



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 23 February 2023 [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)	Mente, N V
Frolick, C T (House Chairperson)	Mkhaliphi, H O
Gwarube, S (Chief Whip of the Opposition)	Mulder, Dr C P
Hendricks, M G E	Ntlangwini, E N
Jafta, S M	Ntombela, M L D (House Chairperson)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Shaik Emam, A M
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, 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 Chief Whip of the Opposition requested that an update on the letter from the lawyers of the Democratic Alliance issued to the Speaker regarding alternative venues for Parliament be added to the agenda. Mr Xaso advised that correspondence on the issue was being finalised.

House Chairperson Ms Boroto requested that the issue of members raising matters between themselves and the Office of the Speaker in the Programme Committee should be looked at, in relation to the mandate of the committee. She said that the Speaker

would normally respond directly to the party concerned and the outcome of such exercises could then be considered in the meeting, if necessary. Ms Ntlangwini stated that there was nothing wrong for parties enquiring about such issues as they had a direct impact on the programme of Parliament. The Speaker explained that the principle raised by House Chairperson Ms Boroto was valid as she would normally respond to parties upon receipt of correspondence, unless a party specifically wanted a matter to be part of the agenda.

The draft agenda was adopted, as proposed.

4. Consideration of minutes of 2 February 2023

On the proposal of the Deputy Chief Whip of the Majority Party, seconded by Mr Singh, the minutes of 26 January were adopted.

5. Matters arising

Processing of the Electoral Laws Amendment Bill

The Speaker informed the meeting that the consideration of the Electoral Laws Amendment Bill was scheduled for that afternoon. If passed by the Assembly, the Bill would be sent to the President for assent.

With regards to the issue of the deadline for introduction of legislation by the Executive, Mr Xaso advised that the matter would be deliberated upon at a meeting of the Joint Programme Committee which could be arranged before the end of the current Term.

6. Report from Committee Section

Ms Giba presented a report on legislation before committees and indicated that the Portfolio Committee on Justice and Correctional Services intended to finalise Prevention of Hate Crimes and Hate Speech Bill on 28 February. The Committee on Section 194 Enquiry intended to finalise its work on 21 April. Ms Giba also provided a list of all committees in the National Assembly that would be considering the aspects of 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. Such matters would form part of those committees' programme and a progress report on their recommendations would be required on a quarterly basis. A consolidated report would then be submitted to the Office of House Chairperson of Committees. She also indicated that such matters could, if not finalised, form part of the legacy report for continuation beyond the General Elections in 2024.

Ms Mkhalihi asked what were the timeframes given to committees to finalise their reports on the implementation plan. The Chief Whip of the Opposition indicated that she had received concerns from her members serving in the Standing Committee on Public Accounts (SCOPA) who indicated that an impression had been created that the committee would somehow be looking at the work of the various committees attending to such aspects. She asked whether the quarterly reports would be referred to the Rules Committee or to the Programme Committee, which had the necessary powers and function to oversee that. Ms Mente added that it was problematic that SCOPA would be acting as a 'Big Brother' for other committees based on the guidelines that had been provided as its members were on the same status as other members and therefore it should not be acting in a supervisory role. Furthermore, the role of Parliament as far as the State Capture Commission was concerned should be

straightforward and clearly defined as SCOPA had a lot of work to attend to. House Chairperson Mr Frolick replied that he was unaware of the concerns raised but that he was due to meet with the Chairperson of SCOPA to discuss other matters and would engage him on the matters raised. He also noted that only quarterly reports on the extent of the work and the recommendations that had been conducted by committees would form part of the consolidated report which would be published in the Announcements, Tablings and Committee Report. Should the Rules Committee wish to pay attention to any matter, that would be the prerogative of the presiding officers on whether such a matter should be considered by the relevant House's Rule Committee or Joint Rules Committee.

Ms Mkhali also asked for a progress report on the Basic Education Laws Amendment Bill.

7. Report by Bills Office

Dr Mbatha presented a summary on status of legislation and indicated that there were five Bills on the Order Paper for consideration. The Division of Revenue Bill and Appropriation Bill had been introduced by the Minister of Finance during his Budget Speech but would only be referred to relevant committee after the adoption of the Fiscal Framework and Revenue Proposals. The Second Adjustments Appropriation Bill and Eskom Debt Relief Bill had also been introduced by the Minister. Dr Mbatha also reported that there were 28 Bills before committees and four Bills had been sent to the President for assent.

Constitutional Court deadlines

Adv Van der Merwe reaffirmed that the Electoral Laws Amendment Bill would be sent to the President for assent, once passed by the House. The Bills Office had alerted the Presidency of the looming deadline of 28 February 2023 for the Bill to be signed into law. With regard to the Marriage Act 25 of 1961 and Divorce Act 70 of 1979, the Department of Home Affairs had indicated that consultations were taking place at the relevant Executive level for the draft Marriage Bill and that Cabinet approval was required prior to publication for public comments. As a result, the department was not yet in a position to share the draft Bill with Mr Hendricks but targeted to do so by the end of February 2023. Legal Services would continue to follow up on the matter.

