



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 17 November 2016, E249

Present:

B Mbete (Speaker)

Bhengu, Mr F	Mazzone, Ms NWA
Boroto, Ms MG (House Chairperson)	Singh, Mr N
Khubisa, Prof NM	Steenhuisen, Mr JH (Chief Whip of the Opposition)
Koornhof, Dr GW (Parliamentary Counsellor to the Deputy President)	Waters, Mr M

Staff in attendance:

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

1. Opening remarks

House Chairperson Ms Boroto opened the meeting at 08:35 and welcomed everyone.

2. Apologies

Apologies were tendered on behalf of Mr SL Tsenoli (Deputy Speaker), Mr JM Mthembu (Chief Whip of the Majority Party), House Chairpersons Ms AT Didiza and Mr CT Frolick and Ms DE Dlakude (Deputy Chief Whip of the Majority Party).

3. Consideration of the agenda

The agenda was adopted as proposed.

4. Consideration of draft Minutes of 10 November 2016

On the proposal of Mr Singh, seconded by Mr Waters, the minutes of 10 November were adopted.

In response to a query whether there was a quorum, Mr Xaso advised that in terms of the Rules the Committee could proceed with its business irrespective of the number of members present and that decisions were taken by consensus.

5. Matters arising

Mr Xaso indicated that the scheduling of a debate requested by Ms C Dudley on the impact of fracking, would be considered under the item on the parliamentary Programme.

6. Report by the Committee Section

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

The Portfolio Committee on Health intended to finalise the *Medical Innovation Bill* on 23 November. The Portfolio Committee on Transport had adopted an interim report requesting permission from the House to consider other provisions of the principal Act, beyond the scope of the *Administrative Adjudication of Road Traffic Offences Amendment Bill*.

The *Ad Hoc* Committee on the South African Broadcasting Corporation Board Inquiry had adopted a programme and agreed on a list of witnesses who could provide evidence before the committee. All parties have submitted names of members to serve on the *Ad Hoc* Committee on the filling of vacancies in the Commission for Gender Equality and the process of advertising was underway.

Ms Mazzone indicated that the *Border Management Authority Bill* was not yet tagged although the respective committee intended to finalise it before the end of the year. Mr Tshabalala replied that the matter would be attended to and indicated that the finalisation of the Bill was also dependent

on the pending agreement between the Department of Home Affairs and SA Revenue Services regarding the collection of custom rates.

Mr Waters requested the Committee Section to also update the Committee at its next meeting about the 21 petitions before committees. He said that it was important that the petitions were considered by committees as they came directly from communities and were on important issues that could not be neglected.

Mr Singh expressed a concern about the membership of the *Ad Hoc* Committee on the South African Broadcasting Corporation Board Inquiry. He said that Ms L L van der Merwe of the IFP was not allowed to be a member of the Ad Hoc Committee on the basis that she had served on the Portfolio Committee on Communications as an alternate. The Chief Whip of the Opposition responded that they were advised that the remaining SABC Board members had lodged a complaint with the Speaker indicating that they did not expect a fair hearing from the Portfolio Committee which had already 'passed judgment' on the performance of the board. He said that House Chairperson Mr Frolick had advised that the Assembly should rather appoint new members to serve on the Ad Hoc Committee in order to address the issues raised by the board.

7. Report by Bills Office

Mr Bell presented a report on Bills currently before the National Assembly and reported that the *Protected Disclosures Amendment Bill* was ready for consideration by the House. He also indicated that the *Financial Sector Regulation Bill* and *Insurance Bill*, which were identified by the Leader of Government Business as prioritised bills, would be finalised in 2017.

Adv Van der Merwe reported that the Legal Services unit was making progress in compiling the list of legislation passed before 1994, but that it was quite a cumbersome task. The oldest Act still in the statute books was passed in 1835 and that most Acts passed before 1910 had been repealed. She said that checking the information against the government gazette would take a very long time, however a report would be compiled based on available electronic data.

