



**NATIONAL ASSEMBLY PROGRAMME COMMITTEE**

Chairperson:  
Speaker of the National Assembly

Committee Secretary:  
A Mbanga x 3218

**DRAFT MINUTES OF PROCEEDINGS**

Thursday, 25 August 2022 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

Boroto, M G (House Chairperson)	Majodina, P C P (Chief Whip of the Majority Party)
Diakude, D E (Deputy Chief Whip of the Majority Party)	Mkhaliphi, H O
Frolick, C T (House Chairperson)	Mulder, Dr C P
Gwarube, S (Chief Whip of the Opposition)	Ntlangwini, E N
Herron, B N	Ntombela, M L D (House Chairperson)
Hendricks, M G E	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)	

Staff in attendance:

Secretary to Parliament Mr X C George, 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 08:30 and welcomed all present. She also expressed appreciation to all the members and staff who attended the Members' Training and Capacity Building Programme the previous week.

**2. Apologies**

Apologies were tendered on behalf of the Deputy Speaker Mr S L Tsenoli.

**3. Consideration of draft agenda**

The draft agenda was adopted, as proposed.

#### **4. Consideration of minutes of meeting of 9 June 2022**

On the proposal of Mr Singh, seconded by the Chief Whip of the Majority Party, the minutes of 9 June were adopted.

#### **5. Matters arising**

Mr Xaso gave feedback on the following matters:

##### *Section 89 motion on removal of President*

The Speaker had ruled the motion from Mr V Zungula of African Transformation Movement to be compliant with the rules and a process was underway for the establishment of an independent panel. Political parties had until 1 September to propose names for persons to serve on the panel.

##### *Consideration of Legislation with Constitutional Court deadlines*

Legal Services would provide an update on legislation relating to amendments to the Correctional Services Act and Electoral Act.

##### *Members' Training and Capacity Building*

Members' Training was held from 16 – 19 August. Follow-up sessions would be scheduled in September or October, as not all the items could be considered.

Mr Singh asked what were the timeframes for the panel once parties had submitted names. The Speaker replied that, in terms of the rules, the independent panel, once appointed, would have 30 days to complete its work and present a recommendation to the Speaker. Mr Xaso added that the Speaker would have to select three names from the names submitted. Thereafter, the availability of the people selected would have to be established, and procurement processes undertaken.

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

Adv Tau presented an update on matters before committees and advised that the following Bills were approaching finalisation:

- The Electoral Laws Amendment Bill on 30 August
- The Land Court Bill and Cannabis for Private Purposes Bill and Land Court Bill on 6 and 7 September, respectively
- The Expropriation Bill on 14 September
- Compensation for Occupational Injuries and Diseases Amendment Bill on 14 September

Ms Mkhalihi asked whether the Speaker could intervene as the Portfolio Committee on Cooperative Governance and Traditional Affairs (Cogta) was not meeting and did not apply to meet during the recess period even though it was expected to conduct oversight on municipalities that were deemed to be dysfunctional. With regard to the concerns raised by Ms Mkhalihi, House Chairperson Mr Frolick explained that he was aware of the challenges around the committee on Cogta and that discussions with the chairperson of the committee were taking place and additional applications would be made for specific matters that the committee deemed to require urgent consideration.

House Chairperson Mr Frolick clarified that the date of 9 September was a provisional date for consideration and adoption of the KwaZulu-Natal, Eastern Cape and North West Assessment Report by the *Ad Hoc* Joint Committee on Flood Disaster Relief and Recovery due to certain matters that needed to be processed from follow-up visits. He also indicated that he had become aware that other committees were conducting similar oversight as the ad hoc committee within the same areas. He had therefore written to chairpersons of committees regarding the matter. A resolution had been passed by the two Houses for the ad hoc committee to conduct such oversight and therefore parallel processes should not be allowed. He added that he had alerted management of the Committee Section to this.

Notwithstanding the work done by the ad hoc committee, Mr Hendricks suggested that the Programme Committee should urgently consider the report from the Auditor-General which in his view indicated that every cent of the allocated money to bring relief had been corruptly used. He added that the Minister of Public Works and Infrastructure had also raised similar concerns and said that Parliament should not be allowed to be besmirched by such findings and press reports. House Chairperson Mr Frolick advised that the ad hoc joint committee would meet with the Auditor-General in the following week. The Auditor-General would then release an interim report on her findings. Furthermore, from the high-level briefing with the Auditor-General, he and co-chairperson Mr A J Nyambi from the National Council of Provinces, had established that the allegations highlighted by Mr Hendricks were not substantiated.

Mr Papo expressed a concern that the Programme Committee was being turned into a forum for dealing with challenges in committees, instead of such matters being forwarded to Mr Frolick. He suggested that, as a principle, only process-related issues emanating from various units should be raised in the meeting as the NAPC could be seen as a 'mop up operation' for the National Assembly. The Speaker said that she was of the view that the matters raised were emanating from the report from Committee Section, as presented, but had noted the concern.

