



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbangwa x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 26 January 2023 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

Frolick, C T (House Chairperson)	Nyhontso, M
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Lesoma, R M M (Programming Whip)	Shivambu, N F
Lotriet, Dr A	Singh, N
Majodina, P C P (Chief Whip of the Majority Party)	Swart, S N
Ntombela, M L D (House Chairperson)	

Staff in attendance:

Secretary to Parliament M X George, Secretary to the National Assembly Mr M Xaso, Ms N Giba (Committees) and Dr T Mbatha (Constitutional and Legal Services Office).

1. Opening

The Speaker opened the meeting at 08:31 and welcomed all present. She indicated that she hoped that members managed to find some time to rest and also spent quality time with their loved ones. As there would be National Elections in 2024, she urged members to do their best to process as much critical legislation as possible.

The Speaker also announced the sad news of the passing on of the wife of Rev Kenneth Meshoe, leader of the African Christian Democratic Party. She requested the meeting to observe a moment of silence and indicated that she had requested the spokesperson of Parliament to prepare a message from presiding officers. The dates and logistics for the funeral would be communicated in due course.

2. Apologies

Apologies from Deputy Speaker Mr S L Tsenoli, Dr C P Mulder, Messrs B N Herron and A M Shaik Emam were tendered.

3. Consideration of draft agenda

The draft agenda was adopted as proposed, with the addition of item 'arrangements for the President's Address on the State-of-the-Nation'.

4. Consideration of minutes of meeting of 1 December 2022

On the proposal of the Chief Whip of the Majority Party, seconded by Mr Singh, the minutes of 1 December were adopted.

5. Consideration of minutes of special meeting of 5 December 2022

On the proposal of Mr Singh, seconded by House Chairperson Mr Ntombela, the minutes of 5 December were adopted.

6. Matters arising

Mr Xaso provided feedback on the following matters:

Electoral Amendment Bill

The Bill had been returned to the National Assembly due to proposed amendments from the National Council of Provinces (NCOP) for consideration by the Portfolio Committee on Home Affairs. The Committee intended to finalise the Bill on 7 February, in order to meet the Constitutional Court deadline of 28 February 2023.

Private Members' Bill

Legal Services was assisting with the drafting of private members' bills that had been initiated by members.

Report of the Independent Panel on Section 89 motion

The Report of the Independent Panel established to conduct a preliminary enquiry relating to a motion proposing an enquiry in terms of Section 89 of the Constitution, was considered by the House on 13 December.

Mr Singh asked whether the Office of the Speaker was attending to the legal challenges on the voting procedure that was conducted during consideration of the report of the independent panel, as parties had been made aware. Mr Xaso indicated that the matter was receiving attention by the Speaker. It was also expected that a legal challenge on the report of the panel could be mounted by the Presidency but that would accordingly be considered. The Speaker added that Parliament had indeed filed papers challenging the submission made by members who were challenging the Speaker's ruling for not granting the secret ballot procedure on that day. In addition, information had been received on the contents of submission by the Presidency on their challenge of the panel's report. Parliament would abide by the decision of the court on the matter.

Mr Singh also asked whether, in view of media reports that the Acting Public Protector had concluded her report on the Phala Phala farmgate, parties would at some stage be apprised on how that report would be considered by the institution, once it had been made available. The Speaker replied that Parliament had not received communication from the Office of the Public Protector advising that the matter had been finalised. In relation to that office, the Speaker indicated that she had received communication advising of certain persons who would be summoned as witnesses to appear before the Committee on the Section 194 Enquiry. The Speaker had since consented to that.

Mr Papo indicated that there was no basis for the meeting to discuss that matter as the complaints around Phala Phala were not lodged by Parliament, and the Acting Public Protector had directly responded to the individuals concerned. He requested members, as a matter of principle, to refrain from raising issues that were not emanating from previous meetings as matters arising. The Speaker replied that it was incumbent on her to provide clarity and responses on the matter, but requested members to take note of matters that were not necessarily arising from minutes.

7. Report from Committee Section

Ms Giba presented a report on legislation before committees and indicated that the deadline for public submissions on the Electoral Amendment Bill was set for 27 January.

She also reported on the following matters:

- The Portfolio Committee on Forestry, Fisheries and the Environment intended to finalise the National Veld Forest Amendment Bill on 31 January
- The Portfolio Committee on Communications and Digital Technologies intended to finalise the South African Postbank Amendment Bill on 14 February
- The Portfolio Committee on Health intended to finalise the National Health Insurance Bill on 8 March

On statutory appointments, the Portfolio Committee on Public Service and Administration would be shortlisting for filling of vacancy in the Public Service Commission on 7 February. The Committee for Section 194 Enquiry intended to finalise its work on 29 March.

8. Report by Bills Office

Dr Mbatha presented a summary on status of legislation in the National Assembly as follows:

- 34 Bills had been introduced in 2022.
- 10 Bills that were on the Order Paper had lapsed.
- The Electoral Amendment Bill had been returned due to proposed amendments from the NCOP.
- The Constitution Eighteenth Amendment Bill had been introduced
- The National Gambling Amendment Bill would be referred to Mediation Committee
- There were 32 Bills before committees.
- Nine Bills had been assented to by the President and four Bills had been sent for assent.

