



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker of the National Assembly

Committee Secretary:
A Mbanga

DRAFT MINUTES OF PROCEEDINGS

Thursday, 22 February 2024 [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)	Majozi, Z
Frolick, C T (House Chairperson)	Majodina, P C P (Chief Whip of the Majority Party)
Gwarube, S (Chief Whip of the Opposition)	Mulder, Dr C P
Herron, B N	Ntlangwini, E N
Jafta, S M	Ntombela, M L D (House Chairperson)
Koornhof, Dr G W	Papo, A H M (Parliamentary Counsellor to the Deputy President)
Kwankwa, N L S	Swart, S N
Lesoma, R M M	Tseke, G K (Programming Whip)
Loate, T	Wessels, W W

Staff in attendance:

Secretary to Parliament Mr 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 13:00 and welcomed everyone present.

2. Apologies

Apologies were tendered on behalf of Messrs N Singh and A M Shaik Emam.

3. Consideration of draft agenda

The draft agenda was adopted, as proposed.

4. Consideration of minutes of 1 February 2024

On the proposal of House Chairperson Mr Frolick, seconded by the Chief Whip of the Majority Party, the minutes of 1 February were adopted.

5. Matters arising

Mr Xaso reminded the meeting that parties had been requested to submit names to serve in the panel to conduct a preliminary inquiry to assess a motion on the removal of a commissioner in the Commission for Gender Equality (CGE), which was a process detailed by Section 129 of the Assembly Rules. Names had since been submitted and the Speaker had decided on the members to serve on the panel and the members were being engaged on technical matters. The intention was that the panel should be in place by March with the hope that it should be able to complete its task prior to the Elections.

The Chief Whip of the Majority Party conveyed her appreciation for the role played by presiding officers during the Members' Workshop Session on 16 February. She, however, indicated that it was agreed in the workshop that a calculated draft gratuity would be sent to all members who qualified for it, but that this had not yet been done. Linked to that was the issue of beneficiary forms for funeral cover so that party whips could follow up on those members who had not yet submitted them. Mr Xaso replied that the matter would be followed up with Members' Support Services.

6. Reports

(i) Committee Section

Ms Giba indicated that of the 23 Bills currently before committees, 14 were likely to be finalised by 28 March, of which seven were section 75 bills and the others were section 76 bills.

- The Portfolio Committee on Mineral Resources and Energy intended to finalise the Electricity Regulation Amendment Bill on 29 February
- The Portfolio Committee on Home Affairs intended to finalise the Electoral Matters Amendment Bill on 1 March

Ms Giba also indicated that the *Ad hoc* committee on the General Intelligence Laws Amendment Bill intended to request an extension to 22 March 2024 to finalise its report on the General Intelligence Laws Amendment Bill. On statutory appointments, the Portfolio Committee on Women, Youth and Persons with Disabilities intended to finalise recommendations of candidates for appointment to the Commission for Gender Equality on 15 March. The Portfolio Committee on Justice and Correctional Services intended to finalise the recommendation for the appointment of the Deputy Public Protector on 20 March.

(ii) Bills Office

Dr Mbatha reported that there were eight Bills on the Order Paper for consideration. Following the tabling of the Budget Speech by the Minister of Finance the previous day, the Division of Revenue Bill and Appropriation Bill would be referred to the Standing Committee on Appropriations after the adoption of the Fiscal Framework and Revenue Proposals.

Furthermore, the Second Adjustments Appropriation (2023/24 Financial Year) Bill and Gold and Foreign Exchange Contingency Reserve Account Defrayal Amendment Bill had also been introduced.

House Chairperson Ms Boroto asked how the National Assembly intended to process section 76 legislation before committees, in view of the Constituency Period starting on 29 March and the fact that the National Council of Provinces required six weeks to process such legislation.

Dr Mulder cautioned that the Electoral Matters Amendment Bill, which was priority legislation, could be challenged in court if it remained in its current form and would most likely have an effect on the date of Elections. House Chairperson Mr Frolick explained that he had been in discussion with the chairperson of the committee and was keeping a close eye on developments with the bill. He added that committees had been asked to refine their programmes further, in view of the date of Elections that had been announced as well as the parliamentary programme. Committees had also been advised not to short-circuit processes and comply with Rules of the National Assembly to ensure that legislation that would be finalised would pass constitutional muster. House Chairperson Mr Frolick also clarified that the Joint Committee on Ethics and Members' Interests did not report to him and that any matters related thereto went directly to the House.

