



**NATIONAL ASSEMBLY PROGRAMME COMMITTEE**

Chairperson:  
Speaker of the National Assembly

Committee Secretary:  
A Mbanga x 3218

**DRAFT MINUTES OF PROCEEDINGS**

Thursday, 1 June 2023 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

S L Tsenoli (Deputy Speaker)

Boroto, M G (House Chairperson)	Mkhaliphi, H O
Diakude, D E (Deputy Chief Whip of the Majority Party)	Mulder, Dr C P
Frolick, C T (House Chairperson)	Ntlangwini, E N
Herron, B N	Ntombela, M L D
Jafta, S M	Papo, A H M (Parliamentary Counsellor to The President)
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 T	Wessels, W W
Majodina, P C P (Chief Whip of the Majority Party)	

Staff in attendance:

Secretary to Parliament 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 08:32 and welcomed everyone present.

**2. Apologies**

There were no apologies.

**3. Consideration of draft agenda**

The draft agenda was adopted, as proposed.

#### **4. Consideration of minutes of 25 May 2023**

On the proposal of Mr Papo, seconded by House Chairperson Mr Ntombela, the minutes of 25 May were adopted.

#### **5. Matters arising**

The Speaker gave feedback on the following matters:

##### *Follow up on engagement of Speaker with Leader of Government Business*

The Speaker had written a letter to the Leader of Government Business (LOGB) on processing of legislation by Parliament. In the letter, she had asked for an indication on when priority legislation would be introduced and pointed out Constitutional Court deadlines on legislation.

##### *Debate on international engagements and international bodies*

The topic on 'Transformation of the Commonwealth Parliamentary Association' was proposed for 14 June. Programming structures were in the process of identifying a second topic.

##### *Planning, Monitoring and Evaluation Committee*

The Committee had its first meeting in the previous week and elected its chairperson.

##### *Membership of the ad hoc committee on the Appointment of the Public Protector*

The Economic Freedom Front (EFF) had not provided the name of a member who would serve in that committee.

House Chairperson Mr Frolick said that, in order to avoid any further delays, the *ad hoc* on the appointment of the Public Protector would meet and elect its chairperson as it had sufficient members to form a quorum. A programme for the committee could then be developed and an advertisement placed in newspapers.

##### *Status of referral of Members of Parliament to the Joint Ethics Committee and Members Interests who were implicated in the State Capture Commission*

Mr Papo raised his concern with a ruling given by a Presiding Officer in respect of members who had been referred to the Joint Committee on Ethics and Members' Interests based on the Report of the Judicial Commission on State Capture. He contended that it was incorrect for these matters to be raised after the committee had not made any adverse findings against those members. He disagreed with the ruling that this was a "matter of debate."

Ms Ntlangwini argued that it was problematic for members to be told how they should debate. Ms Mkhalihi said that the matter should not be considered by the meeting as a ruling was given during proceedings in the House and the matter was therefore dealt with. After an exchange Ms Mkhalihi refused to adhere to the instructions of the Speaker that further discussion on the matter would not be taken as the matter was dealt with in the House and did not belong before the committee, the Speaker instructed that Ms Mkhalihi be withdrawn from the virtual platform. The member was thereupon withdrawn from the platform.

House Chairperson Mr Ntombela reaffirmed that his office would be coordinating the processing of another topic for debate on international relations and external bodies, in consultation with the Office of Deputy Speaker.

Regarding the letter on processing of legislation by Parliament, Mr Xaso advised that the LOGB had responded to the letter of the Speaker and advised that progress towards bringing priority legislation to Parliament should be made by the commencement of the Third Term.

## **6. Report from Committee Section**

Ms Giba presented a report on legislation before committees as follows:

The *Ad Hoc* Joint Committee on Flood Disaster Relief and Recovery would receive a briefing from the Auditor-General on the Municipal Finance Management Act report on 2 June and undertake an oversight visit to Hammanskraal, Evaton and Nancefield during the period of 19 – 21 June.

On statutory appointments, it was noted that the Committee on Section 194 Enquiry had been granted permission to meet on 2 June, in order to revise its programme. The Speaker indicated that, as raised during Parliament's Budget Vote debate earlier in the week, she had requested House Chairperson Mr Frolick to obtain a preliminary report from the chairperson of the committee in order to assess the work that had been done, in relation to its mandate. The committee kept on revising its programme and the Speaker noted the challenge of continued funding for the enquiry.

House Chairperson Mr Frolick explained that he had not received a response from the chairperson and that he had a meeting with Legal Services on what should be done on 2 June regarding a way forward. The Chief Whip of the Majority Party concurred that Parliament could not afford a situation in which a committee was perpetually extending its deadline notwithstanding the financial implications involved. She said that it was strenuous for members who were serving in that committee as they also had other responsibilities towards other committees, citing that members had during Parliament's budget vote debate, suggested that in future when such committees are established, there should be clear terms of reference specifically as far as financial implications were concerned. Failure to do so, could result in the collapse of a committee and the institution might have to account for fruitless expenditure. Mr Singh suggested that the committee be allowed to meet the following day but be given clear directives.

