



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 3 November 2016, E249

Present:

Mbete, B (Speaker)

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| Bhengu, Mr F | Mazzone, Ms NWA |
| Boroto, Ms MG (House Chairperson) | Mokgalapa, Mr S |
| Didiza, Ms AT (House Chairperson) | Mthembu, Mr JM (Chief Whip of the Majority Party) |
| Khubisa, Prof NM | Singh, Mr N |
| Koornhof, Dr GW (Parliamentary Counsellor to the Deputy President) | Waters, Mr M |
| Kwankwa, Mr NLS | |

Staff in attendance:

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

1. Opening remarks

The Speaker opened the meeting at 08:30 and indicated that she had received a request from the Leader of the Opposition for a debate on a motion of no confidence in the President in terms of Section 102(2) of the Constitution and that it was being prioritised for scheduling as required by the rules. The DA had also appealed her decision declining a debate on the politicisation of the NPA in terms of Rule 130. She indicated that her office would interact with the party on the outcome of their appeal later during that day. She advised that she was informed earlier that morning that the EFF had also requested a debate on the report of the Public Protector on 'State of Capture' as an urgent matter of national public importance, and

the matter was receiving attention. Mr Waters requested that the motion of no confidence in the President must be prioritised for scheduling at the earliest opportunity and proposed that it be scheduled for Thursday, 10 November. He cited a previous court ruling that this type of motion ought to be prioritised. It was **AGREED** that the matter would be discussed under the consideration of the Programme.

2. Apologies

Apologies were tendered on behalf of Mr SL Tsenoli (Deputy Speaker), House Chairperson Mr CT Frolick, Ms DE Dlakude (Deputy Chief Whip of the Majority Party) and Mr JH Steenhuisen (Chief Whip of the Opposition).

3. Consideration of the agenda

The agenda was adopted as proposed.

4. Consideration of draft Minutes of 27 October 2016

On the proposal of the House Chairperson Ms Didiza, seconded by Mr Waters, the minutes of 27 October were adopted.

5. Matters arising

There were no matters arising.

6. Report by the Committee Section

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

The *Plant Improvement Bill* and *Plant Breeders' Rights Bill* had recently been finalized and the Standing Committee on Finance intended to finalise the *Rates and Monetary Amounts and Amendment of Revenue Laws Bill* on 15 November. He said that the Finance Committee could also finalise the *Rates and Monetary Amounts and Amendment of Revenue Laws (Administration) Bill* and *Tax Administration Laws Amendment Bill* on 22 November.

The Portfolio Committee on Cooperative Governance and Traditional Affairs intended to hold public hearings on the *Traditional and Khoi-San Leadership Bill* in the Northern Cape, Eastern Cape and the Western Cape during November and December. The Portfolio

Committee on Public Service and Administration intended to finalise filling of vacancies in the Public Service Commission on 23 November.

The Joint Standing Committee on Intelligence had shortlisted 10 candidates for consideration for the position of Inspector General of Intelligence and had scheduled interviews for 8 and 9 November.

Ms Mazzone said that her party was of the opinion that the *Border Management Authority Bill* was incorrectly classified as it had far-reaching effects on provinces and along the borders. She said that it would be an injustice to finalise the Bill on 15 November as broad consultations were required.

Mr Singh said that he was satisfied with the update on the *Medical Innovation Bill* as was presented in the previous week and that he had sought clarity from the Portfolio Committee on Health on how it intended to consider the Bill prior to its finalisation on 30 November. He said that he had not received a response in this regard and that a response would be appreciated as he had proposed drastic amendments to the Bill. Mr Tshabalala replied that the matter would be referred to the committee and the House Chairperson, an update would be presented in the next meeting of the Programme Committee.

In response to an enquiry by the Chief Whip of the Majority Party whether there was any activity by the *Ad Hoc* Joint Committee on the appointment of Board members to the National Youth Development Agency Board, Mr Xaso replied that the ad hoc committee had been re-established by both Houses earlier that week. The Speaker said that there was less than eight weeks remaining before the end of the annual term and that the nominations needed to be finalised within that period. The Chief Whip of the Majority Party added that the previous advertisement incorrectly stated that a degree was required for applicants to qualify for shortlisting whilst the National Youth Development Agency Act did not stipulate such qualifications. The deadline for the ad hoc committee to report to the House had been set to 7 December, a day before the final day of sittings.

