



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga

DRAFT MINUTES OF PROCEEDINGS

Thursday, 1 February 2024 [Virtual]

Present:

N N Mapisa-Nqakula (Speaker)

S L Tsenoli (Deputy Speaker)

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

Staff in attendance:

Secretary to Parliament Mr X George, Secretary to the National Assembly Mr M Xaso, Mr D J Sithole (International Relations and Protocol Division), 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 Parliamentary Counsellor to the President Dr G W Koornhof.

3. Consideration of draft agenda

The draft agenda was adopted, as proposed.

4. Consideration of minutes of 30 November 2023

On the proposal of House Chairperson Mr Frolick, seconded by the Programming Whip, the minutes of 30 November were adopted.

5. Matters arising

Mr Xaso provided feedback on the following matters:

Update on alternative venues for sittings in 2024

The administration was in the process of finding a suitable venue for physical sittings, in and around the city centre, by 1 April 2024, as directed by the presiding officers. The venue should ideally be within walking distance from the Parliamentary precinct in order for members to be able to use their offices during session periods and also to use other venues on the precinct.

Scheduling of reports on the removal of Judge President M J Hlophe and Judge N J Motata
The two reports were scheduled for consideration on 21 February in the City Hall, after the Budget Speech.

Joint Workshop Session

The workshop, which was initially scheduled for 1 – 2 February, had been rescheduled for 16 February.

Ms Mkhalihi indicated that she had previously requested a comprehensive report be made available on the matter of alternative sitting venues. Mr Xaso replied that such a report would be made available in due course, adding that the mandate of the team looking into this was to complement what was already available in Parliament as there were committee rooms in the parliamentary precinct that would be upgraded and there was an effort to make more of these venues available. The main issue was the availability of a venue for plenaries for all members and, where necessary, joint sittings. The Speaker added that Parliament was considering using the City Hall, as well as the Cape Town International Convention Centre (CTICC) and the Good Hope Centre. In weighing costs, the City Hall in terms of ICT facilities and the CTICC were costly and the GHC was non-compliant with several regulations. The Speaker, nonetheless, said that every effort was being made for members to have a suitable venue in place by 1 April.

Mr Swart said that, whilst he appreciated that the process was in its early stage and that a decision had been taken in that regard, he suggested that consideration be given to the fact that there might not be a need for a venue in the next few months due to the forthcoming Elections. Furthermore, the issue of budget cuts to Parliament would have an impact. Mr Shaik Emam reiterated that it was important to acknowledge that the country was currently experiencing financial challenges and that Parliament had been functioning in a hybrid format. He elaborated that members should get accustomed to the idea of the Fourth Industrial Revolution as most of the work was conducted in committees and, as a result, Parliament should take decisions based on the interest of the public by ensuring that it was receiving value for money.

The Chief Whip of the Majority Party stated that the view from the Chief Whips' Forum was that Parliament should look at semi-temporary accommodation that could accommodate 400 members of the National Assembly for its plenaries. She said that the only thing outstanding was that the venue should be affordable. When such a venue was confirmed, political parties should all come back for full physical sittings. The Speaker concurred, asserting that should a

venue be available, all parties would have to commit themselves by attending to avoid fruitless and wasteful expenditure.

6. Reports

(i) Committee Section

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

- The Portfolio Committee on Home Affairs intended to finalise the Electoral Matters Amendment Bill on 16 February
- The Portfolio Committee on Mineral Resources and Energy intended to finalise the Electricity Regulation Amendment Bil on 29 February

Ms Giba also indicated that the *Ad hoc* committee to consider and report on the General Intelligence Laws Amendment Bill intended to finalise its report on the General Intelligence Laws Amendment Bill on 28 February. On statutory appointments, the Portfolio Committee on Women, Youth and Persons with Disabilities intended to finalise recommendation of candidates for appointment to the Commission for Gender Equality (CGE). The Portfolio Committee on Justice and Correctional Services would be processing the appointment of the Deputy Public Protector.

(ii) Bills Office

Dr Mbatha reported that there were 29 Bills before Committees, with the National State Enterprises Bill, Repeal of South African Airways Bill and the Pension Funds Amendment Bill having recently been introduced. The National Sport and Recreation Amendment Bill and One-Stop Border Post Bill had been certified for introduction.

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 sent to the President for assent.

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

The Bill had been sent to the President for assent.

