



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker

Committee Secretary:
A Mbanga x 3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 21 February 2019, E249

Present:

B Mbete (Speaker)

Bhengu, F	Mkhaliphi, H O
Boroto, M G (House Chairperson)	Mthembu, J M (Chief Whip of the Majority Party)
Didiza, A T (House Chairperson)	Ntshayisa, L M
Ebrahim, E I (Parliamentary Counsellor to the Deputy President)	Singh, N
Khubisa, Prof N M	Steenhuisen, J H (Chief Whip of the Opposition)
Koornhof, Dr G W (Parliamentary Counsellor to the President)	Tsenoli, S L (Deputy Speaker)
Kwankwa, N L S	Waters, M
Mente, N V	

Staff in attendance:

Ms N P Tyawa (Acting Secretary to Parliament), Mr M Xaso (NA Table), Adv M E Phindela (NCOP), Dr T Ganyaza-Twalo (Committees), Adv Z Adhikarie, Adv C R van der Merwe and Mr N Bell (Constitutional and Legal Services Office).

Also in attendance: Messrs G Mashinini and S Mamabolo (Chairperson and Chief Electoral Officer: Electoral Commission) and Adv A Johaar (Acting-Chief State Law Advisor).

1. Opening remarks

The Speaker opened the meeting at 08:38 and welcomed all present.

2. Apologies

Apologies were tendered on behalf of Messrs C T Frolick (House Chairperson) and N F Shivambu.

3. Consideration of draft agenda

The draft agenda was adopted with the addition of an item on the "Dissolution of the National Assembly".

4. Consideration of draft Minutes of 14 February 2019

On the proposal of Mr Bhengu, seconded by Mr Singh, the minutes of 14 February were adopted.

5. Matters arising

The Chief Whip of the Opposition expressed concern that the vetting processes in the Ad Hoc Committee on Filling of Vacancies in the Commission on Gender Equality had again been delayed due to the unavailability of the report of the State Security Agency. The Speaker indicated that the matter was receiving attention as she was in contact with the Minister of State Security in order for the issue to be finalised before Parliament rose. The Deputy Speaker added that the chairperson of the committee had advised that the matter would be fast-tracked.

The Chief Whip of the Opposition also asked if there was feedback on filling of vacancies in the Board of the South African Broadcasting Corporation as it would not be ideal for those appointments not to be finalised before elections. He further indicated that the board could not function due to it not having a quorum.

6. Report by the Committee Section

In her presentation on Bills and other matters before committees, Dr Ganyaza-Twalo highlighted the following:

The *Ad Hoc* Committee to Amend Section 25 of the Constitution intended to meet that morning in order to adopt its programme. The publication of names of members representing smaller parties would be done in the Announcements, Tabling and Committee Reports as soon as approval had been obtained. The Portfolio Committee on Police intended to finalise the *Critical Infrastructure Protection Bill* on 22 February. The Portfolio Committee on Communications intended to finalise its report on filling of vacancies in the Boards of the South African Broadcasting Corporation and the Media Development and Diversity Agency on 13 and 14 March, respectively.

In response to a query from Mrs Mkhalihi on the progress on the *Immigration Amendment Bill*, Dr Ganyaza-Twalo explained that the Portfolio Committee on Home Affairs would meet

with the Minister of Police on 26 February. Adv van der Merwe also reported that notice of the member's intention to introduce legislation in respect of the Insourcing Bill and Liquor Products Amendment Bill had been published in the Government Gazette. Her office was in contact with the relevant administrative staff of the Economic Freedom Fighters to enable them to proceed with drafting of the bills.

Ms Mente requested that the list of legislation passed prior to 1994, as well as an update on progress in respect of the various committees who were tasked to consider the matter, should be made available to the Programme Committee. Mr Xaso clarified that the administration was in the process of compiling a report on this matter. He also indicated that the Speaker had written to committees in 2018 requesting that they consider processing the requests on the relevant Acts which were passed before 1994.

Mr Waters requested that a report on the status of petitions referred to committees be made available in the following week. He said that the report tabled by the Committee Section only reflected 11 petitions, however, 27 petitions appeared on the Order Paper. He added that he did not recall any of the petitions being considered by the House and that some of them had been in the system since 2014.

7. Report by Bills Office

Mr Bell presented a report on Bills before committees and reported that there were 27 Bills before committees and 12 Bills on the Order Paper for consideration by the House. The *Division of Revenue Bill*, *Appropriation Bill* and *Public Audit Excess Fee Bill* had been introduced by the Minister of Finance during his Budget Speech.

