



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 25 May 2023 [M46]

Present:

N N Mapisa-Nqakula (Speaker)
C T Frolick (House Chairperson)

Boroto, M G (House Chairperson)	Ntlangwini, E N
Diakude, D E (Deputy Chief Whip of the Majority Party)	Ntombela, M L D (House Chairperson)
Gwarube, S (Chief Whip of the Opposition)	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Herron, B N	Swart, S N
Mulder, Dr C P	

Staff in attendance:

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

1. Opening

House Chairperson Mr Frolick opened the meeting at 08:32 and welcomed everyone present.

2. Apologies

Apologies were tendered on behalf of the Deputy Speaker Mr S L Tsenoli, the Chief Whip of the Majority Party Ms P C P Majodina, Parliamentary Counsellor to the President Dr G W Koornhof, Dr A T Lotriet, Programming Whip Ms R M M Lesoma and Messrs N Singh, W W Wessels, N L S Kwankwa and A M Shaik Emam.

3. Consideration of draft agenda

The draft agenda was adopted as proposed, with the addition of the following items after the Programme:

- Oversight trip to the United Kingdom
- Incident involving a Member of Parliament

4. Consideration of minutes of 18 May 2023

On the proposal of the Chief Whip of the Opposition, seconded by House Chairperson Ms Boroto, the minutes of 18 May were adopted.

5. Matters arising

Mr Xaso provided feedback on the following matters:

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

The motion on establishment of the *ad hoc* committee was scheduled for consideration that afternoon. Party whips had agreed on membership of 11 members and 14 non-voting members. The *ad hoc* committee would have a deadline of 31 August 2023, ahead of the appointment of a candidate in October.

Report on status of referral of Members of Parliament to the Joint Ethics Committee and Members Interests who were implicated in the State Capture Commission

There were no adverse findings on matters relating to House Chairperson Mr Frolick, Ms T M Joemat-Petersson and Minister of Employment and Labour Mr T W Nxesi. Reports against Deputy Minister in The Presidency Ms P S Kekana and Mr M J Zwane had since been considered by the House.

Speaker to engage with Leader of Government Business

The Speaker was in the process of writing to the Leader of Government Business on processing of legislation by Parliament.

Scheduling of a snap debate from Mr Herron

The 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 was scheduled for 6 June.

In view of the deadline, House Chairperson Ms Boroto said that it was clear members who would be nominated to serve in the *ad hoc* committee on the appointment of the Public Protector would have to be available during the Constituency Period. House Chairperson Mr Frolick reiterated that the *ad hoc* committee, as well as some committees, would have to meet during recess, subject to approval. Prior to adjournment of the second term, party whips would be provided with the list of those committees for them to be aware of their members' commitments.

In response to Mr Swart on the request for a snap debate from his party, Mr Xaso said that he would follow up on the matter and report in the next meeting.

6. Report from Committee Section

Ms Giba presented a report on legislation before committees and indicated that there were 31 Bills before committees.

The Portfolio Committee on Health intended to finalise the National Health Insurance Bill on 26 May. The Portfolio Committee on Forestry, Fisheries and the Environment also intended to finalise the Climate Change Bill on 14 June.

Regarding the report that the Committee on Section 194 Enquiry would be revising its programme, the Chief Whip of the Opposition asked whether the outstanding legal issues had been resolved. The Deputy Chief Whip of the Majority Party replied that legal issues

had not yet been resolved and the committee had adjourned in order to allow the Public Protector an opportunity to sort out matters relating to her legal assistance. She added that the committee had given her a date by which she would finalise those matters. Adv Adhikarie indicated that the Solicitor-General had secured the services of a firm of attorneys and they had consulted the Public Protector who indicated that she wanted to retain the services of Senior Counsel Adv D Mpofu. House Chairperson Mr Frolick added that the Office of the Speaker was keeping a close eye on the matter and had requested an update from the chairperson of the committee on where the matter was. There were huge costs associated with that process.

Ms Ntlangwini asked whether the meeting would be provided with audit reports emanating from the Portfolio Committee on Planning, Monitoring and Evaluation, which was scheduled to have its first meeting the following day. House Chairperson Mr Frolick explained the committee would determine its own programme and its proceedings would form part of the Committee Section's report.

7. Report by Bills Office

Dr Mbatha presented a report on legislation before Committees and indicated that the Land Court Bill had been returned to the National Assembly for concurrence, due to proposed amendments from the National Council of Provinces. The Public Service Administration Bill had been referred to the Portfolio Committee on Public Service and Administration. Furthermore, Correctional Services Amendment Bill, which had a Constitutional Court deadline, had been certified for introduction.

8. Consideration of draft Parliamentary programme

The Deputy Chief Whip of the Majority Party presented the Parliamentary Programme for the Second Term as follows:

Debates on Budget Votes on Justice and Constitutional Development and Social Development were scheduled in the morning of Tuesday, 30 May. Parliament's Budget Vote as well as consideration of reports on Budget Votes and Reports on salary determination for the Financial Fiscal Commission and Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, were also scheduled for that afternoon.

