



**NATIONAL ASSEMBLY PROGRAMME COMMITTEE**

Chairperson:  
Speaker of the National Assembly

Committee Secretary:  
A Mbanga x 3218

**DRAFT MINUTES OF PROCEEDINGS**

Thursday, 8 September 2022 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

Dlakude, D E (Deputy Chief Whip of the Majority Party)	Majodina, P C P (Chief Whip of the Majority Party)
Frolick, C T (House Chairperson)	Mkhaliphi, H O
Gwarube, S (Chief Whip of the Opposition)	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)	Shivambu, N F
Kwankwa, N L S	Singh, N
Lesoma, R M M (Programming Whip)	Swart, S N
Lotriet, Dr A	Wessels, W W

Staff in attendance:

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 08:31 and welcomed all present.

**2. Apologies**

Apologies were tendered on behalf of the Deputy Speaker Mr S L Tsenoli, House Chairperson Ms M G Boroto and Mr B N Herron.

**3. Consideration of draft agenda**

The draft agenda was adopted as proposed, with the addition of an item on the 'Scheduling of outstanding supplementary question session to the President'.

**4. Consideration of minutes of meeting of 1 September 2022**

On the proposal of Mr Singh, seconded by the Chief Whip of the Opposition, the minutes of 1 September were adopted.

## 5. Matters arising

### *Scheduling of meetings of Portfolio Committee on Cooperative Governance and Traditional Affairs*

House Chairperson Mr Frolick reported that the matter had been addressed and the meetings of the committee would be reflected in the Z-List publication. The committee had taken the initiative to meet on Fridays – Mondays in order to conduct the necessary oversight. Ms Mkhalihi responded that the concerns previously raised were not only relating to oversight, but the number of municipalities that were not attending meetings when called upon to account.

Mr Xaso also gave feedback on the following matters:

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

A total of 17 nominations had been received and the process of establishing availability of the nominees to serve on the panel was currently being undertaken. This exercise was meant to mitigate the delays experienced with the establishment of the panel that led to the Section 194 Enquiry. Friday, 9 September, would be the last day for the process of receiving responses. Once that information had been received, the Speaker would make the appointment. In the case of a judge, the Chief Justice would be consulted. This applied to sitting and retired judges.

The Speaker noted that responses had started to be received and it was hoped that an announcement could be made on the panel of three members by the following Monday.

### *Report on Socio-Economic Impact Study on Relocation of Parliament*

The matter was receiving attention at the level of the Chief Whips' Forum (CWF).

Ms Mkhalihi, asked if there was feedback on the request for members to be provided with the report, prior to its presentation. She said that it was a public document and her party had requested for a copy of the report since January 2022. The Speaker explained that the Secretary to Parliament had been studying the report and would be briefing the Executive Authority in the following week on the content of the report, as that had not been done yet. Furthermore, the report had been commissioned by the Executive Authority and it would subsequently be tabled at the CWF. Mr Shivambu indicated that the understanding reached in the CWF the previous day was that the report would be made available. House Chairperson Mr Frolick clarified that he had alluded to the report on space utilisation in Parliament based on a study conducted in 2008/09 which was presented to the Forum at the time. That report was provided to all parties at the time and could be made available again. He said that he had been informed after the meeting that the key elements of that report were incorporated into the new study on the socio-economic impact study. The Chief Whip of the Majority Party also concurred that the incorporated report should be made available to political parties. Mr Shivambu asked that members should be honest with each other as they had made it clear that they were interested in the report from the Pamoja Capital Group which was published in 2018, adding that the report be made available.

The Speaker replied that she was not aware of the decision taken in the CWF that the report should be distributed, but had taken note of the comments raised. She had, however, been briefed about the meeting. Ms Mkhalihi reaffirmed that the Economic Freedom Front (EFF) needed the report to assist with the finalisation of their private member's Bill on Relocation of Seat of Parliament. She added that she could not understand why members could not be furnished beforehand with the report on the restoration of parliamentary buildings which was presented in the CWF as it could also affect their perspective around the question of relocation. Mr Papo said whilst it should be noted that the Executive Authority should first be

briefed on the report, the CWF had indeed made a recommendation that the report be made available to members but that this had nothing to do with draft legislation. The Speaker indicated that she had noted the recommendation made by the whippy but would attend to the matter outside of the meeting.

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

Adv Tau presented an update on matters before committees and advised that the Portfolio Committee on Public Services and Administration would consider and report on the Motion of Desirability on the Public Administration Laws General Amendment Bill on 21 September.

The Portfolio Committee on Home Affairs had advertised for comments on the Electoral Laws Amendment Bill and the closing date would be 16 September 2022.

With regards to a petition on behalf of some 31 000 signatories, calling on the Assembly to investigate the commissioning by the Minister of Sport, Arts and Culture of a flag at an estimated cost of R22 million, as requested by Mr T W Mhlongo, the Portfolio Committee on Sport, Arts and Culture would be holding a briefing with the petitioner, the Auditor-General and the department on 9 September. On statutory appointments, the Portfolio Committee on Communications intended to commence with the shortlisting and interview process on Filling of vacancies in the Board of South African Broadcasting Corporation (SABC).

