



**NATIONAL ASSEMBLY PROGRAMME COMMITTEE**

Chairperson:  
Speaker of the National Assembly

Committee Secretary:  
A Mbanga x 3218

**DRAFT MINUTES OF PROCEEDINGS**

Thursday, 22 August 2019, E249

Present:

T R Modise (Speaker)

Boroto, M G (House Chairperson)	Ntshayisa, L M
Dlakude, D E (Deputy Chief Whip of the Majority Party)	Koornhof, Dr G W (Parliamentary Counsellor to the President)
Frolick, C T (House Chairperson)	Pilane-Majake, Dr M C C (Programming Whip)
Julius, J W W	Shaik Emam, A M
Lesoma, R M M	Singh, N
Majodina, P C P (Chief Whip of the Majority Party)	Steenhuisen, J H (Chief Whip of the Opposition)
Marawu, T L	Swart, S N
Mazzone, N W A	Tsenoli, S L (Deputy Speaker)
Mkhaliphi, H O	Wessels, W W

Staff in attendance:

Ms P N Tyawa (Acting Secretary to Parliament), Mr M Xaso (Secretary to the National Assembly), Mr D Bandi (Committees), Adv Z Adhikarie and Mr N Bell (Constitutional and Legal Services Office).

**1. Opening remarks**

The Speaker opened the meeting at 08:31 and welcomed all present.

**2. Apologies**

Apologies were tendered on behalf of House Chairperson Mr M L D Ntombela, Mr A H Papo (Parliamentary Counsellor to the Deputy President), Ms N V Mente, Dr C P Mulder and Mr N L S Kwankwa.

### **3. Consideration of draft agenda**

The draft agenda was adopted as proposed.

### **4. Consideration of minutes of meeting of 18 July 2019**

On the proposal of the Chief Whip of the Majority Party, seconded by Mr Singh, the minutes of 18 July were adopted.

### **5. Matters arising**

There were no matters arising.

### **6. Report by Committee Section**

Mr Bandi presented a report on matters before committees and indicated that the Portfolio Committee on Justice and Correctional Services would revise its programme on consideration of the report on the “Removal of Advocates N Jiba and L S Mrwebi from their positions in the National Prosecuting Authority in terms of the National Prosecuting Authority Act” in August. Adv Jiba had applied for an urgent interdict to suspend deliberations on the matter.

Adv Adhikarie explained that the urgent application by Adv Jiba was served on Monday afternoon, providing Parliament with an option to either abide or oppose it. By opposing it, it would have required some measure of delving into the merits of the matter in a forum outside of the institution. It was advised that Parliament should not oppose the application but rather provide a detailed factual account which, among others, would have unpacked the statutory obligations of Parliament. Effectively, this meant that Adv Jiba still had to overcome the hurdle of satisfying the criteria for an urgent interdict. On Tuesday, however, there was a proposed settlement agreement presented to the Speaker, which was an alternative to pursuing the judicial decision. The agreement was to the effect that the matter would be put in abeyance until the original application is heard on 19 September 2019. Parties were therefore further bound to reasonable dates for merits of the case to be heard.

The Chief Whip of the Opposition indicated that this was an important development when dealing with such matters. He said that he had previously written to the Speaker with regard to an inquiry into the fitness to hold office by the Public Protector and proposed that in future there should be mechanisms in place to process such matters. The Chief Whip of the Opposition suggested that the matter should be referred to the National Assembly Rules Committee (NARC) for it to set up a process to be followed by that inquiry so as to prevent any attempt for an interdict to halt proceedings of a committee on the basis that there were no procedures in place. A similar process to that of the

implementation of Section 89 of the Constitution for removal of the President could be followed.

The Speaker replied that such a process had already been started. In the current situation the Portfolio Committee on Justice and Correctional Services could also make recommendations on how the matter could be dealt with or request that the matter be considered by a structure such as the NARC. House Chairperson Mr Frolick confirmed that the committee would follow that process as he was in constant discussion with the chairperson. He also commended the Legal Services unit and National Assembly Table for their vigilance in respect of this matter.

Mr Bandi also reported that the Standing Committee on Appropriations intended to finalise the Special Appropriation Bill on 17 September.

#### **7. Report by Bills Office**

Mr Bell advised that the Recognition of Customary Marriages Amendment Bill, which had a Constitutional Court deadline, had been certified for introduction and referred to the Justice committee.

#### **8. Consideration of draft Parliamentary programme**

The Programming Whip presented the draft programme for the Second Term and highlighted the following:

Committees/oversight were scheduled for 27 to 30 August. The debate on National Women's Day was scheduled for 3 September.

A request from the Leader of the Opposition for a debate on the '*unemployment crisis in South Africa*' as an urgent matter of national public importance was scheduled for 5 September. Questions to the Deputy President were scheduled for 19 September.

The Chief Whip of the Majority Party informed the Committee that after consultations with the Deputy Chairperson of the National Council of Provinces (NCOP), it was proposed that the Women's Parliament would now take place on Thursday, 29 August under the theme "*The Launch of the Review of the Women's Charter of 1954*". A concept document was available for members' information.

Mrs Mkhalihi expressed concern that parties were informed at the last minute about the event and that she was expecting that the Office of the Speaker would be providing a

briefing to the committee in order for members to be in a position to brief their caucuses on arrangements. The Deputy Speaker apologised for the delays that had been experienced and that he would brief the Speaker on the matter. The Speaker advised that it would assist if all parties were involved in the planning of sectoral parliaments. With regard to the draft programme, she urged that ordinary women should be afforded an opportunity to express themselves in the event in order for the institution to reflect on its work.

It was **AGREED** that the Women's Parliament would take place on Thursday, 29 August. As a result, the Chief Whips' Forum, Programme Committee and the Multi-Party Women's Caucus would not meet that week.

House Chairperson Mr Frolick, in response to Mr Julius, clarified that more than four committees had been given permission to undertake oversight in the following week and that some committees would be meeting in Parliament.

Mr Xaso informed the meeting that the Minister of Finance had advised the Speaker that he wished to table the Medium Term Budget Policy Statement on 23 October 2019.

## **9. Announcements**

There were no announcements.

## **10. Closure**

The meeting adjourned at 09:19.