Presidency Budget Vote was scheduled for Wednesday 31 May, with a Reply by the President on Thursday 1 June.

The Deputy Chief Whip of the Majority Party reminded the meeting that there would be no declarations on the reports on Budget Votes. She said that they would be taken as one order but parties who wish to indicate their objections on specific votes would be afforded an opportunity to do so.

Oversight trip to the United Kingdom

Mr Xaso explained that there were two study tours being planned, namely a benchmarking tour to the Ireland and Kenya as initiated by members of the Chief Whips' Forum as well as one to the United Kingdom (UK), as initiated by the Rules Committee that Ms Ntlangwini was referring to. The trip arose out of a report given on the State Capture Commission and would be taking place in July. The Speaker had since responded to the EFF on their letter requiring explanation on a few matters about the trip. The trip would be concentrating on oversight activities over the Presidency as practised in the UK by a liaison committee overseeing the Prime Minister, as well as mandates relating to the Rules Committee.

Ms Ntlangwini replied that she had, however, not seen the letter from the Speaker, and indicated that the Portfolio Committee on Planning, Monitoring and Evaluation that would also be established, and the study was also intended to conduct oversight over the President. She said that it would be a waste of money for the institution to simply go and learn about the operations of the Rules Committee in another country, instead of utilising online means to do so. Furthermore, African countries could rather be considered, and the money be redirected to other essential services within Parliament, instead of embarking on an excursion. The matter had been on Parliament's agenda for the past few years. The Chief Whip of the Opposition cautioned that the issue of consideration of a committee to exercise oversight over Vote 1: The Presidency should not be conflated with Planning, Monitoring and Evaluation as they were different matters, although they could co-exist. House Chairperson Ms Boroto argued that the Rules Committee had taken a decision on the trip and all parties were present in that meeting and the Programme Committee was not the right platform to reopen the matter. Reasons for the trip had been provided and preparations were accordingly underway.

The Deputy Chief Whip of the Majority Party said that it was time that the matter was laid to rest as it has been raised everywhere. She clarified the matter as follows:

The issue of a committee to exercise oversight over the Presidency had been a matter for consideration by the Subcommittee on Rules, as submitted by Mr Singh. Upon presentation to the subcommittee, the matter was referred to the Parliamentary Budget Office (PBO) for advice as there was no agreement. The PBO was unfortunately not given enough time to prepare advice. Once the matter was presented to the Rules Committee for consideration, it was sent back to the subcommittee for further processing. The Subcommittee reported and the Rules Committee on 25 April 2023 resolved that there was a need for such a study tour. The Deputy Chief Whip of the Majority Party reiterated that it was a normal practice for Parliament to embark on study tours to benchmark with other countries with the same system, which should not be regarded as social excursions. Furthermore, already there were other committees providing oversight on the Presidency through other mechanisms. Besides, decisions of the Rules Committee could not be over-ruled by another structure. The matter was also in preparation for the Seventh Parliament. Mr Papo added that the issue of the UK came about when the PBO was scanning countries that were conducting similar oversight, although they could not get the essence of the actual work conducted by the liaison committee. Therefore, such information could only be obtained by engaging members of that Parliament.

The Speaker elaborated that the study tour could not be perceived as an excursion as that could create a perception that South Africans do not know what that they were doing. She said that it was on the basis that the matter had been on the agenda for too long and therefore the Rules Committee felt that such a trip should be undertaken. She added that it was also her view that the matter should be finalised as arrangements were at an advanced stage, insisting that if any party was uncomfortable with the trip, it could withdraw its member. The Speaker reiterated that the trip would not be conflated with the one by the CWF and she would not back down on the matter.

Incident involving a Member of Parliament

Mr Swart reported that a member of his party Ms M E Sukers was assaulted in Merafong Local Municipality near Warrenton when she was trying to assist community members to access water. He said that she was assaulted in full view of the public and media and, as a result, a criminal case had been laid and was being investigated. He, however, indicated that Ms Sukers was okay but indicated that any attack on a Member of Parliament should be condemned. House Chairperson Mr Frolick described the incidence as deplorable and unacceptable, and requested Mr Swart to provide a full report on the matter to the Office of the Speaker. The Speaker added that, irrespective of circumstances, that was a dangerous trend which could end up with members being

unable to conduct oversight functions. She said that one day there could also be fatalities and the matter should be followed up with the police.

9. Announcements

Mr Xaso reminded parties to submit names for the membership of the Portfolio Committee on Planning, Monitoring and Evaluation as it was scheduled to have its first meeting the following day. Only names from the African National Congress and Democratic Alliance had been received.

10. Closure

The meeting adjourned at 09:18.