Mr Hendricks noted that there was no progress on his requests for First Reading debates on the Divorce Amendment Bill and Registration of Muslim Marriages Bill, which were addressing Constitutional Court judgments that the Marriages and Divorce Acts were unconstitutional. He said that he had submitted the two private members' Bills as he did not trust that the Department of Justice and Constitutional Development would take the matter seriously by introducing a draft Bill. When drafting the Divorce Amendment Bill, Mr Hendricks indicated that the Legal Services unit also assisted by providing a certificate of compliance. He added that he had a sense that the Justice department was of the view that the Department of Home Affairs might be attending to the matter but that he was of the opinion that it was the responsibility of the Justice department to effect amendments to the Act. He added that it was just over a year left in order to comply with the judgment, but that it looked like the department of Justice was trying to circumvent the matter. With regard to the Registration of Muslim Marriages Bill, which also has a compliance certificate, he said what was mainly required was that Muslim women should be able to have a marriage certificate as there was a lot of hardship if one didn't have it. He commended the work that had been done by Parliament's Legal Services in drafting the two pieces of legislation and stated that it was also the responsibility of members to make an effort in complying with Constitutional Court judgments, as stated by the State Capture Commission. For the time being, he said that it was unnecessary to delay the matter of granting dignity to Muslim women.

The Speaker requested that a full report on the status of the concerns raised by Mr Hendricks be made available in the next meeting as the matter had constantly been raised in the meeting. Based on the sentiments expressed by Mr Hendricks, she said that she could sense that there was not much progress made. Mr Singh concurred, suggesting the Parliamentary Counsellor to the Deputy President Mr A H M Papo also be involved in assisting with the matter, where applicable.

8. Consideration of draft Parliamentary programme

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

Second Reading debates on the South African Postbank Limited Amendment Bill and Repeal of the Transkeian Penal Code Bill were scheduled for Tuesday, 28 February.

Questions for oral reply to the Peace and Security cluster were scheduled for Wednesday, 1 March.

Mini-plenaries were scheduled to consider motions from African National Congress, National Freedom Party and African Christian Democratic Party were scheduled for Thursday, 2 March.

The Programming Whip also advised that the motion on the removal of the Speaker from office, as requested by the Economic Freedom Fighters, would be scheduled for consideration on 7 March. A motion on the revival of the request for permission to inquire into extending the subject of Cannabis for Private Purposes Bill, amongst other items, which lapsed at the end of 2022 had been placed on the Order Paper by way of a motion in the name of the Chief Whip of the Majority Party. The process of finalisation of the list of other items that lapsed was underway. Furthermore, the issue of First Reading debates as raised earlier by Mr Hendricks would form part of that list. Mr Xaso indicated that those matters could be scheduled for consideration by the House on Tuesday of the following week.

Dr Mulder asked, in terms of order of proceedings, where the motion of no confidence would be scheduled on 7 March 2023. Ms Ntlangwini asked if the process of secret ballot would be followed during proceedings as members could be victimised should they not vote according to 'party line', as happened in the past. Furthermore, she suggested that the sitting should be fully physical at the City Hall. The Speaker explained that she was not in a position to respond as Deputy Speaker was handling the matter. The matter would be discussed in the meeting of the Chief Whips' Forum in the following week.

The Chief Whip of the Majority Party informed the meeting that consideration of the report on Basic Education on 'The Official Release of the National Senior Certificate Results for 2022' was no longer scheduled for that afternoon as the Portfolio Committee on Basic Education was travelling for an oversight commitment in Limpopo.

On the matter of voting procedure for the motion of no confidence, the Chief Whip of the Majority Party indicated that she would rather reserve her comments as the matter concerned the Speaker who was chairing. The Chief Whip of the Opposition concurred that the Deputy Speaker should be the one to advise on a voting procedure. Ms Mkhalihi, however, indicated that the Deputy Speaker was not present in order to provide clarity on the matter and asked if, alternatively, the matter would be clarified by a response from the Deputy Speaker in the following week.

House Chairperson Ms Boroto indicated that it was not a given that a secret ballot would be followed, but a party had a right to request this for consideration by the relevant presiding

officer. The Speaker explained that, whenever there was a motion of no confidence, the office of the relevant presiding officer had a responsibility to inform members on time about how the proceedings would be conducted. In this case, the Deputy Speaker would accordingly inform members. The Speaker indicated that he would request the Deputy Speaker to avail him in the next meeting in order to provide such details.

Mr Xaso indicated that the motion of no confidence would, according to Assembly Rule 47, be scheduled after Orders of the Day as it was a formal motion. A number of items were already scheduled for that day. The motion on the re-establishment of the Joint *Ad Hoc* Committee on Flood Disaster Relief and Recovery would be scheduled for Tuesday, 28 February 2023, subject to conclusion of consultations with the National Council of Provinces. It was envisaged that the committee would extend its scope by covering seven provinces that had also been affected by floods since the previous motion.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:23.