



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga

DRAFT MINUTES OF PROCEEDINGS

Thursday, 30 November 2023 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

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

Staff in attendance:

Secretary to Parliament Mr X George, 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 08:31 and welcomed everyone present.

2. Apologies

An apology was received on behalf of Deputy Speaker Mr S L Tsenoli.

3. Consideration of draft agenda

The draft agenda was adopted, as proposed.

4. Consideration of minutes of 23 November 2023

On the proposal of House Chairperson Mr Frolick, seconded by Ms Lesoma, the minutes of 23 November were adopted.

5. Matters arising

Scheduling of Joint Programme Committee meeting

The Joint Programme Committee (JPC) would meet after the National Assembly Programme Committee meeting of that day to consider the draft Parliamentary Programme Framework for the First Term in 2024.

Ms Mkhalihi asked whether there was feedback on an alternative venue for sittings in 2024 that would be able to accommodate all the members of the National Assembly. The Speaker replied that she had issued a directive to the Secretary to Parliament and the Secretary to the National Assembly, to find a suitable venue to enable the National Assembly to convene physically from April 2024. Members should, however, also consider that there were costs involved daily when hiring an alternative venue. A report on this process would be made available in due course.

6. Reports

(i) Committee Section

Ms Giba presented a report on matters before committees and indicated that the following Bills had been finalised:

- National Youth Development Agency Amendment Bill
- Preservation of Agricultural Land Bill
- Independent Police Investigative Directorate Amendment Bill

Ms Giba informed the meeting that the Portfolio Committee on Small Business Development intended to finalise the National Small Enterprise Amendment Bill on 5 December. The Registration of Muslim Marriages Bill had been withdrawn in accordance with Assembly Rule 334. She also indicated that the Portfolio Committee on Justice and Correctional Services had earlier that morning finalised its reports on the matters of the misconduct of Judge President M J Hlophe and Judge J N Motata, as well as the report on recommendation of candidates for appointment as commissioners to the South African Human Rights Commission.

The Chief Whip of the Majority Party asked about the status of the Copyright Act as there had been protests from artists and relevant associations around the country. Dr Mbatha explained that the Copyright Amendment Bill was before the Portfolio Committee on Trade, Industry and Competition as it had been returned due to proposed amendments from the National Council of Provinces (NCOP). Adv Van der Merwe added that the Committee was aware of the Constitutional Court judgment on the matter.

The Chief Whip of the Majority Party proposed that the reports on the misconduct of Judge President M J Hlophe and Judge J N Motata, which required a special majority for the House to take a decision, be scheduled for consideration at a special sitting towards the end of January 2024 as it would not be possible to secure the City Hall at short notice in the following week. Moreover, she said that some members were not available as they

were involved in the COP28 (Conference of Parties) in Dubai. In response to the assertion by the Chief Whip of the Opposition that this matter had been in the parliamentary domain for a long time, House Chairperson Mr Frolick indicated that the Committee had done their work expeditiously given that they could not proceed while legal challenges involving the Judicial Services Commission were underway.

Mr Hendricks said that he hoped that his withdrawal of the Registration of Muslim Marriages Bill would assist in having one statute of the Marriages Act. He, however, indicated that his party would approach the Constitutional Court for another extension of the deadline, but were advised by senior counsel that the actions of the Minister of Home Affairs to enable *nikahs* to be placed on the National Population Register meant that the court order had been complied with. Therefore, instead of applying for an extension, Legal Services should consider requesting the Constitutional Court for a variation in their judgment.

House Chairperson Mr Frolick also conveyed his gratitude to Mr Hendricks for the manner in which he had dealt with this contentious and important issue he had been raising on behalf of his party through different legislative proposals. His cooperation and willingness to assist in processing both the Divorce Amendment Bill, as well as his proactive efforts in dealing with the proposed Marriage Amendment Bill, were appreciated.

