



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 3 May 2018, E249

Present:

B Mbete (Speaker)

Bhengu, F	Mente, NV
Boroto, MG (House Chairperson)	Mkhaliphi, HO
Ebrahim, EI (Parliamentary Counsellor to the Deputy President)	Mthembu, JM (Chief Whip of the Majority Party)
Frolick, CT (House Chairperson)	Singh, N
Khubisa, Prof NM	Steenhuisen, JH (Chief Whip of the Opposition)
Koornhof, Dr GW (Parliamentary Counsellor to the President)	Tsenoli, SL (Deputy Speaker)
Mazzone, NWA	Waters, M

Staff in attendance:

M Xaso (NA Table), S Tshabalala (Committees), N Bell and Adv CR van der Merwe (Constitutional and Legal Services Office).

1. Opening remarks

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

2. Apologies

An apology was tendered on behalf of Mr NF Shivambu.

3. Consideration of draft agenda

The draft agenda was adopted as proposed. It was **AGREED** that the issue of composition of delegation to international trips, representation of smaller parties in the Constitutional

Review Committee and the scheduling of questions to the Deputy President on a quarterly basis, would be referred to the Rules Committee for consideration.

4. Consideration of draft Minutes of 19 April 2018

On the proposal of the Chief Whip of the Majority Party, seconded by Ms Mazzone, the minutes of 19 April were adopted.

5. Matters arising

There were no matters arising.

6. Report by the Committee Section

In his presentation on Bills and other matters before committees, Mr Tshabalala reported that there were 31 Bills before Committees and that since 2014, 121 Bills had been introduced, of which 74 had been passed. The Chief Whip of the Majority Party said that it was important to determine when those Bills were referred to committees and to what extent they had been processed within the institution. He said that it was critical that the Programme Committee was provided with reasons for the lack of progress in finalising legislation before committees, as it was not acceptable for a committee not to finalise a Bill that had been in the system for more than a year without explanation. The Chief Whip of the Opposition indicated that he had on numerous occasions raised his concern that Parliament was not passing legislation and that the backlog was increasing, as an example he cited that only 11 Bills had been passed in 2017. Furthermore, he said that he agreed with the Chief Whip of the Majority Party that Parliament's constitutional duty was to pass legislation and that the figures provided were an indictment on the fundamental work that the legislature should be engaged in.

Mr Tshabalala also highlighted that the Portfolio Committee on Labour intended to finalise the *Basic Conditions of Employment Amendment Bill*, *National Minimum Wage Bill* and the *Labour Relations Amendment Bill* on 9 May. The Portfolio Committee on Police also intended to finalise the *Critical Infrastructure Protection Bill* on that day.

The *Ad Hoc* Joint Committee on Parliamentary and Provincial Medical Aid Scheme (Parmed) had its first meeting on 2 May and elected Co-Chairpersons. The ad hoc Committee also deliberated on its mandate. The Portfolio Committee on Basic Education finalised a petition from residents of Greater Edenvale, calling on the Assembly to investigate pressure on schools in the Edenvale area and the fact that no state schools are planned in Greenstore to accommodate the increasing numbers of learners, as submitted by Mr M Waters.

The Chief Whip of the Opposition indicated that he had not yet received feedback on his request to the Speaker to facilitate that the Portfolio Committee on Justice and Correctional Services afford him an opportunity to make representations motivating his request for an investigation into the fitness of the Public Protector to hold office. He added that notwithstanding the gravity of the complaint, the committee had not yet scheduled the matter for consideration. House Chairperson Mr Frolick explained that the matter had been raised with the chairperson of the committee and that a report would be made available in the next meeting. The Chief Whip of the Majority Party reiterated that it was the right of the Chief Whip of the Opposition, as a complainant, to be afforded an opportunity to make representations to the Portfolio Committee.

7. Report by Bills Office

Mr Bell presented a report on legislation and indicated that his Office would be able to assist with specific information required for the passage of each piece of legislation from its introduction until assent by the President. He said that legislation introduced prior to 2018 formed part of his report on Bills before Parliament and that the report from Committee Section provided an outline of proceedings on all those Bills. Ordinarily, Joint Rules require that if any step was missing in the processing of a Bill, the committee should report the matter to the Programme Committee but that generally such a rule was not strictly implemented. The report by the Committee Section was traditionally taken as fulfilment of this requirement.