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

Dr Mbatha presented a report on legislation before committees and indicated that there were seven Bills on the Order Paper for consideration and 40 Bills before Committees. She also indicated that the Financial Matters Amendment Bill had been introduced whilst the Municipal Fiscal Powers and Functions Amendment Bill had been certified for introduction. The Criminal Law (Forensic Procedures) Amendment Bill would be sent to the President for assent.

### **8.1 Scheduling of outstanding Supplementary Questions to the President**

The Speaker reminded the Committee that, in the previous meeting, she had made the following commitments (i) to write to the President to establish his availability and (ii) to confer with Leader of Government Business and the Chief Whip of the Majority Party. She said that the President had written back indicating that the earliest opportunity he could attend to the outstanding question would be 29 September 2022. Accordingly, the President would deal with the supplementary questions of Question No 11 by Mr V Zungula, which was the fifth question on the day, in addition to the questions scheduled for that day. Furthermore, the Speaker indicated that she had directed Mr Xaso that a motion to that effect be processed for consideration as early as possible.

Mr Shivambu said that this was completely unacceptable as the meeting was now dictated to by the President who was supposed to account to Parliament. He argued that there was an agreement in principle that he should respond as a matter of urgency to the question which he himself indicated related to matters of national interest. Furthermore,

the National Assembly could not be party to the undermining of institutions of democracy. Mr Papo said that the comments from Mr Shivambu should be noted although he did not appreciate his tone as the report was a feedback on the deadlock-breaking mechanism as agreed in the previous meeting. The Programming Whip indicated that it was not possible to expect the President not to honour prior commitments and cautioned on the choice of words used by members in the meeting. Ms Mkhalihi said the feedback as presented by the Speaker should be rejected as no specific intervention had been made by the Speaker, as the President's response was dictating to Parliament. She reiterated that Dr Koornhof, as the parliamentary counsellor to the President, was intent on defending the President rather than advising on his diary, from the legislature's point of view. The Chief Whip of the Opposition said that it was rather disappointing that the President had chosen to take the supplementary questions on 29 September and enquired when the motion would be scheduled for consideration in the House.

The Chief Whip of the Majority Party advised that the Speaker had followed the previous resolution of the committee based on the deadlock-breaking mechanism as outlined in Assembly Rule 210(2), read in conjunction with Rule 44 which espouses arrangement of business on the Order Paper when there was no consensus in the Programme Committee. The African National Congress (ANC) was in support of the report as it was its submission that it would be proper for the meeting to consider the date of 29 September but that there should be an engagement with the Presidency. With regard to the motion, Mr Xaso clarified that it would be in the name of the Chief Whip of the Majority Party and would take into consideration the issues raised as effectively there would now be seven questions and, consequently, that would impact the normal three-hours set aside for questions. Mr Swart stated that it was regrettable that there was no earlier date, given the national interest in the matter and its implications for accountability. He suggested that there should be a relook at the rules around the deadlock-breaking mechanism and asked when would the motion be available, as there was a marked difference between members of the opposition and the governing party as to whether the question had been answered or not. In relation to that, Mr Singh requested that the meeting be provided with the unrevised Hansard as it was clearly recorded that the President would not answer the question. Mr Shivambu reiterated that the institution had all the mechanisms and powers to subpoena the President to respond to urgent questions, and that was what separation of powers was all about. He said that even if it was for an hour, that would be sufficient unless the ANC was protecting the President. Mr Papo asserted that Parliament was governed on the basis of the decision of the majority and therefore other political views could be noted.

The Speaker pointed out to Mr Shivambu that Mr Papo was the last speaker on the matter and Mr Shivambu insisted that he should also be recognised as his hand was up. The Speaker appealed to Mr Shivambu to lower his hand, but Mr Shivambu insisted that it was incorrect to treat the decision-making processes and mechanisms of Parliament in such a manner. The Speaker explained that she had already afforded Mr Shivambu more than one opportunity to make his views known to the meeting. The Speaker closed the discussion on the matter, however, after repeated interjections, Ms Mkhalihi and Mr Shivambu were removed from the virtual platform on the instruction of the Speaker. Mr Papo urged that the violation of the rules by the two members be attended to as well as the making of false claims about other members. He requested that the matter be looked in and investigated. The Speaker said that she would deal with the matter in the next meeting.

## **8.2 Consideration of draft Parliamentary programme**

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

On Tuesday, 13 September, consideration of reports on Candidate nominated for appointment as Inspector-General of Intelligence Services and Recommendation of candidates to fill four vacancies on Independent Communications Authority of South Africa (ICASA) Council, Protocols relating to the Amendments to Articles 50(a) and 56 of the Convention on International Civil Aviation, Oversight visits to Mpumalanga, North West and KwaZulu-Natal Provinces from 19 to 23 April 2022 and reports from Joint Standing Committee on Financial Management of Parliament were scheduled.

The report of Joint Committee on Ethics and Members' Interests on '2021 Register of Members' Interests - Late Disclosures: Contravention of Code of Ethical Conduct and Disclosure of Members' Interests' was rescheduled for 20 September.

Questions to the Governance cluster and Deputy President were scheduled for 14 and 15 September, respectively.

The Programming Whip also announced that the Minister of Finance had advised that he would be available to table the Medium Term Budget Policy Statement on 26 October.

## **9. Announcements**

There were no announcements.

## **10. Closure**

The Speaker appealed to members to exercise restraint and mutual respect when addressing each other during meetings.

The meeting adjourned at 09:58.