(ii) Bills Office

Dr Mbatha reported that there were 11 Bills on the Order Paper for consideration and 36 Bills before committees. The South African Institute for Drug-Free Sport Amendment Bill had been referred to the Portfolio Committee on Sport, Arts and Culture.

Dr Mbatha also reported that the following Bills would be sent for assent:

- Agricultural Product Standards Amendment Bill
- National Veld and Forest Fire Amendment Bill
- Correctional Services Amendment Bill
- Division of Revenue Amendment Bill

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 been passed by the NCOP without amendments and would be sent to the President for assent in time for the deadline of 2 December 2023.

Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002

The Bill was currently before the relevant Select Committee on Justice and Security.

Marriage Act 25 of 1961 and Divorce Act 70 of 1979

Divorce Act: The Executive Bill was currently before the Select Committee on Justice and Security.

Marriage Act: Mr Hendricks' input regarding the challenge being addressed in practice had been considered, but the judgment required legislative reform. Legal Services was also not considering extension from the Constitutional Court as that legislation was not yet in Parliament. Legal Services was awaiting a response from the Department of Justice and Constitutional Development on the request from the Programme Committee for introduction to be made sooner than April 2024, and enquired from them about a possible extension application.

Divorce Act, 1979 (Act No. 70 of 1979)

The Department of Justice and Constitutional Development had confirmed that it was in the process of developing Bills to amend both the Divorce Act, 1979 and the Matrimonial Property Act, 1984 to provide for the issues raised in the judgment.

7. Consideration of Parliamentary programme

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

Plenaries on 5 and 6 December would start at 10:00 to consider legislation, some of which was provisionally scheduled on the two days. As a result, the three-day rule would have to be suspended. Due to the length of the sitting on Tuesday, consideration could be given to suspend the business in the afternoon for a comfort break, besides the normal lunch break. Regarding Votes and Schedule to the Adjustments Appropriation Bill on 6 December, she appealed to political parties to indicate on which votes they might wish to ask questions, object or call for a division. Communication on this had been sent to parties.

Mr Xaso advised that reports from the Powers and Privileges Committee and Joint Rules Committee on proposed amendments of Joint Rules would also be scheduled for Tuesday and Wednesday, respectively, once finalised.

Parliamentary Programme Framework for 2024

The Programming Whip presented the draft Parliamentary Programme Framework commencing on 30 January until 28 March, as had been circulated to members in preparation for consideration by the JPC meeting.

Regarding the debate on the State-of-the-nation Address on 13 February, Mr Xaso recommended that consideration be given to start the sitting at 10:00 as was the case in February 2023, instead of 14:00. The matter would have to be decided by the meeting of the JPC. Mr Xaso also emphasised that it was not yet known when the Elections would be held, hence the Framework ran until end of March. Even though the NCOP would still be meeting in April, members of the National Assembly could use that period for constituency work.

House Chairperson Ms Boroto asked what was entailed by the 6th Parliament "offboarding and exit session" during the week of 30 January – 2 February as a joint Members' workshop session was also planned in that period. Mr Xaso replied that the workshop would, amongst others, consider issues around tax and pensions for members. The matter would be appropriately reflected on the programme. The Chief Whip of the Majority Party stated that the National Assembly had been concerned that an impression had been created that the Women's Charter was run as an NCOP programme, instead of a parliamentary event. She said that the matter had previously been raised and that it had now been noticed that the

Assembly was making a similar error as the National Men's Parliament, which took place on 19 November in Limpopo, was not reflected in the parliamentary programme. Furthermore, she said that even though Sectoral Parliaments were led by the Deputy Speaker or Deputy Chairperson of the Council, members should not be kept in the dark about such activities. The Speaker replied that the matter would be corrected.

Parliamentary Programme for the First Term in 2024

The Programming Whip presented the draft Programme in line with the Parliamentary Programme Framework which had also been circulated.

The Chief Whip of the Majority Party reminded the meeting that provision should be made for the special sitting in January to consider the matter of the two judges, as discussed earlier.

8. Announcements

There were no announcements.

9. Closure

The meeting adjourned at 09:23.