



**NATIONAL ASSEMBLY PROGRAMME COMMITTEE**

Chairperson:  
Speaker

Committee Secretary:  
A Mbangwa x 3218

**DRAFT MINUTES OF PROCEEDINGS**

Thursday, 30 August 2018, E249

Present:

S L Tsenoli (Deputy Speaker)

Bhengu, F	Koornhof, Dr G W (Parliamentary Counsellor to the President)
Boroto, M G (House Chairperson)	Matiase, N S
Frolick, C T (House Chairperson)	Steenhuisen, J H (Chief Whip of the Opposition)
Hlonyana, K N F	Van der Merwe, L L
Hlengwa, M	Waters, M
Khubisa, Prof N M	

Staff in attendance:

M Xaso, T Lyons (NA Table), S Tshabalala (Committees) and N Bell (Constitutional and Legal Services Office).

**1. Opening remarks**

The Deputy Speaker opened the meeting at 08:34 and welcomed all present.

**2. Apologies**

Apologies were tendered on behalf of the Speaker, House Chairperson Ms A T Didiza, Mr J M Mthembu (Chief Whip of the Majority Party), Ms D E Dlakude (Deputy Chief Whip of the Majority Party), Mr E I Ebrahim (Parliamentary Counsellor to the Deputy President), Messrs N F Shivambu and N Singh and Ms N W A Mazzone.

**3. Consideration of draft agenda**

The draft agenda was adopted as proposed.

#### **4. Consideration of draft Minutes of 23 August 2018**

On the proposal of Mr Bhengu, seconded by Mr Waters, the minutes of 23 August were adopted.

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

The Chief Whip of the Opposition asked if there was feedback on the status of the vacancy in the Joint Standing Committee on Intelligence, which occurred due to the resignation of the then chairperson, Mr C Nqakula. Mr Xaso advised that the presiding officers had since written to the President who would consult political parties on the nomination. The Parliamentary Counsellor to the President added that the matter was receiving attention.

Mr Xaso informed the Committee that the Acting Secretary to Parliament had confirmed that the procurement guidelines had been followed in the appointment of a service provider regarding the processing of public submissions received by the Joint Constitutional Review Committee on review of Section 25 of the Constitution.

#### **6. Report by the Committee Section**

In his presentation on Bills and other matters before committees, Mr Tshabalala highlighted the following:

The *Defence Amendment Bill* had been finalised and the Portfolio Committee on Public Works had recommended that the House should reject the *Expropriation Bill*. In consideration of the *Property Practitioners' Bill*, the Portfolio Committee on Human Settlements intended to have a summit on property practitioners' legislative review and transformation in Gauteng from 14-15 September. The Standing Committee on Finance had postponed further deliberations on the *Public Investment Corporation Amendment Bill* until a commission of inquiry into the Public Investment Corporation had finalised its work.

The Ad Hoc Joint Committee on Parliamentary and Provincial Medical Aid Scheme Act had resolved to establish a subcommittee to attend to other matters relating to the committee's work. A revised programme of the committee was awaited.

With regard to the proposed schedule of the Portfolio Committee on Trade and Industry for it to meet during plenaries in the current term, House Chairperson Mr Frolick indicated that he had consulted the chairperson of the committee and that it had been resolved that the committee will revise its programme and would also meet on Fridays.

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

Mr Bell presented a report on Bills before committees and advised that eight Bills on his list had made the deadline of 30 May set by Parliament for passing of legislation by the end of 2018.

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

Mr Bhengu presented the draft programme for the Third Term and highlighted the following:

The debate on draft resolution on the launch of the South African Chapter of the Global TB Caucus for Parliamentarians, Second Reading debates on *National Environmental Management Laws Amendment Bill*, *Choice on Termination of Pregnancy Amendment Bill* and *Independent Police Investigative Directorate Amendment Bill* and consideration of report on the *Expropriation Bill* and *Candidates nominated for appointment as members of Electoral Commission* were scheduled for Tuesday, 4 September.

