



## NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:  
Speaker of the National Assembly

Committee Secretary:  
A Mbanga

### DRAFT MINUTES OF PROCEEDINGS

Thursday, 16 November 2023 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

Boroto, M G (House Chairperson)	Lotriet, Dr A
Dlakude, D E (Deputy Chief Whip of the Majority Party)	Majodina, P C P (Chief Whip of the Majority Party)
Frolick, C T (House Chairperson)	Mkhaliophi, H O
Gwarube, S (Chief Whip of the Opposition)	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Hendricks, M G E	Shaik Emam, A M
Jafta, S M	Singh, N
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Swart, S N
Lesoma, R M M	Tseke, G K (Programming Whip)
Loate, T	

Staff in attendance:

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

### 1. Opening

The Speaker opened the meeting at 08:30 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 9 November 2023

On the proposal of the Chief Whip of the Majority Party, seconded by the Programming Whip, the minutes of 9 November were adopted.

## **5. Matters arising**

Due to technical challenges experienced by Ms Begg, Mr Xaso presented a report on cancellation of public hearings by parliamentary committees. The presentation was circulated to members and highlighted the following:

### *Electricity Regulation Amendment Bill*

The Portfolio Committee on Mineral Resources and Energy cancelled three public hearings in the North West and Free State Provinces due to non-mobilisation of members of the public.

### *Independent Municipal Demarcation Bill*

The Portfolio Committee on Cooperative Governance and Traditional Affairs cancelled and/or postponed its public hearing in the Western Cape due to the non-mobilisation of members of the public.

### *South African Post Office Bill*

The Portfolio Committee on Communications and Digital Technologies planned to host public hearings in Polokwane, Capricorn District. The Committee changed the venue to Thohoyandou, Vhembe District.

Some of the reasons for the cancellations were:

- Lack of sufficient human resources to support all committees in Parliament and other institutional programmes.
- Misaligned programmes as well as the turnaround time for production of public education material and translation into all official languages.
- Health and safety concerns.

Mr Xaso indicated that measures were being taken to fill critical vacancies in the Public Education Office and Parliamentary Democracy Offices, including the appointment of a Section Manager: Public Participation.

Committee planning was now taking into account the time required for all support streams for public hearings.

Mr Singh asked whether any fruitless and wasteful expenditure was incurred due to the cancellations. He also requested that a legal opinion be made available prior to the 7<sup>th</sup> Parliament on how public participation could be synchronised as there were instances whereby the two Houses and provinces conducted hearings on a bill with the same group of people. Ms Lesoma cautioned against blurring the roles of the two Houses, while expressing support for a harmonised approach to institutional activities. The Chief Whip of the Majority Party said that while she agreed with Mr Singh, it would not be possible to have joint hearings in all circumstances due to the nature of legislation. It was important for communities and the public to have active participation in law making to deepen democracy. She requested the administration to prioritize its interventions to ensure that public hearings were not compromised. Ms Mkhaliophi cautioned against short-circuiting public participation processes, citing the Constitutional Court judgment on the Traditional and Khoisan Leadership Act.

House Chairperson Mr Frolick further elaborated that the issue of public hearings and processing of legislation was a system where personnel in Parliament were required to be

available, but that the institution had failed to fill critical posts leading to a situation where political office-bearers had to restrain themselves from getting involved in administrative matters. He reminded the meeting that information on exactly what had been done on the Traditional and Khoisan Leadership Act was not readily available for processing despite all the expenses associated with hearings that had been incurred, and this was because of institutional inadequacies.

The Secretary to Parliament (STP) indicated that the issues of planning, scheduling and capacity were being attended to as a matter of extreme urgency. Positions that had been deemed to be extremely urgent were being prioritised, including for Public Participation and Committees. A report would be given on steps being taken to fill the posts. Regarding synchronisation, the office of the STP was considering deliberations from the Speakers' Forum on the framing of collaborative engagements by provincial legislatures and national Parliament. Therefore, such issues had been endorsed as part of how public hearings would be approached. To that end, such mechanisms would start with internal collaboration between the National Assembly and National Council of Provinces (NCOP) as part of a strategy review.

## **6. Reports**

### **(i) Committee Section**

Ms Giba presented a report on matters before committees and indicated that, out of 46 Bills before Committees, 26 were likely to be finalised before the end of the current Parliament. Following the adoption of the Revised and Proposed Fiscal Framework, the Division of Revenue Amendment Bill and Adjustments Appropriation Bill had been referred to the Standing Committee on Appropriations for consideration.

Ms Giba further reported that the Prevention and Combating of Hate Crimes and Hate Speech Bill had been returned to the National Assembly with proposed amendments from the NCOP. The Portfolio Committee on Basic Education had finalised the petition on eradicating pit latrines in the Eastern Cape, KwaZulu-Natal and Limpopo rural schools.

### **(ii) Bills Office**

Dr Mbatha reported that the introduction for the General Intelligence Laws Amendment Bill was expected once all the processes with the department had been completed.

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

The Programming Whip presented the Parliamentary Programme for the Fourth Term as follows:

The Statement as requested by the Minister in The Presidency on the Census Results 2022 was rescheduled for Tuesday, 21 November due to unavailability of the Minister on 23 November. Consideration of Budgetary Review and Recommendation Reports and the Decision of Question on the draft resolution on the closure of the Israeli embassy were also scheduled for that day.

On 22 November, questions to the Governance cluster and consideration of the Division of Revenue Amendment Bill were scheduled.

A debate emanating from the 9<sup>th</sup> BRICS Parliamentary Forum which was held on 27 – 29 September was scheduled for 28 November.

A debate on World Aids Day was proposed for Friday, 1 December.

The Programming Whip appealed to political parties to submit topics for debates in mini-plenaries on 24 November.

Due to several Bills, amongst other things, that are expected to be finalised towards the end of the term, consideration was being given to open a morning sitting. Detailed information would be made available in the following week.

In response to Mr Singh, Mr Xaso indicated that the Members' Workshop Session, which was scheduled for 1 December, had been postponed until further notice.

Dr Lotriet asked whether there was a specific reason in scheduling items after the questions session on Wednesday, 22 November which would result in the House adjourning late. The rescheduling of the Second Reading debate on Division of Revenue Amendment Bill to Thursday, 23 November was requested. Mr Xaso replied that the matter would be taken up with the Programming Whip and communication would be sent out to members. He indicated that ordinarily the timeframes for processing of Finance legislation were coordinated taking into consideration the timeframes required by the NCOP. He also indicated that a motion to suspend the three-day rule would be required to allow the debate on the Bill to proceed.

## **9. Announcements**

There were no announcements.

## **10. Closure**

The meeting adjourned at 09:13.