Marriage Act 25 of 1961 and Divorce Act 70 of 1979

Divorce Act: In respect of the Bill, the Select Committee on Justice and Safety had received feedback from the Department of Justice and Constitutional Development on public comments on 25 January 2024.

Marriage Act: The Department had introduced the Marriages Bill on 13 December 2023.

Copyright Act, 1978 (Act No. 98 of 1978)

The Portfolio Committee on Trade, Industry and Competition would be considering NCOP amendments on 6 and 14 February.

Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992)

The Select Committee on Justice and Security had received feedback from the Department of Justice and Constitutional Development on public comments on 25 January 2024.

Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019)

The Department of Cooperative Governance and Traditional Affairs had confirmed that they had since commenced with the development of a Bill. The Department had also developed a comprehensive Socio-Economic Impact Assessment (SEAIS) and referred it to the Department of Planning, Monitoring and Evaluation in the Presidency on 8 December 2023. Once the preliminary certification was received, the Department would have the Bill placed on the agenda of the relevant Cluster Working Group in February 2024.

The Chief Whip of the Opposition asked whether legislation that could be finalised in March would still be sent to the NCOP and what would happen to legislation before committees in the National Assembly that does not necessarily affect Provinces which was likely to lapse at the end of the Sixth Parliament. House Chairperson Mr Frolick advised that it was ideal to wait for the announcement of the Election date by the President to have a sense of what committees could finalise before Parliament rose. The Programme Committee would have to state clearly when the last sitting of the National Assembly would be. He, however, explained that based on previous experience, it was incumbent on the incoming administration for its Executive to decide on the Bills that it might wish the legislature to revive to consider the work that had already been done by the previous Parliament. Mr Singh concurred citing the case with the Medical Innovation Bill which was carried over from the previous Parliament for completion by the incoming Parliament.

Mr Xaso informed the meeting that the process on the appointment of the panel to conduct a preliminary inquiry to assess a motion on the removal of a commissioner in the Commission on Gender Equality was continuing and members would be informed once the Speaker had finalised the matter.

7. Consideration of Parliamentary programme

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

Committees/oversight would continue until Wednesday, 7 February. The President's State-of-the-nation Address (SONA) was scheduled for Thursday 8 February at 19:00 in the form of a Joint Sitting. The Address would be followed by debates on 13 and 14 February, as well as the Reply by the President on 15 February.

Ordinary sittings were scheduled to commence from Tuesday, 20 February with legislation and committee reports scheduled for consideration that day. On Wednesday, 21 February the Minister of Finance would table the Budget Speech and that would be followed by resumption of business at 16:00 for consideration of reports on the removal of Judge President Hlophe and Judge Motata.

On 22 – 23 February, committee meetings were scheduled and the condolence motions for A H Mthembu and V S Siwela were scheduled for 5 March.

In response to the Chief Whip of the Opposition, Mr Xaso explained that a manual roll call procedure would be followed when voting on the Judges' matter as they require a

special majority vote. Adv Van der Merwe confirmed that, based on court papers, there was no indication that processes in Parliament in respect of Judge President Hlophe should not be scheduled for consideration. As a result, the Speaker said that the matter remained scheduled for that day.

Ms Mkhalihi informed the meeting that, as the National Assembly was conducting oversight exercise, some members were not allowed access to premises by officials in certain institutions, even though prior arrangements had been made for such visits and reflected in parliamentary committee activities. The Speaker reaffirmed that no official had the right to deny members the right to exercise official oversight, but that it was also equally incumbent on members of a committee to act responsibly and that such engagements be organised, and proper communication take place. If proper communication had been made, members have recourse to refer such matters to the committee as well as to communicate further with that institution. Mr Papo added that such rights should be exercised responsibly by having a balance that would not disrupt planned work of the institutions involved.

The Parliamentary Programme for the First Term was accordingly agreed to.

8. Presentation on the President's State-of-the-nation Address

Mr Sithole provided a summary on the arrangements for SONA, as follows:

- The President' Address was scheduled for 8 February at 19:00 at the City Hall and the ceremonials would be conducted by the South African National Defence Force.
- The imbongi would come from Mpumalanga.
- Departure from villages to Parliament and City Hall was scheduled for 08:00, 15:00, 15:30 and 16:00.
- Departure from City Hall would be 20 minutes after the sitting, at 15-minute intervals.
- A general document had been sent to certain Members of Parliament who had been assigned roles to play on that day, to be followed by specific individual communication in due course.
- Names of 100 guests from political parties in Parliament were currently being captured as received and these guests would be receiving their accreditation in due course.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:30.