Questions to the Governance cluster were scheduled for Wednesday, 5 September.

Tributes to former Secretary-General of the United Nations Mr Kofi Annan, a motion from the UDM on *Working towards an integrated and comprehensive infrastructure development strategy to fight poverty, inequality, unemployment and underdevelopment* were scheduled for Thursday, 6 September.

With regard to consideration of the *Choice on Termination of Pregnancy Amendment Bill*, Ms Lyons presented a proposal on processing of the bill which sought to address challenges that had been experienced when processing private members bills in the past:

In response to the Chief Whip of the Opposition, Ms Lyons indicated that the committee's report contained views and opinions, but the only recommendation was that the Bill should not be proceeded with. The Chief Whip of the Opposition cautioned that an impression should not be created that private members were treated differently based on the extensive litigation that had taken place in respect of processing such legislation, and proposed that there should be consistency in the manner in which legislation was processed. In order to avoid confusion as had been experienced in the past, Mr Xaso advised that the report and the Bill could be considered by the House, as stipulated in the new Rules. Previously, only the report was placed before the House as it contained the decision of the committee. The Chief Whip of the Opposition indicated that his understanding was that if the Bill had been rejected, the report thereon should be debated or that declarations should be made and thereafter the House could proceed to the consideration of the Second Reading of the bill without debate. In that way, reasons could be advanced on why

the Bill was rejected, instead of debating every piece of legislation. It was **AGREED** that the National Assembly Table would provide further advice on the matter should it be required, but that the Report of the Portfolio Committee on Health on the *Choice of Termination of Pregnancy Amendment Bill* would be considered by the House and that political parties would have an opportunity to make declarations on the report. Following this the question of the Second Reading of the *Choice on Termination of Pregnancy Amendment Bill* would be put and there would not be debate or declarations.

Mr Bhengu also informed the meeting that questions to the Deputy President had been re-scheduled for 12 September and the sitting on 11 September would now take place in the afternoon as discussed in the Chief Whips' Forum. He also indicated that he was consulting the Office of Leader of Government Business on whether the questions that stood over due to the unavailability of certain Ministers the previous day could be rescheduled for the following week. The Chief Whip of the Opposition proposed that the poor attendance of members of the Executive during question sessions should be referred to the Rules Committee. He said that if there was a pattern of non-attendance by certain Ministers, it was a sign of remarkable disrespect for presiding officers, Members of Parliament, as well as citizens of the country who expect that they be held accountable. Furthermore, he said that Parliament could not win back its waning public trust when members were not able to conduct their oversight work due to Ministers not being available to account during question periods. The Deputy Speaker reiterated that the matter was receiving attention.

Mr Matiase asked if there was feedback on his party's request for a debate on the plight of Fees Must Fall activists who had either been imprisoned or sentenced by courts. The Deputy Speaker reported that a response had been sent to the EFF and that the matter had also been referred to the programming whip. The Chief Whip of the Opposition expressed concern that the matter qualified for debate, as his party had previously been denied an opportunity when they submitted requests for debates on urgent matters of national public importance. He cautioned that such a debate could be a legal and procedural minefield should it be seen to encroach on the work of the judiciary.

In response to Ms Van der Merwe, the Deputy Speaker advised that an announcement conveying congratulations to Mr M G Buthelezi on his 90<sup>th</sup> birthday would be made in the House at an appropriate time. Prof Khubisa indicated that there could also be consideration for a short debate for parties to express their congratulatory messages, which could be considered by presiding officers. It was **AGREED** that the matter would be considered by the presiding officers.

## **9. Announcements**

The Deputy Speaker announced that the launch of books of Theme Committees on the writing of the Constitution was scheduled for 11 September in the Old Assembly Chamber. The launch was part of the Centenary Celebrations and 20<sup>th</sup> Anniversary of the Constitution. The Deputy Speaker also indicated that a movie on the life of Nelson Mandela was planned in order to promote creative industries.

#### **10. Closure**

The meeting adjourned at 09:08.