



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 1 November 2018, E249

Present:

S L Tsenoli (Deputy Speaker)

Bhengu, F	Kwankwa, N L S
Boroto, M G (House Chairperson)	Lorimer, J R B
E I Ebrahim (Parliamentary Counsellor to the Deputy President)	Mthembu, J M (Chief Whip of the Majority Party)
Frolick, C T (House Chairperson)	Singh, N
Khubisa, Prof N M	Steenhuisen, J H (Chief Whip of the Opposition)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	

Staff in attendance:

P N Tyawa (Acting-Secretary to Parliament), M Xaso and C Mahlangu (NA Table), Mr S Tshabalala (Committees) and N Bell (Constitutional and Legal Services Office).

1. Opening remarks

The Deputy Speaker opened the meeting at 08:32 and welcomed all present.

2. Apologies

Apologies were tendered on behalf of the Speaker, House Chairperson Ms A T Didiza, Ms D E Dlakude (Deputy Chief Whip of the Majority Party), Mr M Waters, Ms N W A Mazzone and Mrs H O Mkhalihi.

3. Consideration of draft agenda

The draft agenda was adopted as proposed.

4. Consideration of draft Minutes of 25 October 2018

On the proposal of Mr Bhengu, seconded by Mr Singh, the minutes of 25 October were adopted.

5. Matters arising

There were no matters arising.

The Chief Whip of the Majority Party indicated that the Chief Whips' Forum (CWF) expressed concern that during a meeting of the Portfolio Committee on Home Affairs invited guests to the meeting were accosted by a group of individuals associated with the Black Land First (BLF) organisation. The whippers resolved that they would be writing to the Speaker to request action in the matter. He said that Parliament could not allow a situation whereby unruly behaviour impeded committees from doing their work. The Chief Whip of the Opposition added that, after the incident, he had also written to the Speaker pointing out that such an incident was happening for the third time as BLF physically threatened members and disturbed meetings and that it was a criminal offence to do so, as stipulated in the Powers and Privileges Act. He indicated that the level of security deployed in committees should be consistent with the level of disruptions that were experienced. Mr Kwankwa said that if there were no consequences for the BLF, a dangerous precedent would be set. Mr Xaso advised that a case had been opened against the BLF and that the Acting-Secretary to Parliament was finalising a report on the matter. It was indicated that this matter had also been raised during the meeting of the Joint Committee on the Financial Management of Parliament the previous day.

6. Report by the Committee Section

In his presentation on Bills and other matters before committees, Mr Tshabalala highlighted the following:

Thirty-five Bills were currently before committees, fifteen of which had "aim to finish dates" to be finalised by the latest in the week of 27 November 2018. From that list, some of the Bills are proposed for prioritisation by the Executive.

The *Repeal of Overvaal Resorts Limited Bill* had been finalised. The Standing Committee on Finance intended to finalise the *Rates and Monetary Amounts and Amendment of Revenue Laws Bill*, *Taxation Laws Amendment Bill* and *Tax Administration Laws Amendment Bill* on 13 November. The Standing Committee on Appropriations also intended to finalise the *Special Appropriations Bill* on 27 November.

Mr Tshabalala also clarified that the Portfolio Committee on Home Affairs intended to finalise the *Electoral Laws Amendment Bill* on 27 November. He also reported that the issue of the Constitutional Court judgment involving Tlokwe Municipality formed part of the scope of the committee's consideration.

7. Report by Bills Office

Mr Bell presented a report on Bills before committees and reported that the *Science and Technology Laws Amendment Bill* and *Postal Services Amendment Bill* had been certified for introduction. With regards to introduction of legislation before an election year, Mr Bell advised that he recalled that the Speaker, in her letter to the then Leader of Government Business in 2008, requested that Bills that missed the deadline for introduction should only be introduced after consultation with Parliament. This was to ensure that legislation would not be "parked" in Parliament for it to be taken over by a new member of the Executive in the next Parliament.

