the proposal of Mr Swart, seconded by the Deputy Chief Whip of the Majority Party, the minutes of 2 June were adopted.

## **5. Matters arising**

The Speaker gave feedback on the following matters:

### *Questions to the President*

The Presidency had advised that in the Third Term, the President would answer questions on 30 August and 29 September 2022.

### *Snap debate on Fuel Price Hikes*

The debate as an urgent matter of national public importance was scheduled for Wednesday, 15 June.

### *Discussion document from the EFF*

A document on ‘Evaluating the Role Parliament in the Law-Making Process in South Africa’ as received from Mr N F Shivambu had been circulated to whips and party representatives. The whippery should still finalise a date for the workshop.

Ms Mkhalihi asked for the timeframe on processes for the introduction of the private member’s Bill in Mr J S Malema’s name, on the Relocation of Parliament. Adv Van der Merwe replied that the Legal Services unit had responded to the member concerned and made some proposals in respect of the Bill and were in a process of developing the first draft. Currently, they were waiting for a response from the member on a question that they had posed on the content of the Bill.

## **6. Report from Committee Section**

Adv Tau presented an update on matters before committees and advised that the following Bills had been finalised:

- Traditional Courts Bill
- Appropriation Bill and Second Adjustments Appropriation (2021/22 Financial Year) Bill

With regard to the Electoral Laws Amendment Bill, Adv Tau advised that the Portfolio Committee on Home Affairs intended to finalise its report on the Bill on 28 June.

Mr Swart reiterated that the issue of the Correctional Services Act, which has a Constitutional Court deadline of December 2022, with no read-in provision, should be red flagged as the draft Bill had not yet been introduced and Parliament would effectively have about five months to process it. He added that he believed correspondence from the Portfolio Committee on Justice and Correctional Services would be sent to the Speaker in that regard. Adv Tau replied that he would provide a progress report in the next meeting as the matter was not yet before committees. The Chief Whip of the Majority Party appealed to Mr Swart to guard against presenting matters before the Justice committee, as that would create an impression that only one committee's concerns were considered in the meeting.

## 7. Report by Bills Office

Dr Mbatha presented a report on legislation before committees and concurred with the Report from Committee Section. She added that the Independent Municipal Demarcation Authority Bill had been certified for introduction.

## 8. Consideration of draft Parliamentary programme

Mr Xaso presented the Parliamentary Programme for the Second Term and highlighted the following:

On Tuesday, 14 June, First and Second Reading debate on Second Adjustments Appropriation (2021/22 Financial Year) Bill and Appropriation Bill, as well as consideration of Votes and Schedule to the Appropriation Bill were scheduled.

The debate on Youth Day under the theme 'Promoting sustainable livelihoods and resilience of young people in South Africa for a better tomorrow', as well as reports on Candidate nominated for appointment as Inspector-General of Intelligence Services, Request by Minister of Trade, Industry and Competition to recommend suitable candidates for appointment as Chairperson of Board of National Lotteries Commission were scheduled for Wednesday, 15 June.

With regard to the process on consideration of reports on budget votes, Mr Xaso clarified that the presiding officer on that day made the following announcement:

*Honourable Members, we will now take Orders No 4 to 44 together as they appear on the Order Paper. These are reports of portfolio committees on budget votes. As has been the practice, there will be no declaration of votes on these reports. I will allow parties to indicate their objections to specific reports should they wish to do so.*

Mr Xaso added that members would have an opportunity to make declarations on the budget votes when the Appropriation Bill was considered. Mr Singh said that the directive from the presiding officer on that day was clear and the only party to indicate that it had objections to some of the reports was the Freedom Front Plus. He, however, said that he could not understand why parties would want to declare on the reports as that opportunity would take

place during the Votes and Schedule process during consideration of the Appropriation Bill. The Deputy Chief Whip of the Majority Party pointed out that Mr Xaso had earlier undertaken to clarify the matter with the Chief Whip of the Opposition and that this should occur outside of the meeting.

Mr Zungula asserted that there was a serious issue with the President as he was facing allegations and therefore it could not be business as usual and Parliament could not be seen as being nonchalant when concerns were raised around the head of state. House Chairperson Ms Boroto, acting as Chairperson of the meeting, appealed to Mr Zungula to confine himself to matters relating to programming. Mr Zungula then suggested that the President should be summoned to answer questions before the end of the current term and take the nation into confidence on the issues that he was accused of, instead of him answering questions in the next term. The Chief Whip of the Majority Party said that the Speaker had indicated earlier that she was considering the letters received on the matter of proposed investigations and that should suffice at this point. Furthermore, it was not within the rules of Parliament to consider allegations that had been opened in a police station. Mr Zungula should therefore await the response from the Speaker. Dr Mulder added that a member of the African Transformation Movement would have a chance to engage the President during the debate that afternoon. Secondly, the Speaker had indicated that she had declined the request from Mr Zungula in respect of bringing forward the dates for the President to respond to questions.

Mr Kwankwa argued Mr Zungula's point was that, at the time when the resolution was taken for the President to defer questions to the next term, the context was completely different as there were no allegations against the President, hence the request made to the Speaker. The Speaker should have referred the matter back to the Programme Committee. Ms Mkhalihi asked what the Speaker was doing about the matter as the President was facing serious allegations and Parliament should not be seen as a rubberstamp for the Cabinet. The Deputy Chief Whip of the Majority Party said that, in terms of the Powers and Privileges Act, members were free to raise any matter of concern during proceedings in the House and the debate in the Presidency budget vote would not be rescheduled, as suggested by Ms Mkhalihi.

Mr Xaso clarified that Mr Zungula had written to the Speaker requesting that an investigation be instituted against the President by Parliament and the Speaker replied that she was considering the matter. Secondly, Mr Zungula had requested that the Speaker should reverse the decision of the Programme Committee that the President should come only in the next term for questions, but rather obtain a suitable date in the current term. Mr Xaso indicated that responses to those issues had been provided to Mr Zungula. In the response, the Speaker said that the matter had been properly considered by the programme committee meeting in the previous week and there were extensive deliberations on the matter on the issue. In conclusion, the Speaker did not find a basis to reverse the decision of the meeting. In addition, there is a mechanism for written replies that members could utilise which was available for the duration of the annual session.

House Chairperson Ms Boroto said that, as the Speaker had responded to the matters, further issues should be directed to the Office of the Speaker. Mr Kwankwa suggested that, procedurally it should be clarified in future as to which decisions should be referred back to the meeting for a review and which ones were for the discretion of the Speaker. He submitted that the contexts could have changed.

Mr Xaso also presented the Parliamentary Programme for the Third Term and highlighted the following:

Members' Training and Committees were scheduled for 16 – 19 August and 23 – 26 August, respectively. Plenaries and mini-plenaries were scheduled to start as from 30 August.

The Women's Parliament was proposed for 26 August.

The Third Term would be extended by a week of 26 September in order to accommodate the second date of 29 September for questions to the President.

Mr Singh asked whether the Members' Training would be conducted in a hybrid, physical or virtual.

The Parliamentary Programme for the Third Term was accordingly adopted.

## **9. Announcements**

Mr Xaso reminded parties to indicate on which Votes they wished to make a declaration, object or call for a division during the Votes and Schedule process. The required information would assist the presiding officers in expediting the processes for considering the votes and schedule to the Appropriation Bill. House Chairperson Ms Boroto added that such information assisted the process greatly.

## **10. Closure**

The meeting adjourned at 09:35.