



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 1 December 2022 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

Boroto, M G (House Chairperson)	Majodina, P C P (Chief Whip of the Majority Party)
Dlakude, D E (Deputy Chief Whip of the Majority Party)	Mkhaliphi, H O
Frolick, C T (House Chairperson)	Marawu, T L
Gwarube, S (Chief Whip of the Opposition)	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Hendricks, M G E	Shaik Emam, A M
Herron, B N	Singh, N
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Swart, S N
Lesoma, R M M (Programming Whip)	Wessels, W W
Lotriet, Dr A	Zungula, V

Staff in attendance:

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

1. Opening

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

2. Apologies

An apology from Deputy Speaker Mr S L Tsenoli was tendered.

3. Consideration of draft agenda

The draft agenda was adopted, as proposed.

4. Consideration of minutes of meeting of 24 November 2022

On the proposal of Dr Koornhof, seconded by the Chief Whip of the Majority Party, the minutes of 24 November were adopted.

5. Matters arising

The Speaker indicated that an update on the processing of the Electoral Amendment Bill would be provided in the report from Committee Section. The Programming Whip would advise on matters for consideration on Tuesday, 6 December when presenting the programme.

6. Report from Committee Section

Ms Giba presented a report on legislation before committees and indicated that the Portfolio Committee on Home Affairs would have another meeting on Friday, 2 December in order to consider proposed amendments to the Electoral Amendment Bill. The following Bills had been finalised:

- Housing Consumer Protection Bill
- Children's Amendment Bill

Ms Giba also indicated that the Portfolio Committee on Social Development had also finalised a petition from residents of Tembisa, Gauteng province, calling on the Assembly to investigate the provision of proper and safe offices for the South African Social Security Agency (SASSA) in their area, as submitted by Ms B S Masango.

The Chief Whip of the Majority Party asked if there was any other legislation, with Constitutional Court deadlines falling in December 2022 and January 2023, that would require consideration by Parliament before adjournment. In addition, Mr Papo asked if it was possible, where applicable, for Parliament to consider the processes that would have to be undertaken by the National Council of Provinces (NCOP) when requesting an extension at the Constitutional Court. Adv Van der Merwe advised that there was no other legislation with Constitutional Court deadline, as the Drugs and Trafficking Amendment Bill had since been sent to the President for assent. Furthermore, on the Correctional Services Act Parliament had been granted an extension of the deadline by a year. On whether the processes in the NCOP were being taken into account, Adv Van der Merwe explained that the processes that would have to be undertaken in the two Houses were normally outlined when making an application for an extension in the Constitutional Court, as orders were made against Parliament as a whole.

Ms Mkhalihi asked what were the arrangements for the Portfolio Committee on Cooperative Governance and Traditional Affairs to meet in the parliamentary precinct in 2023, as the chairperson of the committee had cited that there were difficulties with that. House Chairperson Mr Frolick replied that there was nothing that prevented committees from meeting physically in Parliament and chairpersons were encouraged to schedule meetings accordingly, as the available venues were under-utilised. The only challenge could be insufficient space for all committees to meet at the same time. In that case, other arrangements would need to be made.

7. Report by Bills Office

Dr Mbatha presented a report on legislation before committees and indicated that the Special Appropriations Bill and Adjustments Appropriation Bill were scheduled for consideration that

day. The Registration of Muslim Marriages Bill and National Council of Gender-Based Violence Bill had been introduced.

Ms Mkhalihi asked if there was feedback from the Speaker on the communication from the Economic Freedom Fighters for introduction of draft legislation on the Student Debt Cancellation Bill. Adv Van der Merwe confirmed that Legal Services had received an instruction from the Office of Speaker and were in the process of assisting the member with the development of the Bill. With regards to Relocation of the Seat of Parliament Bill, Mr Xaso indicated that the Programming Whip had previously advised the meeting that a First Reading debate on the Bill would be scheduled in a mini-plenary session. Ms Mkhalihi said that she would like to follow up on the matter outside of the meeting as mini-plenaries were not scheduled during that term.

