



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 18 August 2016, E249

Present:

B Mbete (Speaker)

Bhengu, F	Mthembu, JM (Chief Whip of the Majority Party)
Boroto, MG (House Chairperson)	Steenhuisen, JH (Chief Whip of the Opposition)
Kwankwa, NLS	Waters, M
Mazzone, NWA	

Staff in attendance:

G Mgidlana (Secretary to Parliament), M Xaso (Secretary to the NA), N Bell (Constitutional and Legal Services Office), S Tshabalala (Committees) and C Mahlangu (NA Table).

1. Opening remarks

The Speaker opened the meeting at 08:40.

2. Apologies

Apologies were tendered on behalf of House Chairperson Mr CT Frolic, Ms DE Dlakude (Deputy Chief Whip of the Majority Party), Dr GW Koornhof (Parliamentary Counsellor to the Deputy President), Mr N Singh and Dr CP Mulder.

3. Consideration of the agenda

The agenda was adopted as proposed.

4. Consideration of Minutes of 19 May 2016

On the proposal of Chief Whip of the Majority Party, seconded by the Chief Whip of the Opposition, the minutes of 19 May were adopted.

5. Matters arising

Mr Xaso indicated that most of the items related to the last term and that the scheduling of the report on the recommendation of persons for appointment to the South African Human Rights Commission would be considered under the Programme item.

6. Report by the Committee Section

Mr Tshabalala presented a document on Bills and other matters before committees. Amongst the issues he highlighted were the following:

The Portfolio Committee on Agriculture, Forestry and Fisheries intended to consider the *Performing Animals Protection Amendment Bill*, which had been returned to the Assembly for consideration of the President's reservations, on 23 August. Besides the *Liquor Products Amendment Bill* and *National Forests Amendment Bill* that had been recently introduced, the committee also intended to finalise the *Plant Improvement Bill* and *Plant Breeders' Rights Bill* on 30 August.

The Portfolio Committee on Trade and Industry intended to finalise the international agreement on *Economic Partnership Agreement between the SADC EPA States, of the one part, and the European Union and its member states, of the other part* on 24 August. The Ad Hoc Committee to nominate a person for appointment as Public Protector, which had a deadline of 31 August to report, intended to meet again on Thursday, 18 August.

The Speaker urged the Committee Section to provide as much as possible an updated information when presenting their report.

The Chief Whip of the Opposition requested that the Committee be regularly updated on Constitutional Court deadlines so that those Bills could be prioritised before the end of the annual session. The Chief Whip of the Opposition further indicated that he was concerned that the *Border Management Authority Bill* was only being considered by the Portfolio Committee on Home Affairs even though it traversed section 119 of the Constitution and impacted on the South African Police Service, the South African National Defence Force and the Standing Committee on Finance. He suggested that the Bill could be considered jointly with these relevant committees. It was **AGREED** that this matter would be referred to House Chairperson Mr CT Frolick for further processing.

With regard to the South African Human Rights Commission, the Chief Whip of the Majority Party explained that he had raised concerns during the Chief Whips' Forum that an advertisement requesting nominations of candidates, which was an important national matter, only appeared in one newspaper on 31 July, and that this occurred shortly before the Local Government Elections when the majority of members were involved in election campaigning. He said that he had only become aware of the advertisement a few days before its deadline. Furthermore, the advertisement only indicated five vacancies even though there were seven vacancies, including that of the chairperson. The Chief Whip of the Majority Party further stated that Parliament should not be found wanting when it came to public consultation and urged the committee to readvertise. Given the deadlines and the processes that needed to unfold, Mr Waters indicated that this matter was urgent and urged the Chief Whip of the Majority Party to put pressure on the committee to meet. It was **AGREED** that this matter would also be referred to House Chairperson Mr Frolick for processing.

Mr Xaso confirmed that the *Performing Animals Protection Amendment Bill* had been returned to Parliament and referred to the Portfolio Committee on Agriculture, Forestry and Fisheries due to the President's reservations on its constitutionality which centered mainly on concerns around quorum issues in the National Council of Provinces (NCOP) when the bill was passed by that House. A bill returned by the President had to first be processed in the Assembly before it could be transferred to the Council. The Bill had a Constitutional Court deadline of 26 August 2016 and would be scheduled in the following week in order for it to be transmitted to the NCOP so that they could attend to the problem. Mr Waters reiterated the importance of updating the Programme Committee on bills that had Constitutional Court deadlines, as was raised earlier.