## **7. Report by Bills Office**

Dr Mbatha presented a report on legislation before committees and concurred with the Report from Committee Section. She indicated that there were nine Bills on the Order Paper for consideration by the House and 37 before Committees. She added that the following Bills had been introduced:

- National Youth Development Agency Bill
- Development Protection of Constitutional Democracy against Terrorism and Related Activities Bill
- Independent Municipal Demarcation Authority Bill
- Traditional Authority General Amendment Bill

Dr Mbatha also advised that the Communal Property Associations Amendment Bill and Employment Equity Amendment Bill had been sent to the President for assent.

## *Report on Constitutional Court deadlines*

Adv Van der Merwe provided a report on Constitutional Court judgments as follows:

### **Marriage Act 25 of 1961 and Divorce Act 70 of 1979**

The Portfolio Committees on Justice and Correctional Services, and Home Affairs had been advised of the judgment and its impact on legislation administered by the respective departments. Correspondence had also been sent to the two departments and their responses were as follows:

- (i) The Department of Justice and Constitutional Development confirmed that it was necessary for the two affected departments to collaborate. In that regard, the department would engage the Department of Home Affairs in order to rationalise policy approaches. The department would introduce Divorce Amendment Bill, and possible amendments to other Acts, by June 2023.
- (ii) The Department of Home Affairs confirmed that a white paper on the matter had been approved by Cabinet on 23 March 2022. It was approaching a specialist legislative drafter to assist the Department with the development of a “Marriages Bill”, which would be informed by the said white paper. The development and finalisation of the Bill was in the Department of Home Affairs’ Annual Performance Plan for 2022/2023.

### **Drugs and Drug Trafficking Act 140 of 1992 —section 63 + amendments to Schedules 1 and 2**

On 23 August 2022 the Department of Justice and Correctional Services had confirmed that the Bill was proceeding through the final stages before introduction. The targeted date for introduction was before the end of August 2022. Legal Services unit had briefed the portfolio committee on the matter on 24 August 2022. The Committee was aware of the short timeframe in which to process the Bill and had decided to ensure the necessary programming and advertising took place urgently.

### **Correctional Services Act, 1998 (Act No. 111 of 1998)**

The Department of Justice and Correctional Services planned to present a draft Bill to the security cluster on 23 August. It is scheduled to brief the Portfolio Committee in September 2022. The Legal Services unit had alerted the Chairperson of the Portfolio Committee of its concerns related to the time period left to process the Bill and offered other options related to dealing with the matter. Legal Services had also briefed the Committee on this matter on 24 August 2022. The Committee was aware of the short timeframe in which to process the Bill and had decided to ensure the necessary programming and advertising took place urgently.

### **Electoral Act, 1998 (Act No. 73 of 1998)**

The Portfolio Committee on Home Affairs was deliberating on the proposed amendments to the Bill. The Constitutional Court had since granted an extension to 10 December 2022.

Mr Swart said that it was important to note what was said recently in the New Nation Movement judgment on the extension of the deadline when the Court pronounced that it was not good for Parliament to apportion the blame for the delay on the Executive, but that the responsibility lied with the institution. He expressed appreciation in that Parliament was proactively monitoring the issue of deadlines. Mr Hendricks also expressed appreciation in that the Constitutional Court deadline for the Marriage and Divorce Act had been halved as draft legislation could be introduced in June. In response to Mr Hendricks’ request for a copy of the White Paper, Mr Xaso replied that it would be sought and made available to all members.

## **8. Consideration of draft Parliamentary programme**

The Speaker advised that she had acceded to a request for a debate on 'Persistent illegal mining activities and concomitant crimes' as a matter of national public importance, as requested by the Chief Whip of the Majority Party. Furthermore, she had received a request from Mr Hendricks for a first reading debate on the Maintenance Amendment Bill. The Programme Committee would need to decide if this matter should be placed on the programme.

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

Questions for oral reply to the President were scheduled on Tuesday, 30 August.

Questions to the Peace and Security cluster, consideration of 'Protocol amending the Agreement between the Government of the Republic of South Africa and the Government of the State of Kuwait for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income' as well as the debate on National Women's Day under the theme 'Women's socio-economic rights, empowerment and resilience' were scheduled for Wednesday, 31 August.

The debate on 'the economic impact of theft and vandalism of public infrastructure' as an urgent matter of national public importance as well as consideration of reports on Performers' Protection Amendment Bill and Copyright Amendment Bill were scheduled for Thursday, 1 September.

The Programming Whip advised that the snap debate on 'Persistent illegal mining activities and concomitant crimes' would be scheduled for 6 September.

The First Reading debate, requested by Mr Hendricks, could be considered in a mini-plenary session.

Mr Xaso added that a meeting of the Rules Committee was scheduled for Friday, 2 September.

## **9. Announcements**

There were no announcements.

## **10. Closure**

The meeting adjourned at 09:23.