The Chief Whip of the Opposition reiterated that a status report on the programme of the committee going forward had to be provided and this should be shared with the Programme Committee. Dr Lotriet said that she believed that Parliament needed to take a firm stance as a lot of money was being wasted on frivolous and unreasonable requests for extensions as the current stumbling blocks had been removed and a new team of attorneys had been appointed. She added that in future, there should be a cap on the kind of legal costs that could be afforded as the process should not be open-ended in terms of both time and budget. Dr Mulder said that he believed that the current situation was not the fault of the committee but part of a broader strategy. Even if the process continued for another six months, he predicted that the matter would be taken on review. He suggested that a deadline should be set, and the process be finalised. Mr Singh agreed that this matter should be finalised.

Ms Ntlangwini raised her concern around the chairperson of the committee, Mr Q R Dyantyi, and how he was managing the committee. She also requested clear guidelines on what the requested report should contain. The Chief Whip of the Majority Party raised a point of order that the integrity of members should not be attacked in this meeting, especially as he was not in the meeting to defend himself. Mr Kwankwa said that he was of the view that it could never had been the intention of the Constitutional Court that Parliament should spend all its budget

on the legal costs for this matter. He said that future enquiries of this nature should have a budgetary cap. He stated that what should be requested was a process report and not a report on the work of the of the committee to date. The matter was of public importance and members had a responsibility to provide clarity on concerns raised. The Deputy Chief Whip of the Majority Party explained that the delays with proceedings could not be attributed to members of the committee and indicated that the issue of the letter from the Speaker would be discussed in that meeting. The committee would accordingly follow the Speaker's directive in terms of how far the process was.

## **7. Report by Bills Office**

Dr Mbatha presented a report on legislation before Committees and indicated that the National Health Insurance Bill was on the Order Paper for consideration by the House.

Ms Ntlangwini asked for an update on the processing of Relocation of Seat of Parliament Bill, which was a private member's Bill. Mr Xaso explained that a request for a First Reading debate on the Bill had been made and that in terms of the rules the matter would be referred to a committee after that debate had taken place. The practice was for such debates to take place in a mini plenary and that as such the EFF could consider that debate during their slot on 15 June.

## **8. Consideration of draft Parliamentary programme**

The Speaker congratulated Ms Lesoma on her election as chairperson of the Portfolio Committee on Transport. Ms Lesoma presented the Parliamentary Programme for the Second Term as follows:

A letter had been received from the Minister of Justice and Correctional Services requesting that 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 be rescheduled for a later date as he would be out of the country on 6 June. It was AGREED that the snap debate would be scheduled for the following week on 13 June.

The Programming Whip indicated that on Tuesday 6 June, the following matters were scheduled:

- Consideration of Recommendation of candidate for appointment by the President to serve as commissioner for the Public Service Commission
- Second Reading debate on Local Government: Traditional Affairs General Amendment Bill
- Debate on Commemoration of 100 years Anniversary on admission of women into legal profession

Questions for Oral Reply to the Economics cluster was scheduled for Wednesday, 7 June.

First and Second Reading on the Appropriation Bill, as well as Votes and Schedule to the Bill, were scheduled for Thursday, 8 June in the morning. As a practice, an appeal was made to political parties to communicate to the administration on which Votes they would like to make declarations, object or call for a division.

Second Reading debate on National Health Insurance Bill was scheduled for 13 June. Consideration of requests for approval by Parliament of international agreements on 'African Charter on the Values and Principles of Decentralisation, Local Governance and Local

Development' and 'Amendment to article 20 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)' were also scheduled for consideration that day.

Mr Herron indicated that, notwithstanding credible and legitimate reasons advanced for postponing his debate, the Speaker consider his correspondence regarding the way matters in terms of Rule 130 were scheduled. He said that he had observed that, once the Speaker had determined that a matter was urgent, it did not appear that there was urgency in scheduling it, not necessarily his own debate. Mr Xaso clarified that the Speaker had responded to Mr Herron's correspondence the previous day and the response was sent to the member.

In view of the fact that the snap debate was rescheduled, Mr Xaso requested that consideration be given to having the debate on 'Commemoration of 100 years anniversary on admission of women into legal profession' being accorded some prominence by moving it higher up on 6 June. In preparation for debates in mini-plenaries on 15 June, Mr Xaso requested parties to submit their topics on time.

Due to the early start of plenary on 8 June, it was AGREED that the Programme Committee would not meet that day.

## **9. Announcements**

There were no announcements.

## **10. Closure**

The meeting adjourned at 09:33.