6. Report by Bills Office

Mr Bell presented a report on bills before the National Assembly committees and reported that besides the *Performing Animals Protection Amendment Bill* and the *Financial Intelligence Centre Amendment Bill*, the *Estate Agency Affairs Amendment Bill* and *Criminal Procedures Amendment Bill* also had Constitutional Court deadlines.

Mr Bell also indicated that they were in consultation with National Treasury on the processing of legislation that accompanied the Medium Term Budget Policy Statement (MTBPS) which would be tabled in October.

7. Consideration of draft Parliamentary programme

Mr Bhengu presented the parliamentary programme for the Third Term, as follows:

On Tuesday, 23 August, the Assembly would consider the *Performing Animals Protection Amendment Bill Recommendation of persons for appointment to SA Human Rights Commission*, and the debate on the *2016 Local Government Elections* as an Urgent Matter of National Public Importance. The condolence motion for Ms RE Nyalungu, motions and members' statements are also scheduled for that day.

Questions to Cluster 2: Social Services were scheduled for Wednesday, 24 August. As discussed in the Chief Whips' Forum only the Minister of Arts and Culture would be not able to attend, but the Deputy Minister would be available. A Joint Sitting on National Women's Day was scheduled for Thursday, 25 August.

The Second Reading debate on *Children's Amendment Bill* and *Children's Second Amendment Bill* were provisionally scheduled for Wednesday, 30 August. Motions and members' statements were also scheduled for that day. Questions to Cluster 3: Governance were scheduled for Wednesday, 31 August.

Questions to the Deputy President, a condolence motion for Rev MA Stofile, who was the first Chief Whip of the Majority Party in 1994, as well as motions and members' statements were scheduled for 1 September. Two mini-plenaries were scheduled for 6 and 8 September respectively in Committee Room E249 and the Old Assembly Chamber on a trial basis.

Mr Bhengu indicated that Questions to the President would be scheduled for 13 September and the rest of the week was reserved for Committees/Oversight work. Committees were also scheduled in the week of 20 – 23 September.

Mr Waters sought clarity on whether the Deputy President was not supposed to also answer questions in August as he was now required to do so once a month. Mr Xaso indicated that according to Rule 139(1)(b), the Programme Committee should determine which months qualified as months during session within the annual programme for the purpose of the rule. He also explained that the Deputy President had earlier indicated that he was available to answer questions on 24 August but could not be scheduled at the same time as clusters. It was for the Programme Committee to decide whether the period starting on 1 September could be regarded as a month moving forward.

The Chief Whip of the Majority Party stated that the reality of the matter was that the new rules were introducing a number of aspects that were new to members and the question remained whether the committee would stick to the actual intention or the

letter of the rules and suggested that a month should be calculated as from 1 September, as members only returned from to Parliament from 16 August. Ms Mazzone clarified that her understanding was that the Subcommittee on Rules referred to a calendar month when Parliament was in session.

The Chief Whip of the Opposition said that holding the executive accountable was the primary duty of members, and wavering of rules should only be done under the most extreme circumstances. He proposed that the Deputy President be also scheduled to answer questions on 24 August and that the Joint Sitting on National Women's Day should rather take the form of a debate in the Assembly and not a Joint Sitting as that would allow the Assembly to also process other business before it.

Mr Xaso said that, according to Rule 139(6), there was a requirement that questions should be submitted at least 16 calendar days before the question day. The Chief Whip of the Majority Party said that if Questions to the Deputy President were to be scheduled for 24 August, it would pose a logistical nightmare and urged that further consultations on the matter be held outside the meeting. He indicated that Questions to Cluster 2: Social Services was also an opportunity of exercising accountability as there were Ministers who had been approached to ensure that they were available to answer questions on 24 August and by not complying with the 16 days' deadline, Parliament would fall foul of its rules. It was **AGREED** that the matter, as well as other matters emanating from the Rules Committee meeting earlier in the week, would be considered outside of the meeting.