The Chief Whip of the Opposition explained that his understanding was that legislation prior to 1996 could be invalid. He said that most legislation passed in the 80's was in conflict with the Bill of Rights and the Constitution and could not be implemented any longer. Adv Van der Merwe added that the problem was that some of this legislation remained on the statute books and that the Constitutional Court was the ultimate authority on whether it was invalid.

She said that even if such a list was available, certain steps would have to be taken in order to assess the constitutionality of such legislation and the departments would have to determine whether there was a need for amending the offending legislation.

The Chief Whip of the Opposition asked if there was a need to rescind legislation that had been ruled invalid by the Constitutional Court. Adv Van der Merwe replied that if the Constitutional Court had declared a particular provision invalid, it was worthwhile to remove it from the statute books but the request made specifically referred to legislation in existence that had not been declared invalid by the courts.

The Secretary to Parliament added that while some legislation may be inconsistent with the Constitution, there should be a court process to pronounce on its invalidity. Mr Singh requested that a summary of the objectives of each legislation should be provided so that an informed decision could be taken on whether there was a need to repeal them.

8. Consideration of draft Parliamentary programme

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

The Joint Sitting on 16 Days of Activism for no violence against women and children was scheduled for 10:00 on Tuesday, 22 November. The Second Reading debate on *Protected Disclosures Amendment Bill*, committee reports from Portfolio Committees on Police and Tourism as well as the motion of the EFF were scheduled in the National Assembly for that afternoon.

Questions to the President were scheduled for Wednesday, 23 November and Members' statements and notices of motions were also scheduled for 22 and 24 November. Mr Xaso reminded the Committee that the National Assembly Rules Committee recommended that motions without notices not be scheduled until 2017. The Programme Committee **AGREED** to this position.

First and Second Reading debates on *Rates and Monetary Amounts Amendment of Revenue Laws Bill*, *Rates and Monetary Amounts and Amendment of Revenue Laws (Administration) Bill*, *Taxation Laws Amendment Bill* and *Tax Administration Laws Amendment Bill* were provisionally scheduled for Thursday, 24 November. Two international agreements were also scheduled for consideration that day.

The motion by the Leader of the Opposition on '*the impact of the recent decisions by the National Prosecutions Authority on the economy*' was scheduled for 29 November.

Mr Bhengu indicated that the report of the *Ad Hoc* Joint Committee on the Appointment of Board Members to the National Youth Development Agency, which was intended to be finalised on 1 December, would be provisionally scheduled for 6 December. A debate on the impact of fracking would also be scheduled for that day. He also informed the meeting that the Office of Leader of Government Business had been requested to consult on the commencement of the plenary on 7 November at 14:00, rather than 15:00.

It was **AGREED** that the Decision of Question on Second Reading of the *Division of Revenue Amendment Bill* would be re-scheduled for Tuesday, 22 November. In light of the fact that the decision on the bill had to be postponed twice, Mr Singh asked how many times could a decision on a second reading of a bill be put to the House or whether there was a limit to that. Mr Xaso clarified that the rules specified the limit in instances where a bill required a special majority, with regard to other bills the rules did not prescribe a limit.

Mr Singh indicated that there was confusion on which questions should be placed before the House from the list of questions that stood over from the previous session in order for members to prepare for follow-up questions. Prof Khubisa indicated that the Minister of Police's refusal to provide an answer to a question the previous day did not bode well in the House as he maintained that he was unaware of the question and suggested that there should be an improvement in communicating such matters to the Executive.

Mr Waters stated that the Minister of Police was in breach of the rules when he did not provide an answer within 10 working days, hence the question was transferred from written to oral. Furthermore, the fact that he was not ready to provide an answer during the session after several weeks indicated that he did not consider the House in high regard and that there was no rule for that question to be deferred further. Mr Waters also indicated that he would be lodging a complaint with the Speaker's Office on the Minister of State Security's refusal to answer a question from one of their members.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:12.