8. Dissolution of the National Assembly

The Chief Whip of the Majority Party informed the meeting that Mr Xaso had briefed the Chief Whips' Forum the previous day on the legal opinion received with regard to the dissolution of the National Assembly, in view of the forthcoming general elections on 8 May 2019. Following deliberations on differing legal opinions as to when the term of the National Assembly ended, it was resolved that a legal opinion from a constitutional expert should be sought so as to provide one clear legal opinion that would assist members. Furthermore, it was agreed that officials from the Electoral Commission (IEC) would be requested to attend the meeting of the Programme Committee so as to provide their perspective on the need for the Assembly to adopt a motion of dissolution before the election date could be officially proclaimed in the Government Gazette.

The Chief Whip of the Majority Party remarked that parties were guided by the principle that they would not deliberately hamper the preparations for the elections and that the

proclamation of the date for elections was a trigger for a number of processes that had to be undertaken by the Commission. The legal opinion had been forwarded to all parties and there was general agreement that a motion to dissolve the National Assembly should accordingly be considered.

The Chief Whip of the Opposition expressed appreciation for the swift response in obtaining the legal opinion and indicated that it had provided clarity on a number of issues, but he nevertheless still felt that it was not absolutely definitive on the Assembly's competence to continue to function after its dissolution. He further indicated that Assembly Rules 333 and 351 that relate to the lapsing of business may require further consideration in future so as to provide clarity on the status of business before the Assembly if it was dissolved. Mr Singh stated his concern with the number of varying opinions on the matter and indicated that sufficient consultation and timeous communication was required in future. He further stated that section 49(4) of the Constitution contained a caveat in that it set out that "*the National Assembly remains competent to function from the time it is dissolved or its term expires, until the day before the first day of polling for the next Assembly*".

The Speaker suggested that, in future, there should be a point at which such discussions were triggered in the appropriate forums. She added that though the discussions were started a bit late, she nevertheless commended the engagement of critical role-players on the matter in preparation for the elections. The Speaker also acknowledged the presence of IEC officials, who then expressed appreciation for the understanding and consensus reached by parties in respect of the need for the National Assembly to be dissolved.

It was **AGREED** that a draft motion for the dissolution of the Assembly would be considered that afternoon. Mr Xaso advised that the Order Paper would be reprinted to reflect the motion in the name of the Chief Whip of the Majority Party. He also pointed out that the motion would require the support of the majority of the members (201) of the Assembly in order for it to be passed. The Presiding Officer would therefore request members to record their support by way of the electronic voting system. The Chief Whip of the Opposition indicated that it should never be standard practice for the reprint of the Order Paper on the actual sitting day unless there was consultation and consensus on the matter between parties as was the case in this instance.

9. Consideration of draft Parliamentary programme

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

The Second Reading debate on *Public Investment Corporation Amendment Bill, Customs and Excise Amendment Bill, Traditional and Khoi-San Leadership Bill, consideration of approval of The*

Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Reports on Determination of remuneration of members of Financial and Fiscal Commission, Study tour to Netherlands from 4-8 June 2018, Study visit to United Kingdom were scheduled for Tuesday, 26 February.

Questions to the Deputy President were scheduled for Wednesday, 27 February.

The request for Permission in terms of Rule 286(4)(c) to inquire into amending other provisions of Airports Company Act, 1993 (Act No 44 of 1993), Reports on Draft regulations made in terms of section 23(1) of Legal Aid South Africa Act, 2014 (Act No 39 of 2014), report on study tour to Republic of Korea and Japan from 15-25 June 2018, Study visit to People's Republic of China from 8–15 October 2017 and Visit to tourism month activities in Eastern Cape Province were scheduled for consideration on Thursday, 28 February.

The Speaker indicated that she had acceded to a request from the Ministers of Science and Technology and Sports and Recreation to make statements on the Space Weather Centre and the campaign against the International Association of Athletic Federations on Hyperandrogenism Regulations, respectively. It was **AGREED** that these two matters would be considered for scheduling by the programming structures.

10. Announcements

The Speaker reported that she would provide an update on the request for the end-of-Parliamentary function for members in due course.

The Deputy Speaker requested the whippers to convey his appreciation to all the members who attended the exhibition on the Fourth Industrial Revolution. He said that the recording of the panel discussion would be made available on the Parliament YouTube channel. House Chairperson Ms Didiza also indicated that in this respect the Commonwealth Parliamentary Association (CPA) were doing work on an assessment of parliaments globally and that they may wish to meet with members.

11. Closure

The meeting adjourned at 09:25.