Adv Van der Merwe advised that there were no particular concerns as far as Constitutional Court deadlines were concerned and gave a brief summary as follows:

- 1) The estate agents board would use the provisions in the *Criminal Procedure Act, 1977*, for search and seizures, hence the Department of Human Settlements was not concerned about the deadline of 26 February 2016.
- 2) The Portfolio Committee on Police was processing a Committee Bill that would address the defects identified in the *Independent Police Investigative Directorate Act 1 of 2011*.
- 3) The deadline of 26 July 2018 on the *Restitution of Land Rights Amendment Act, 2014* was in respect of processing of claims only. The Portfolio Committee on Rural Development and Land Reform has a private member's Bill before them that gives effect to the Constitutional Court order.
- 4) The Department of Cooperative Governance and Traditional Affairs had been drafting a bill to amend the *Municipal Systems Amendment Act No 7 of 2011*.

- 5) The Portfolio Committee on Home Affairs had been briefed on the *Immigration Act No 13 of 2002* and there was a possibility of a Committee Bill being introduced in this regard.
- 6) In respect of the *Recognition of Customary Marriages Act* which had the deadline of 29 November 2019, the Department of Justice and Correctional Services had advertised for comments on a draft Bill.

In response to Mrs Mkhali in regard to the length of time it took to process a Private Member's Bill, Adv Van der Merwe clarified that she was unaware of any delays regarding the development of a particular member's bill, but that the processing of a bill depended on the programme of a committee. The drafting of such legislation might take longer in some cases, but the turnaround time within the drafting unit was between four weeks and three months depending on the complexity of the legislation. She added that there was also more than one process that had to be adhered to prior to publication of a bill. .

Ms Mente indicated that she had previously requested a list of legislation that had not yet been assented to by the President to be made available.

The Chief Whip of the Opposition suggested that consideration also be given to review the length of the forthcoming constituency period in order to attend to the backlog of legislation that needed to be passed. The Chief Whip of the Majority Party indicated that all chairpersons and the Chief Whips' Forum had been consulted and that there was an agreement that committees that had not done their work should be allowed to meet during the constituency period in order to finalise legislation. Mr Waters advised that, administratively, a detailed report on the status and processing of bills was provided to the Programme Committee on a weekly basis, and cited the issue of the *Foreign Services Bill* that had been introduced in 2015. He proposed that chairpersons should meet on a weekly basis so that these matters were addressed and that they were made accountable.

House Chairperson Mr Frolick explained that meetings were, at the least, held with chairpersons on a quarterly basis and that meetings were held frequently with chairpersons that were processing legislation. He said that some of the problems that affected the processing of legislation were factors beyond their control, such as the quality of legislation being introduced and which the committee then had to process or inadequate public consultation taking place prior to the bill being introduced in Parliament. Given the issue of capacity with the Legal Services unit, House Chairperson Mr Frolick stated that at times committees had to outsource additional legal service to assist committees in processing the legislation before them. The Chief Whip of the Opposition proposed that the Executive should be approached so that there was an indication of which Bills were problematic, as well

as providing a list of prioritised legislation. A focus could then be placed on such legislation to be finalised before the end of the current Parliament. It was **AGREED** that the reporting mechanism for tracking of proceedings on legislation in the institution be refined and that a report on progress in this regard be made available in the next meeting.

8. Consideration of draft Parliamentary programme

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

Questions to the President were scheduled for Tuesday, 8 May.

The following Budget Vote debates were scheduled in the form of mini-plenaries during the course of the next week:

- Basic Education, Science and Technology, Statistics South Africa, Justice and Constitutional Development and Social Development on Wednesday, 9 May.
- Economic Development, Environmental Affairs, Arts and Culture, Human Settlements and Communications on Thursday, 10 May.
- Rural Development and Land Reform and Planning, Monitoring and Evaluation on Friday, 11 May.

The debate on Africa Day is provisionally scheduled for 24 May, after the reply by the President to the Presidency budget vote. Plenaries for Vote 1 and 2, as well as consideration of the *Appropriation Bill* were provisionally scheduled in the week of 22 – 25 May.

The debate on Youth Day and Second Reading debate on the *National Research Foundation Amendment Bill* were provisionally scheduled for 29 May at 10:00. On the same day, in the afternoon, after Questions to the Deputy President, the Second Reading debate on *Communal Property Association Amendment Bill* was provisionally scheduled.

The Chief Whip of the Majority Party reiterated that committees that were having a backlog of legislation before them would be allowed to meet during the June/July recess period in order to finalise legislation. The House would then schedule such legislation for consideration during August and October. He also expressed appreciation to the Speaker of the Assembly and Chairperson of the Council for agreeing to schedule a Joint Sitting that afternoon in order to pay tributes to Ms Winnie Madikizela-Mandela, MP and Dr Zola Skweyiya, former Minister of Social Development.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:34.