



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 8 September 2016, E249

Present:

Mbete, Ms B (Speaker)

Bhengu, Mr F	Mazzone, Ms NWA
Frolick, Mr CT (House Chairperson)	Mente, Ms MV
Didiza, Ms AT (House Chairperson)	Mthembu, Mr JM (Chief Whip of the Majority Party)
Koornhof, Dr GW (Parliamentary Counsellor to the Deputy President)	Steenhuisen, Mr JH (Chief Whip of the Opposition)
Kwankwa, Mr NLS	Tsenoli, Mr SL (Deputy Speaker)
Hlophe, Ms HO	Waters, Mr M

Staff in attendance:

Ms B Tyawa (Deputy Secretary: Support Services), Mr M Xaso (Secretary to the NA Table), Mr N Bell and Adv. CR van der Merwe (Constitutional and Legal Services Office) and Mr S Tshabalala (Committees).

1. Opening remarks

The Speaker opened the meeting at 08:35.

2. Apologies

Apologies were tendered on behalf of House Chairperson Ms MG Boroto, Ms DE Dlakude (Deputy Chief Whip of the Majority Party), Messrs NF Shivambu, MQ Ndlozi and N Singh, and Prof NM Khubisa.

3. Consideration of the agenda

The agenda was adopted as proposed.

4. Consideration of draft Minutes of 1 September 2016

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

5. Matters arising

House Chairperson Mr Frolick indicated he had advised the Chairperson of the Portfolio Committee on Cooperative Governance and Traditional Affairs to split the hearings on the *Traditional and Khoi-San Leadership Bill* into two parts. He said that the committee's oversight period would continue as planned. He also reported that the Joint Standing Committee on Financial Management of Parliament was scheduled to meet on 23 September and urged members of that committee to attend the meeting.

The Chief Whip of the Majority Party indicated that the Leader of Government Business had expressed commitment from members of the Executive regarding attendance of Ministers in the House and answering questions. He appreciated the improvement in attendance in recent sittings, especially during questions and the quality of ministerial responses. He encouraged the Speaker to have regular meetings with the Leader of Government Business on the matter. The Chief Whip of the Opposition said that there had never been more than 11 members of the Cabinet present at a time and that the Minister of Mineral Resources was allowed to get away with not answering any of the supplementary questions on the urgent question, thus refusing to account to Parliament.

The Chief Whip of the Majority Party appealed to the Committee members that if they felt aggrieved by how presiding officers conducted the sittings of the House, they should still observe the decorum of the House as representatives of the people and not bring Parliament into disrepute. He reminded members that the debates of the House were broadcast live. He proposed to meet with the Chief Whip of the Opposition the next day to discuss decorum of the House.

Mr Waters said that the presiding officers also contribute to decorum challenges in the House especially when they are biased. He gave an example of the previous day and indicated that in his view the Minister of Mineral Resources did not attempt to respond to the question and was protected from answering the question. Ms Hlophe added that it was not the first time that political parties had complained about presiding officers protecting Ministers. She said that the Minister of Energy was also protected the previous day during questions by the presiding officer, until the Minister indicated that she in fact was prepared to answer a supplementary question. The Deputy Speaker undertook to provide a response to Ms Hlophe's allegations as he believed it to be an incorrect assertion. The Speaker replied that it was unfair to allege that presiding officers were biased as they could not be responsible for the adequacy of ministerial responses. She advised that any concerns of that nature should be directed to the Leader of Government Business.

The Chief Whip of the Opposition indicated that the Speaker represented the House and members at large and should seek to preserve the House's independence from the Executive and act impartially. He said that the Minister of Mineral Resources simply provided a prepared response, even for the supplementary questions. Mr Kwankwa proposed that it would be ideal if all these issues could be considered at a different forum attended by all parties in order to iron-out all the differences. House Chairperson Ms Didiza suggested that it might be necessary for the Speaker to meet with Chief Whips and Party Representatives as well as Presiding Officers to discuss matters of concern.

The Speaker made reference to 'Replies to Questions' on page 211 of the NA Guide to Procedure (2004). She quoted the following:

"Members of the Executive had discretion as to the answers they provide to a question... the Chair regulates the proceedings in the House, (but) it is not possible for the Chair to dictate to Ministers how they should reply to questions. If members are dissatisfied, there are political processes available to them to be critical of the manner in which Ministers deal with questions..."

Speaker further quoted that *"a Minister may propose to table, rather than read out, a lengthy reply."*

It was **AGREED** that the Speaker would consider the meetings as proposed so as to discuss some of the matters of concern.

6. Report by the Committee Section

Mr Tshabalala made a presentation on Bills and other matters before committees. He highlighted the following:

The Standing Committee on Finance intended to deliberate further on the *Financial Sector Regulation Bill* on 13 and 16 September. The Portfolio Committee on International Relations and Cooperation had provisionally scheduled a meeting to consider stakeholder inputs on the *Foreign Services Bill* on 22 September but also extended the deadline for further submissions to 30 October. The Portfolio Committee on Justice and Correctional Services intended to finalise the *Courts of Law Amendment Bill* on 21 September. The Portfolio Committee on Rural Development and Land Reform planned to do public hearings in Limpopo, North West and Gauteng provinces on the *Extension of Security of Tenure Amendment Bill* from 22 to 23 September.