7. Report by Bills Office

Mr Bell indicated that his report on bills currently before the National Assembly concurred with the report from Committee Section. He added that he would be following progress on finalisation of the *Rates and Monetary Amounts and Amendment of Revenue Laws Bill*, *Rates and Monetary Amounts and Amendment of Revenue Laws (Administration) Bill*, *Taxation*

Laws Amendment Bills, Tax Administration Laws Amendment Bill as they needed to be transmitted to the National Council of Provinces before the end of the term.

8. Consideration of draft Parliamentary programme

Mr Xaso informed the meeting that a resolution on establishment of an *ad hoc* committee to inquire into the ability of the South African Broadcasting Corporation (SABC) Board to discharge its duties as prescribed in the Act would be considered by the House that afternoon. The *ad hoc* committee would report by 28 February 2017. He added that a resolution granting members from the ANC and IFP leave of absence from the House due to ill health would be considered by the House and that no other names had been received from other parties.

Mr Bhengu presented the parliamentary programme for the Fourth Term and highlighted the following:

Second Reading debate on the *Justice Administered Fund Bill* and Budgetary Review and Recommendation Reports (BRR reports) from Environmental Affairs, International Relations and Cooperation, Energy, Trade and Industry and Water and Sanitation were scheduled for 8 November. A member's motion from the ANC was also scheduled for that day and parties would be informed of the topic in due course.

Questions to the Economics cluster and consideration of Report of Standing Committee on Finance on *Revised Fiscal Framework* were scheduled for Wednesday, 9 November, as well as BRR Reports from Justice and Correctional Services, Social Development, Sport and Recreation, Public Enterprises and Rural Development and Land Reform committees. The Minister of Telecommunications and Postal Services was not available but the Deputy Minister would answer questions.

The BRR reports from the Standing Committee on Finance, Communications, Agriculture, Forestry and Fisheries and Labour were also scheduled for Thursday, 10 November. The report of the Portfolio Committee on Justice and Correctional Services on filling of vacancies in the South African Human Rights Commission was scheduled for 15 November.

In response to Mr Waters' proposal that that the motion of no confidence in the President be scheduled for 10 November, the Speaker indicated that she was consulting with the Presidency, through the Leader of Government Business on the availability of the relevant members of the executive. Mr Waters indicated that ordinarily the President did not need to be present during a debate of a motion of no confidence. Mr Singh said that once all the

consultations had been concluded on the matter, parties should be informed accordingly.

Mr Singh also indicated that Ms C Dudley had requested a debate on fracking as an urgent matter of national public importance to be considered for scheduling as the matter was an important issue from an environmental perspective.

With regard to the motion on leave of absence of members from the House due to ill health, the Chief Whip of the Majority Party indicated that a similar motion for two other members from his party would be moved in due course for consideration by the House and that other parties would be consulted on the matter.

The Chief Whip of the Majority Party also indicated that the ad hoc committee to inquire into the SABC Board would require enough time for it to familiarise itself with the matters relating to the Board and therefore the inquiry would probably start after 8 November on a date to be determined by that committee.

Mr Waters proposed that the resolution of up to two minutes on declaration of votes be extended to ordinary committee reports in order to avoid late sittings. It was **AGREED** that a motion would be considered by the House the following week and that it would also apply to declarations on formal motions until the end of the annual session.

Mr Xaso indicated that a request had been received for a statement by the Minister in the Presidency on payment of suppliers by the government within the 30-day period. Mr Bhengu explained that he had just received the request and its scheduling would be considered.

Mr Singh enquired whether there was an update on the invitation of the former Public Protector to a farewell dinner as was announced by the Chief Whip of the Majority Party during declarations on the resolution to invite Adv Thuli Madonsela. The Speaker clarified that usually people who did not fall in the category of persons to be invited to address the House could address members in the other venues in Parliament. In this regard she cited an address by the former President of Tanzania, Mr Julius Nyerere, which took place in the Old Assembly Chamber as an example. The Speaker said that an arrangement of that nature was not a problem but had to be done through proper channels.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:12.