



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 18 May 2023 [M46]

Present:

C T Frolick (House Chairperson)

Boroto, M G (House Chairperson)	Lotriet, Dr A
Dlakude, D E (Deputy Chief Whip of the Majority Party)	Ntombela, M L D (House Chairperson)
Gwarube, S (Chief Whip of the Opposition)	Singh, N
Herron, B N	Wessels, W W
Lesoma, R M M (Programming Whip)	

Staff in attendance:

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

1. Opening

House Chairperson Mr Frolick opened the meeting at 08:30 and welcomed everyone present.

2. Apologies

Apologies were tendered on behalf of the Speaker Ms N N Mapisa-Nqakula, Deputy Speaker Mr S L Tsenoli, the Chief Whip of the Majority Party Ms P C P Majodina, Parliamentary Counsellors to the President and Deputy President, respectively, Dr G W Koornhof and Mr A H M Papo, Dr C P Mulder and Messrs S N Swart, N L S Kwankwa and A M Shaik Emam, as well as Secretary to the National Assembly Mr M Xaso.

3. Consideration of draft agenda

The draft agenda was adopted as proposed, with the addition of an item on the 'implementation of Assembly Rule 130' to be considered when looking at the Programme.

4. Consideration of minutes of 11 May 2023

On the proposal of the Programming Whip, seconded by the Chief Whip of the Opposition, the minutes of 11 May were adopted.

5. Matters arising

Mr Mahlangu provided feedback on the following matters:

Appointment of members to the Joint Standing Committee on Intelligence (JSCI)

Mr D M Stock had been appointed.

Report on referral of Members of Parliament to the Joint Committee on Ethics and Members' Interests

A detailed report would be provided in the next meeting on the status of referral of members to the Committee who had been implicated in the State Capture Commission. There were no reports currently outstanding for consideration by the House, but four reports lapsed at the end of the Fifth Parliament.

House Chairperson Mr Frolick said that the reporting mechanism should clearly stipulate that, where there were no adverse findings against a member, a report should still be submitted by the Committee. Failure to do so, in the eyes of the public and political parties, could create a wrong impression that the matter was still open and lapsed before it was finalised. Mr Frolick suggested that, in preparation for the next meeting of the Rules Committee and Joint Rules Committee, the matter of reporting of the Joint Committee on Ethics and Members' Interests which operated under a particular code, should be considered.

House Chairperson Mr Frolick also stated that, in terms of the decision that had been taken by the Joint Rules Committee, another meeting would have to be convened in order to consider, among other things, quarterly reports on the work that had been done by committees in considering aspects of the Report of the Commission on State Capture. Such reports would have to be provided by the House Chairpersons of Committees in the two Houses, and these would be separate from reports by the Joint Committee on Ethics and Members' Interests.

Establishment of Ad Hoc Committee on the Appointment of the Public Protector

House Chairperson Mr Frolick reminded the meeting that parties were supposed to provide feedback on the draft proposals for establishment of the *ad hoc* committee to nominate a person for appointment as Public Protector. Parties were supposed to advise on the choice of a proposal for a membership of 11 members, as well as an alternative proposal with an additional 14 non-voting members of the Assembly. It was AGREED that parties that had not yet provided written submissions on the matter had until Monday, 22 May 2023 to do so. House Chairperson Mr Frolick reiterated that the process should not be delayed, and the draft motion would be considered by the House on Thursday, 25 May. Parties should try to nominate members who would be available during the forthcoming recess period in order for the new incumbent to assume office in October.

6. Report from Committee Section

Ms Giba presented a report on legislation before committees and indicated that the Financial Matters Amendment Bill and Municipal Fiscal Powers and Functions Amendment Bill had been finalised. With regards to consideration of aspects of the Report of the

Commission on State Capture Commission, Ms Giba indicated that the Joint Standing Committee on Intelligence (JSCI) had been meeting with various stakeholders such as South African Police Services Crime Intelligence, State Security Agency and Defence on regulations. On statutory appointments, the Committee for Section 194 Enquiry intended to meet on a weekly basis, subject to approval.

In view of legislation before committees House Chairperson Mr Frolick indicated that, during a meeting of the Joint Committee of Chairpersons the previous day, it was pointed out that some committees would have to meet during the Constituency Period, subject to approval. Prior to adjournment of the current term, party whips would be provided with the list of committees that would be meeting in order for them to be aware of their members' commitments. A process to review the current practice of public hearings had been started. The observation was that the legislative process was taking longer than previously. The matter was being interrogated and a particular process had been decided upon and members would be kept informed. The costs associated with that, as well as the time and difficulties that had been experienced had since exceeded what was expected. In essence, the matter should be refined in such a way that Parliament complied with constitutional requirements, but public hearings were essentially one element of public participation.