The Portfolio Committee on Agriculture, Forestry and Fisheries intended to finalise the *Plant Improvement Bill* and *Plant Breeders' Rights Bill* on 13 September. The Portfolio Committee on Communications experienced delays on the security vetting of candidates to fill vacancies in the Independent Communications Authority of South Africa (ICASA) Board. As a result, the interviews would be rescheduled for a later date. The Standing Committee on Finance had finalised its consideration of seven international agreements.

Ms Mente requested clarity on when the Portfolio Committee on Public Service and Administration would consider the *Public Service Commission Amendment Bill* as previous meetings were cancelled on several occasions due to the unavailability of the chairperson of the committee. The Chief Whip of the Opposition added that the committee had not met for the past two weeks and should also consider filling the two vacancies in the Public Service Commission. Mr Waters said that he had been informed that Ms P Mabe, the chairperson of the committee, issued instructions that the committee should not meet. House Chairperson Mr Frolick explained that he had consulted the Chief Whip of the Majority Party and the matter was receiving attention. He added that he had advised chairpersons of committees that permission should first be granted before a meeting could be cancelled. The Chief Whip of the Majority Party said that he could not understand why a committee would cancel its business due to the unavailability of one person when the rules provided for the election of an acting-chairperson. It was **AGREED** that the committee should, in the interim period, meet and elect an acting-chairperson and that the Committee Section should facilitate the process.

7. Report by Bills Office

Mr Bell presented a report on bills currently before the National Assembly and reported that it concurred with the report of Committee Section.

8. Report on Constitutional Court deadlines

Adv. van der Merwe presented a report on Constitutional Court deadlines for legislation. She reported the following:

The Department of Justice and Correctional Services would meet the deadline set for the *Criminal Procedure Act* as the draft bill had been circulated for public comment in July 2016. She added that the chairperson of the Portfolio Committee on Justice and Correctional Services had been briefed on the matter. The department was currently consulting on the bill and aimed to introduce the bill in October 2016.

The Department of Agriculture, Forestry and Fisheries had been granted an extension of the deadline to 31 July 2017 for amendment of the *Performing Animals Protection Amendment Bill*. In the matter of *McBride vs Minister of Police and Another*, three pieces of legislation were found to be unconstitutional and the departments involved had a deadline of 5 September 2018 to rectify the legislation. The Legal Services unit would prepare a legal opinion to brief the chairpersons of the Portfolio Committee on Police and Public Service and Administration.

The Chief Whip of the Opposition enquired whether Parliament was not required to issue rescissions with regard to the *Financial Intelligence Centre Act* and *Estate Agency Affairs Act*, or whether the provisions were simply struck off by virtue of the court judgments and requested clarity on how they would be reflected in the statutes. Adv. van der Merwe explained that the Legal Services unit was considering that but the provisions would still be reflected in the Government Gazette and that a committee could also be approached to introduce a committee bill to omit the provisions.

Mr Waters noted that the Department of Human Settlements did not request for extension of the deadline of 26 February 2016 on the *Estate Agency Affairs Act* and that the Estate Agency Board did not seem concerned about the expiry of the deadline. He urged that the department or the committee should consider introduction of a new bill. Adv. van der Merwe clarified that the Department of Human Settlements had indicated that it was reviewing the whole Act and that was the cause of the delay in introducing a bill. The Deputy Speaker added that the department had previously indicated that striking off the provision was not fatal, as there were other provisions in law available for the board to proceed with 'search and seizure' operations and that would not render its actions illegal or negligent. The Speaker said that the committee, in consultation with the department, should be primed on how best to assist with regard to the concerns of the Estate Agency Board.

9. Consideration of draft Parliamentary programme

Mr Bhengu presented the parliamentary programme for the Third Term. He highlighted the following:

Questions to the President and a debate on 'challenges facing South African Airways' as an urgent matter of national public importance, were scheduled for 13 September while the rest of the week was reserved for Committees/Oversight. Committee meetings were also scheduled for the week of 20 – 23 September.

The Chief Whip of the Majority Party reminded the Committee that consultations in the Chief Whips' Forum were meant to assist in the smooth running of the institution and not undermine the authority of the Speaker. He undertook to approach the Speaker on programming matters, when necessary. He thanked the Speaker for not scheduling the statement proposed by the Minister of Finance that afternoon on the issue of South African Airways as it would have caused unnecessary tensions given that the EFF's request for a debate on the same matter had been granted. The Chief Whip of the Majority Party pointed out that the rules were silent on time allocation for parties for debates on matters of public importance. It was **AGREED** that, any member who introduces a debate as an urgent matter of national public importance should be allocated six minutes, in addition to time allocated to that member's party.

It was further **AGREED** that:

- 1) the EFF would have two opportunities to give notices of motion when notices of motion were programmed; and
- 2) members' statements and notices of motion would not be scheduled for Tuesday, 13 September.

Mr Bhengu indicated that consultations were taking place on the parliamentary programme for the Fourth Term.

10. Announcements

There were no announcements.

11. Closure

The meeting adjourned at 09:30.