The Chief Whip of the Majority Party expressed appreciation for the work done by the administration in updating the Committee on the progress of legislation, but stated that it should be borne in mind that there was still much work to be done in the National Council of Provinces. Mr Singh proposed that, in view of the amount of legislation before committees, the National Assembly should consider plenaries in January 2019 before the President's State-of-the Nation Address (SONA) so as to finalise legislation. The Chief Whip of the Majority Party clarified that committee time was normally set aside before SONA and that a draft programme in that regard would be presented to the CWF for consideration in the following week. The Deputy Speaker advised that committees should also consider processing of the recommendations from the High Level Panel on the Impact of Key Legislation as the implementation thereof was the ultimate responsibility and oversight of committees. That would also alleviate the consequences of rushing legislation, thus risking producing legislation that could be found to be unconstitutional when Parliament was unable to fully undertake all processes required by the Constitution as a result of time constraints in the period leading up to an election.

The Chief Whip of the Majority Party informed the meeting that the request that the Assembly expedite procedures to remove the Public Protector as received from the Chief Whip of the Opposition was receiving attention.

8. Consideration of draft Parliamentary programme

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

Questions to the President and the Economics cluster were scheduled for 6 and 7 November, respectively. Consideration of the *Revised Fiscal Framework and Revenue Proposals* was also scheduled for Wednesday, 7 November.

Budgetary Review and Recommendation Reports from the Portfolio Committees on Basic Education, Labour, Police and Mineral Resources were scheduled for Thursday, 8 November.

With regards to the *Public Finance Management Amendment Bill* which had just been introduced but not yet referred to the Standing Committee on Finance, Mr Mahlangu informed the meeting that the Speaker had received a request for a First Reading debate from Mr R A Lees, MP, for consideration by the Programme Committee, in terms of Assembly Rule 283. As per the Rules, when such notice had been received, the Bill should be placed on the Order Paper for First Reading, unless the programme committee decided otherwise. In addition, the Programme Committee should determine time allocation for such a debate as guided by Assembly Rule 285. It was therefore proposed that the person in charge of the bill would be allocated 15 minutes to open and close (as stipulated in the rules), with the ANC receiving 11 minutes, the DA 6 minutes, the EFF 4 minutes and other parties up to 3 minutes each, bringing it to a global time of 66 minutes. The Chief Whip of the Majority Party suggested that the Bill should be referred to the relevant committee in line with the normal procedures followed for the majority of legislation before Parliament. The Deputy Speaker pointed out that Rule 283 states that 'no decision is taken by the Assembly at the conclusion of a First Reading and no amendment to a Bill is allowed'. House Chairperson Mr Frolick indicated that the concept of First Reading debate was mainly meant for specific legislation that was deemed to be of great public importance, but that the Programme Committee should make a determination on whether to schedule. Mr Singh said that there was a purpose for having such a mechanism in the Rules and indicated that the Bill was equally of public importance as the Public Finance Management Act governed the financial administration of departments. He, however, indicated that he had not yet seen the Bill in order for members to familiarise themselves with the principle of the Bill, but supported that such a debate be scheduled with a lesser time allocated to it.

Mr Lorimer added that the Bill was quite important and that he could not understand views that were contrary to the provisions of the Rules. House Chairperson Mr Frolick argued that the Bill did not meet the deadline of 30 May 2018 for it to be finalised in the current term. The Chief Whip of the Majority Party contented that all Bills should be regarded as important and that he could not pronounce on the importance of that Bill as he had not yet seen. He said that he was equally concerned if this were to be allowed, as it would open a flood of similar requests. Mr Xaso clarified that the Speaker was tabling the request for consideration by the Programme Committee upon Mr Lees' request for the First Reading debate as this was what was provided for in the Rules. In the event that the First Reading was allowed, the debate would be conducted on the principle of the

Bill as contained in its Long Title and once the debate was done, it would be referred to the relevant committee. It was **AGREED** that the *Public Finance Management Amendment Bill* would not be scheduled for First Reading and that the bill would be referred to the relevant committee for consideration.

9. Announcements

There were no announcements.

10. Closure

The meeting adjourned at 09:37.