Mr Kwankwa said that poor attendance during Joint Sittings defeated the purpose of these sittings and requested that Members should be encouraged to attend as the coverage of empty seats gave a bad reflection of Parliament. Mr Waters requested that dates for October and November for the Deputy President to answer questions be made available. He also said that having a debate on National Women's Day in the National Assembly would equally honour an important event and that he did not recall that particular Joint Sitting being considered by the last meeting of the Joint Programme Committee (JPC). Furthermore, he requested that in future the JPC should determine the days for scheduling of Joint Sittings.

The Speaker informed the meeting that she had received a letter from the Minister of Finance requesting to deliver the MTBPS on Wednesday, 26 October 2016 at 14:00 and table the Adjusted Estimates of National Expenditure and related amendment bills. It was **AGREED** that the matter be programmed for that day.

8. Determination of number and time for notices of motion

Mr Mahlangu made a presentation on the determination of the number and time for notices of motion in terms of Rule 124, which stipulate that the number of notices of motion on any sitting day and the period of time within which such motions should be completed on that day should be determined by the Programme Committee in accordance with Rule 210. In determining the number and the time limit for notices of motion on a sitting day, Mr Mahlangu said that the following options could be considered:

OPTION 1:

Option one provides for opportunities to all parties as follows:

- (i) ANC, DA, EFF, IFP, NFP, UDM, FF Plus, ANC, Cope, ACDP, APC, ANC, DA, AIC, Agang SA, PAC, ANC, DA, EFF and ANC.

Opportunities: ANC – 5, DA – 3, EFF – 2, all other parties will have 1 slot each.

OPTION 2:

The number of notices of motion and the time allocated for such motions follow the same sequence used for members' statements. The sequence is as follows:

- (i) ANC, DA, EFF, ANC, IFP, Group 1, ANC, Group 2, ANC, DA, ANC, Group 3, ANC, DA and ANC.

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| (ii) | Group 1: NFP (6), UDM (4), FF Plus (4) = 14 member |
| (iii) | Group 2: Cope (3), ACDP (3), APC (1) = 7 members |
| (iv) | Group 3: AIC (3), Agang SA (2), PAC (1) = 6 members |

OPTION 3:

A total of 30 minutes could be allocated for notices of motion as follows:

ANC – 13, DA – 5, EFF – 2, and all other parties – 1 minute each.

Mr Mahlangu added that members could also submit notices of motion outside of a sitting to the Secretary in terms of Rule 124(6)(b) and that this option would not limit members. The Chief Whip of the Majority Party wanted to know the logic between Option 1 and Option 3 which provided that the ANC would have five opportunities and 13 minutes, respectively and indicated that there should be consideration of a party strength, but at the same time smaller parties should not be disadvantaged. Mr Xaso said that Option 1 was providing opportunities for smaller parties during a sitting and attempted to take into

consideration sentiments raised in the Rules Committee that smaller parties should also be afforded opportunities to move motions in the House. Mr Waters felt that 90 seconds allocated on Option 1 was too much time and queried the rationale behind it. The Chief Whip of the Opposition said that he was concerned if members would be limited to a particular time when moving such motions. Mr Xaso replied that the proposals were merely attempting to implement the rules as they stipulated that the Programme Committee should determine the number and period of time for moving such motions and that ordinarily notices of motion did not go beyond 30 minutes during a sitting. He added that the time could also be limited to 45 seconds but that it should be considered that some of the notices would be in a form of a draft resolution which took longer than just identifying a topic.

Mr Kwankwa said that he did not agree with Option 2 as it was limiting and not providing maximum opportunities for smaller parties and warned that giving too much time to other parties meant that they could use the time for statements. On the proposal of the Chief Whip of the Majority Party it was **AGREED** that Option 2 should be considered with the proviso that all other parties were accommodated during a sitting and that the motions should be up to one minute.

It was also **AGREED** that there would be no transfer of opportunities and parties that were absent would forfeit their slots.

9. Announcements

Mr Xaso announced that there would be an information sharing session on the new rules for whips and committee chairperson immediately after the meeting in the same venue.

10. Closure

The meeting adjourned at 09:50.