



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 2 February 2023 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

Boroto, M G (House Chairperson)	Mkhaliphi, H O
Dlakude, D E (Deputy Chief Whip of the Majority Party)	Ntombela, M L D (House Chairperson)
Frolick, C T (House Chairperson)	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Gwarube, S (Chief Whip of the Opposition)	Shaik Emam, A M
Hendricks, M G E	Shivambu, N F
Jafta, S M	Singh, N
Lesoma, R M M (Programming Whip)	Swart, S N

Staff in attendance:

Secretary to Parliament Mr X George, Secretary to the National Assembly Mr M Xaso, Mr D Bandi (Committees), Dr T Mbatha and Adv C R van der Merwe (Constitutional and Legal Services Office), and Mr D J Sithole (International Relations and Protocol Division).

1. Opening

The Speaker opened the meeting at 08:32 and welcomed all present.

2. Apologies

The Speaker announced the sad news of the passing on of Mr B N Herron's father. She requested the meeting to observe a moment of silence, and conveyed the condolences on behalf of the institution.

Apologies from Deputy Speaker Mr S L Tsenoli, Chief Whip of the Majority Party Ms P C P Majodina, Drs G W Koornhof and C P Mulder were tendered.

3. Consideration of draft agenda

The draft agenda was adopted, as proposed.

4. Consideration of minutes of 26 January 2023

On the proposal of the Programming Whip, seconded by Mr Singh, the minutes of 26 January were adopted.

5. Matters arising

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

The Speaker reminded the meeting that the Joint Sitting on tributes to Dr F N Ginwala was scheduled for Monday, 6 February. As agreed previously, communication had been sent to all parties encouraging them to attend the physical sitting and the Chief Whips' Forum (CWF) had discussed the matter. Mr Singh reiterated that it was unfortunate that the sitting was scheduled on a Monday but would try his best to encourage his members to attend.

Secretary to Parliament indicated that arrangements for both the memorial for Dr Ginwala and the President's State-of-the-nation Address (SONA) were on course and the CWF had accordingly been briefed on all the processes. He also indicated that Parliament was in contact with Dr Ginwala's family with regard to the session.

Mr Xaso provided a summary on the arrangements as follow:

- There would also be a candle lighting ceremony to involve leaders or representatives of political parties and the chief whip of the council.
- The sitting would be fully physical, and it was requested that members should be seated 45 minutes before the sitting.
- Family members of Dr Ginwala, former presiding officers and media personnel were also expected to attend.
- Prior to the sitting, a short documentary on some speeches and interviews would be played and a condolence book made available for members to sign.

Mr Xaso also indicated that buses would be available to transport members from the villages to Parliament as per the norm and shuttles would be available from Parliament to the City Hall. Catering services, if required, would also be available at the venue.

With regard to time allocation for the debate, Mr Xaso confirmed that the 130 minutes allocated was in respect of the two Houses but the actual breakdown on the final allocation would be communicated.

Preparations for the President's State-of-the-Nation Address

Mr Sithole provided a summary on the readiness for SONA and highlighted the following:

- Members would be dropped at the City Hall and those who wished to use their cars would be shuttled to the venue
- All the guests had been accredited and members of the judiciary would be transported straight to the venue
- All the guests were expected to be seated by 18:00 in order to start the processions on time
- A meeting of all stakeholders, as well as parliamentary staff involved, was scheduled for that day to finalise all the touch ups

Mr Sithole also indicated that the whippers had accordingly been briefed on all the logistics.

Mr Xaso also reported that, following discussions in the previous meeting, 90 tickets would be allocated to guests of parties, of which 72 were for the National Assembly and 18 for the National Council of Provinces (NCOP).

Mr Xaso also clarified that the allocation of front seats to political parties had been reduced due to the fact that the it was a joint sitting unlike the usual allocation that was used during the budget speech, Medium Term Budget Policy Statement and the sitting on 13 December 2022.

Ordinarily, the Economic Freedom Fighters (EFF) were entitled to two seats in the front row when applying strict proportionality but the Democratic Alliance (DA) was consulted and were happy to give away one seat. As a result, the EFF had been given three seats in the front row and the DA four. Mr Xaso appealed to members that the allocation be accepted as presented as things would revert to the normal arrangements during the Budget Day.

6. Report from Committee Section

Mr Bandi presented a report on legislation before committees as follows:

- The Agricultural Product Standards Amendment Bill and National Veld and Forest Fire Amendment Bill had been finalised.
- The Portfolio Committee on Transport intended to finalise the Transport Appeal Tribunal Amendment Bill on 21 February.

On statutory appointments, the Portfolio Committee on Public Service and Administration intended to finalise its report on filling of vacancy in the Public Service Commission on 7 March. The Committee for Section 194 Enquiry had revised its programme and intended to finalise its report on 21 April. Mr Bandi also indicated that Parliament's Implementation Plan to give effect to the Recommendations in the Report of the Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State had since been referred to various committees. A list of committees that were required to report would be presented in the next meeting. In response to the Chief Whip of the Opposition regarding the progress and timeline on the Electoral Amendment Bill, Mr Bandi explained that the Portfolio Committee on Home Affairs intended to finalise and adopt its report on 7 February. House Chairperson Mr Frolick added that he was monitoring the processing of the Bill, and could attest that the Committee was on course to finalise the matter within the stipulated deadline.

7. Report by Bills Office

Dr Mbatha presented a summary on status of legislation and indicated that two Bills were on the Order Paper for Second Reading debate. The Bills Office was preparing second language text of the Electoral Amendment Bill.