8. Consideration of draft Parliamentary programme

The Programming Whip advised the meeting on the following issues for possible consideration on 6 December:

- Electoral Amendment Bill
- Children's Amendment Bill
- Report of the Section 89 Independent Panel
- Recommendation of candidates to fill twelve vacancies on South African Broadcasting Corporation (SABC) Board
- International Agreement on South Africa's Membership of the Asian Infrastructure Investment Bank
- First Report of National Assembly Rules Committee

It was AGREED that parties would be allocated up to two minutes for Farewell speeches, which were also scheduled for that day.

The Chief Whip of the Opposition asked whether there would be a debate on the Report of the Section 89 Independent Panel or declarations, as well as the process that would be followed. She also asked what form of voting would be followed, should it be necessary to do so. Mr Xaso indicated that the manner of voting was under consideration as the Chief Whip of the Opposition had requested a manual voting procedure. He reminded the meeting that on 30 March 2022, the previous occasion that such voting was utilised, it took one-and-half hours to complete the process. The Rules of the Assembly provide that the Speaker determines the type of voting procedure to be followed and that this would be communicated to all parties. Mr Xaso indicated that it would be for the meeting to decide if the report would be debated or if declarations of vote would be taken.

It was AGREED that there would be a debate on the report.

Mr Singh requested that clarity be provided on whether there would be a resolution at the end after considering the motion on Section 89, on whether a committee would have to be constituted. Ms Mkhalihi added that the country was anxious to know what process would unfold following the release of the report by the independent panel. Mr Zungula said that, given the gravity of the report, it was prudent for the Programme Committee to deliberate on what should happen on that day. The Speaker, however, advised that the meeting could not be expected to discuss the matter in detail, but was rather required to make a determination on when it should be scheduled. If anything, Mr Xaso should be asked to provide guidance on the process to be followed when considering the report. The Programming Whip noted that

certain members did not attend the meeting on a regular basis, but only attended when there were issues pertaining to their personal interests.

Mr Zungula requested that a secret ballot should be followed after the debate as a previous court judgment emphasised on that aspect and, given the fact that the report was scathing on a sitting President, it would be prudent that members were protected from being dictated by their party on how they should vote. He said that the current method used was that 14 people were voting on behalf of 400 members. Furthermore, he said that Parliament could not be expected to rise on 6 December as it was previously indicated and that due consideration should be given on other steps that should unfold, in holding the President to account. Mr Zungula further asserted that the content of the report of the Independent Panel clearly stated that the President had a serious case to answer on the violation of the Constitution and acts of misconduct. As a result, a motion of no confidence in the President should be tabled as soon as possible.

The Speaker emphasised that it was within her discretion on what manner of voting would be used once such a request had been formally tabled. With regards to the guidelines, Mr Xaso clarified that the House would be expected to deliberate on the recommendations of the panel in terms of section 89 as contained in the report.

According to Rule 129I, *“once the panel has reported, the Speaker must schedule the report for consideration by the Assembly with due urgency. In the event that the Assembly resolves that a Section 89 inquiry should be proceeded with, the matter must be referred to an impeachment committee established by this rule for that committee.”* Furthermore, Rule 129J states that *“there is an impeachment committee to consider motions in terms of Section 89 referred to it in terms of this rule.”*

Mr Xaso further clarified that, should the House resolve to proceed with a Section 89 process the composition of the committee would have to be determined by the Speaker as espoused in the Rules. Procedurally, a question would be put after the debate that the recommendations be agreed, which would activate the establishment of the impeachment committee.

Mr Xaso also indicated that the draft Parliamentary Programme Framework for the First Term in 2023 had been circulated to members.

9. Announcements

Mr Xaso reminded the meeting that the sitting that morning was scheduled to start at 10:00 and members were expected to vote during the proceedings in order to pass the Budget instruments.

10. Closure

The meeting adjourned at 09:22.