7. Election date and the Parliamentary Programme

Mr Xaso provided a presentation on the establishment of the 7th Parliament as follows:

The date for national and provincial elections had been announced by the Presidency as 29 May 2024. A proclamation would still be issued, officially setting the date of the elections. In terms of section 49 of the Constitution, 1996, a proclamation calling and setting dates for an election may be issued before or after the expiry of the term of the National Assembly. Section 49 of the Constitution states that –

- (a) The National Assembly is elected for a term of five years.
- (b) If the National Assembly is dissolved in terms of Section 50 of the Constitution, or when its term expires, the President, by proclamation in the Government Gazette, must call and set dates for an election and the election must be held within 90 days of the day the Assembly was dissolved or its term expired.

Section 50 of the Constitution (Dissolution of the National Assembly, before expiry of its term) states that –

The President must dissolve the National Assembly if –

- (a) The Assembly has adopted a resolution to dissolve with a supporting vote of a majority of its members (201 members); and
- (b) Three years have passed since the Assembly was elected.

In terms of section 49(1) of the Constitution, 1996, the National Assembly is elected for a term of five years. The term of the current Assembly will expire at midnight on 21 May 2024. The Term is determined based on the first sitting of the National Assembly after the election (in 2019, the first sitting was on 22 May 2019). As the election date of 29 May was after expiry of the term, there was no need to dissolve the Assembly.

The Assembly remains competent to function from the time it is dissolved, or its term expires, until the day before the first day of polling for the next Assembly.

- In terms of Section 57 of the Electoral Act, 1998, the results of the elections should be declared within seven days after an election.
- After the declaration of results, there should be a process of designation of members for the National Assembly by the Electoral Commission.
- The lists are then handed to Parliament, in a session that involves the Chief Justice and the Electoral Commission.

In response to Dr Koornhof and the Chief Whip of the Majority Party, Mr Xaso reiterated that Parliament's understanding was that there was no basis to dissolve the National Assembly as stated above. Regarding lapsing of business, Mr Xaso elaborated that according to Assembly Rule 351:

All business before the Assembly or any Assembly committee, on the last sitting day of term when the Assembly is dissolved, lapse at the end of that day.

The Assembly remains competent to function from the time it is dissolved, or its term expires, until the day before the first day of polling for the next Assembly. From 29 May, the National Assembly can only be reconvened once it has been constituted at its First Sitting of the 7th Parliament. Further advice on lapsing of business would be made available in due course.

The Chief Whip of the Majority Party suggested that, should it be necessary that the National Assembly should meet in the Constituency Period to consider urgent business, such a sitting should be in a hybrid manner to avoid calling all members to a fully physical sitting. Mr Kwankwa concurred that such an arrangement would be a viable option.

Mr Xaso indicated that the presentation would be circulated to members of the committee after the meeting.

8. Consideration of the Programme

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

On Tuesday 27 February, Second Reading debates on Public Service Amendment Bill, Public Administration Management Amendment Bill and Statistics Amendment Bill; as well as consideration of reports from Home Affairs and Trade, Industry and Competition were scheduled.

On Wednesday 28 February, questions to the Peace and Security cluster were scheduled.

On Thursday 29 February, consideration of report on filling of a vacancy in the Independent Communications Authority of South Africa (Icasa) Council, as well as consideration of reports on the Copyright Amendment Bill, Performers' Protection Amendment Bill, National Road Traffic Amendment Bill and Economic Regulation of Transport Bill.

On Friday 1 March, three mini-plenaries were scheduled in order to debate subjects for discussion.

The Programming Whip also advised that two reports from the Powers and Privileges Committee would also be scheduled for consideration in the coming week as these would be finalised that afternoon. Questions to the Deputy President on 28 March were scheduled to start at 09:00, to enable members to prepare for Good Friday.

Mr Papo advised that the National Assembly could be required to convene a special sitting in order to consider a report on the appointment of the Deputy Public Protector.

Mr Xaso informed the meeting that the process of amending the Joint Rules was still underway and the subcommittee would be meeting shortly. There could therefore be a report from the Joint Rules Committee which would include matters relating to petitions.

As proposed by the Chief Whip of the Majority Party, **IT WAS AGREED** that questions to the Deputy President on 28 March would be conducted in a fully virtual plenary.

8. Announcements

House Chairperson Ms Boroto indicated that the Members' Support Forum was working on a guide concerning departure of members from villages which would be provided in a meeting scheduled for 5 March. The guide would provide all the necessary information relating to dates for members' departure and a full report would be made available on 15 March.

9. Closure

The meeting adjourned at 13:50.