Report on Constitutional Court deadlines

Adv Van der Merwe presented a report on Constitutional Court deadlines as follows:

Marriages Act 25 of 1961 and Divorce Act 70 of 1979

The Bill was before the Select Committee on Home Affairs. Legal Services unit had consulted with Blind South Africa and Section 27 organisation to confirm that the wording of clause 19D was sufficient. It indicated that a few minor amendments might be required to ensure that the interpretation of the clause was clear. Legal Services was also consulting with the Department of Home Affairs on the proposals made. A briefing on the proposals to the Committee was accordingly scheduled in the Second Term.

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

The Drugs and Drug Trafficking Amendment Bill had since been assented to by the President.

Electoral Amendment Act, 1998 (Act No. 73 of 1998)

The Portfolio Committee on Home Affairs advertised the amendments proposed by the NCOP and an extension of the deadline was applied for. The Constitutional Court granted an interim order and on 23 January 2023 granted an extension to 28 February 2023. The Committee had been briefed on public submissions.

Mr Hendricks indicated that there had been judgments in the past that there should be a Muslim Marriages Bill in place. He said that he understood that there was a draft Bill in the pipeline which was not a Muslim Marriages Bill and warned that the Speaker should not be implicated in that as she could be deemed to be in violation of the order of the Constitutional Court. He stated that he had not heard anything from the Department of Justice and Constitutional Development regarding amendments to the Divorce Act. He added that, in order to comply with the court order, he had since tabled the Maintenance Amendment Bill and Divorce Amendment Bill in Parliament. He expressed concern in that both the department of Justice and Constitutional Development as well as Home Affairs were involved in the matter as the absence of such legislation had been severely affecting Muslim women's dignity for decades, which was unacceptable.

Adv Van der Merwe explained that the two departments were working on the draft Bill simply because they had to attend to the aspects of the Bill as any marriage dealt with the status of a person and registration of the marriage. However, she was uncertain about the process of introduction of the Bill and reaffirmed that it was important to see the draft Bill that was consulted on, in order to assess if it was sufficiently addressing the judgment. If not, Parliament would have to act by way of oversight or through enacting legislation within the institution. As a result, a copy had been requested in order to study it, as it had not been made available to the public. She also pointed out that a First Reading debate on the Maintenance Amendment Bill had been conducted the previous year and the Bill was before the Portfolio Committee on Home Affairs whilst the Divorce Amendment Bill was before the Portfolio Committee on Justice and Correctional Services.

Mr Swart added that he understood the concerns by Mr Hendricks as no drafts were available. He proposed that the Speaker should consider giving guidance as to when Parliament should stop accepting legislation from the Executive as a number of legislation might not be finalised before the 2024 elections, however nothing prevented the Executive from introducing urgent legislation. Mr Hendricks placed on record that his constituency was under the impression that the two departments were trying to circumvent the orders of the Constitutional Court for nearly 15 years which was not acceptable. He, however, commended the work done by Legal Services in assisting with the drafting of the private members' bills but could not understand why the said departments were not cooperating by complying with the court order and called for the Speaker to intervene in the matter.

Mr Papo suggested that the Speaker should meet with the Leader of Government Business (LOGB) to discuss the legislative programme. He added that the Office of House Chairperson of Committees had also been requested to provide a sense of legislation that should be expected, in order to assess the capacity of Parliament for processing such legislation. Parliament would then be in a position to provide the necessary assessment and feedback to the LOGB on what they think would be possible from its their side, also taking into account

legislation that had been introduced the previous year. Based on that, he asserted that he was hopeful that the concerns raised in the meeting could be laid to rest. He indicated that his office had taken note of the issues raised, stating that they would be conveyed to the LOGB for consideration. He said that the LOGB had also previously indicated to the Executive that it would not accept a flood of legislation which might create problems for Parliament.

The Speaker added that the concerns raised by Mr Hendricks would be followed up with the departments. The Speaker added that there was a tendency for the Executive to provide a long list of legislation prior to the end of a term of Parliament, with a view for it to be passed by Parliament within an unreasonable period of time. She concurred that the matter would have to be addressed as soon as it was possible. Furthermore, Legal Services would follow up with the departments of Justice and Constitutional Development and Home Affairs with regards to the concerns raised earlier. Mr Xaso explained that all the concerns expressed in the meeting would be assessed and the necessary advice would be prepared for the Speaker so that all the matters could be followed through.

With regards to the Electoral Amendment Bill, Mr Swart asked if it was envisaged what could happen if the Portfolio Committee on Home Affairs did not agree to the proposed amendments from the NCOP, which could result in the formation of a mediation committee and not meet the court deadline. Adv Van der Merwe replied that mediation would not be necessary as the Bill was classified as a section 75 legislation.

In response to Mr Singh regarding an update on the Intestate Succession Act, Adv Van der Merwe reminded the committee that the Department of Justice and Constitutional Development had previously confirmed that legislation dealing with that matter had been placed on the draft Cabinet Legislative Programme for 2022. Legal Services had followed up with the department via the Office of Leader of Government Business as the target date for introduction had not been met. The court deadline was set for June 2023 and there were read-in provisions in place should that target not be met.

8. Consideration of draft Parliamentary programme

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

The Joint Sitting to commemorate former Speaker of the National Assembly Dr F N Ginwala was scheduled for 6 February.

SONA was scheduled for 9 February at 19:00. That would be 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 debate on 15 February would start at 14:00 due to a Cabinet meeting, and no longer at 10:00 as requested in the previous meeting.

Ordinary sittings were scheduled to commence as from 21 February, in order to consider, among other things, legislation and committee reports.

The Programming Whip also indicated that the meeting would be advised of legislation available for consideration, as well as a list of matters that would have to be revived. Consideration would also be made on scheduling of training on the E-Voting for members.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:31.