9. Commemoration of former Speaker of the National Assembly, Dr F N Ginwala

The Speaker conveyed a message of appreciation to all parties who attended the memorial service of the former Speaker of the National Assembly Dr Frene Ginwala. She informed the meeting that there was a proposal from presiding officers for a joint sitting to be scheduled in order to commemorate her. Furthermore, the initial view was to schedule the joint sitting on 2 February but that it came to her attention that there would be a Cabinet Lekgotla that day, which would allow people outside of Parliament to also observe proceedings. In that regard, 6 February was proposed for a physical sitting to take place at the Cape Town City Hall. She added that it was proper to schedule such a sitting as soon as possible in order to avoid it losing its essence.

As the date of 6 February fell on a Monday which is a Constituency Day, Mr Singh indicated that his party was normally occupied with internal matters on that day but

suggested that consideration be also made to allow virtual connectivity on that sitting, should there be an agreement for the sitting. The Chief Whip of the Majority Party said that she was in support of the joint sitting and stated that the venues in Parliament did have the capacity befitting of such an occasion. At the same time, Tuesday could be too close to SONA which was scheduled to take place later in the week, as the hall needed to be prepared, thereby impacting on logistics. She indicated that it was difficult to finalise the matter as about four political parties were not present in the meeting and therefore parties would have to be consulted in order to assess their availability.

The Speaker indicated that it would be unfortunate if some members could opt to attend virtually even though the City Hall had been arranged but acknowledged that there could be unavoidable circumstances to have the sitting in a hybrid form, by way of exception. She encouraged parties to encourage their members to do their best to attend the commemoration. Mr Swart added that the meeting should really reflect on whether the sitting could be hybrid or not as it would not be ideal to have the City Hall half empty during such an eminent occasion.

As the date fell on a Constituency Day, it was AGREED that communication would be sent to parties to regarding the arrangements.

The Speaker also advised that she had received proposals from former Speaker Ms Baleka Mbete. The contents of the letter would be circulated to all parties.

The Chief Whip of the Majority Party also suggested that, during the restoration of the buildings of Parliament following the fire, there should be consideration for an integration of transformation of the precincts, as well as the acknowledgment of members who had passed away as a result of the Covid-19 pandemic. The death of the former speaker could also be included in such an initiative as Parliament should give honour to the work that she had performed to bring the institution to where it was.

10. Consideration of draft Parliamentary programme

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

Committees and oversight were scheduled from on 3 - 8 February.

The President's State-of-the-nation Address was scheduled for 9 February at 19:00, followed by Joint Sitting debates on the President's Address on 14 and 15 February, as well as the Reply by the President on 16 February.

The Budget Speech was scheduled for 22 February. Ordinary sittings were scheduled to commence on 21 February, in order to consider, among other things, legislation and committee reports.

Questions to the President and Deputy President were scheduled for 9 and 23 March, respectively.

Mr Xaso reminded the meeting that sittings on SONA and the Budget Speech would be held at the City Hall and fully physical. He also advised that the first sitting of 21 February, would among other things, consider a motion on re-establishment of the Joint *Ad Hoc* Committee on Floods in KwaZulu-Natal and the Eastern Cape as well as to consider a generic motion that would enable the National Assembly to meet at the City Hall.

11. Preparations for SONA

The Chief Whip of the Majority Party said that she hoped that the necessary backup for loadshedding would be in place at the City Hall for the sitting at 19:00, due to the energy crisis experienced in the country. Notwithstanding the tradition to start the debates on SONA at 14:00, she proposed that consideration be made to rather start the debates at 10:00, due to loadshedding.

It was AGREED that the debates on SONA, as well as the Reply, would start at 10:00.

Mr Xaso assured the meeting that a backup in case of loadshedding would be in place. In response to Mr Swart, he indicated that the global time allocation for the debate would be communicated to parties in due course, once finalised with the NCOP.

Mr Xaso also advised that there would be an allocation of 263 guests in the gallery and parties in the National Assembly were allocated 40 whilst the NCOP allocated 10 gallery tickets. A breakdown of party allocation to that effect would be forwarded to parties soon. He said that there would be space for all members and seats allocation for political parties would also be forwarded once consultations with the NCOP had been finalised. The judiciary, diplomatic corps, heads of Chapter Nine institutions as well as guests of the Presidency and Parliament would also be in attendance.

The Chief Whip of the Majority Party expressed concern on the 50 tickets that were allocated to Parliament in the gallery, out of 263. She requested that this matter be reconsidered.

It was AGREED that consultation between the Chief Whip of the Majority Party and Mr Xaso would take place outside of the meeting on the final allocation of gallery tickets. If necessary, a special meeting of the Chief Whips' Forum would be convened. Dr Lotriet requested that the matter be finalised urgently as guests would have to be invited on time.

12. Announcements

Mr Xaso indicated that communication on the availability of members for the joint sitting on 6 February would be forwarded to parties.

13. Closure

The meeting adjourned at 09:36.