House Chairperson Mr Ntombela asked if Parliament should be held responsible for any mishaps, such as the example of members of the public who were involved in a fatal car accident in the Free State. He said that Parliament should therefore be consistent when attending to such cases as it could happen again in the future. House Chairperson Mr Frolick replied that Parliament provided some form of assistance as those persons were in a transport that had been arranged by the institution. A full report would be provided in an appropriate forum on this matter. The Programming Whip requested that pre-public participation processes also be looked at, based on the milestones that could have been achieved, instead of involving political parties.

7. Report by Bills Office

Dr Mbatha presented a report legislation before Committee and indicated that the Merchant Shipping Bill had recently been introduced. The Public Service Administration Bill had been certified for introduction and the Repeal of the Transkeian Penal Code Bill had been sent to the President for assent.

Report on Legislation with Constitutional Court deadlines

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

Correctional Services Act, 1998 (Act No. 111 of 1998)

The Bill had since been approved by Cabinet and the Department of Justice and Correctional Services was only awaiting certification by the Office of the State Law Adviser prior to introduction.

Marriage Act 25 of 1961 and Divorce Act 70 of 1979

The Department of Home Affairs was targeting introduction of the Bill in the 2023/2024 financial year. That target was confirmed in the 2023 Cabinet Legislative Programme but a media report indicated that the department intended to have cabinet approval only by March 2024. Given the upcoming election period, that target date meant that Parliament could not achieve the date on which the Constitutional Court's suspension of its order lapses. Legal Services had twice followed up with both the departments of Justice and Correctional Services and Home Affairs in that regard in the past few weeks to confirm the target date for introduction, alternatively to confirm whether the departments would bring an application for an extension but had not received any response.

With regards to an update on Maintenance of Surviving Spouses Act, 1990 (Act No. 27 of 1990) and Intestate Succession Act, 1987 (Act No. 81 of 1987) which also dealt with a review of marriage laws, Adv Van der Merwe advised that the Judicial Matters Amendment Bill was proposing the same read-in provisions that had been provided by the Constitutional Court. It was not yet clear if an extension should be requested, in view of the looming deadline of 29 June 2023. Should the suspensive order lapse, the provision as a remedy would kick-in. Mr Singhpointed out that there was no definition of a life partner or spouse in law for purposes of inheriting from intestate or maintenance. It would assist if Legal Services could check on the matter and provide a report in that regard.

House Chairperson Mr Frolick said that he was also concerned about the lack of progress and responses from some departments as it was easy to blame Parliament although processes within the institution were largely reliant on legislation that had originally been introduced by the Executive. The Chief Whip of the Opposition suggested that the Speaker should take the matter up with Leader of Government Business (LOGB) as the issue of deadlines was incumbent on Parliament to meet. House Chairperson Ms Boroto added that the Committee should also be guided by the timelines for considering of legislation as there was not enough time left, taking into consideration the due processes that should also be undertaken by the National Council of Provinces. The Programming Whip added that the matter was indeed impacting negatively on Parliament and that the matter should be addressed. House Chairperson Mr Folick indicated that the Speaker would raise the matter with LOGB.

8. Consideration of draft Parliamentary programme

The Programming Whip presented the Parliamentary Programme for the Second Term and indicated that broadly there were no changes.

She said that mini-plenaries on Budget Votes were scheduled to continue on 23 – 30 May in a hybrid manner. Questions for oral reply to the Deputy President, First and Second Reading debates on Eskom Debt Relief Bill, Decision of Question on Draft resolution on Establishment an ad hoc committee to exercise oversight over the new Minister of Electricity, as well as the debate on Africa Day were scheduled for Thursday, 25 May. The Programming Whip also advised that the Financial Matters Amendment Bill and Municipal Fiscal Powers and Functions Amendment Bill could also be considered for consideration on 25 May.

Implementation of Assembly Rule 130

Mr Herron expressed concern in that the application of Rule 130 was not followed in principle as such matters were deemed urgent and pertained to matters of recent occurrence. He said that he was surprised that a debate on the impact of grey listing, which occurred in February, was only scheduled for debate in May. Similarly, there was not yet a decision on scheduling of his request for a debate on 'failure of the government to extradite persons implicated in corruption, as demonstrated by the recent case in the United Arab Emirates (UAE) and the consequences thereof' as a matter of national public importance, which arose out of an event in April and which request was duly approved by the Speaker. Dr Lotriet added that the operative word in that Rule was urgent and that such matters should be scheduled as soon as possible. The Deputy Chief Whip of the Majority Party said that the National Assembly was for the time being, focusing on the debates on Budget Votes, but suggested the matter be referred to the Programme Technical Committee for guidance. It was AGREED that the matter would be considered by that structure in order to advise on a suitable date in the next meeting. House Chairperson Mr Frolick requested that a decision on the matter be communicated to parties once there was consensus.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:14.