



NATIONAL ASSEMBLY PROGRAMME COMMITTEE

Chairperson:
Speaker

Committee Secretary:
A Mbanga x3218

DRAFT MINUTES OF PROCEEDINGS

Thursday, 6 February 2014, E249

Present:

M V Sisulu (Speaker)

Diakude, D E	Mfeketo, N C (Deputy Speaker)
Frolick, C T	Schneemann, G D
Greyling, L W	Skosana, M B
Hajaig, F	Sizani, P S (Chief Whip of the Majority Party)
Khunou, N	Watson, A (Chief Whip of Opposition)
Kilian, J D	

Staff in attendance:

M Xaso (NA Table), T Mbata, (Constitutional and Legal Services Office) and S Tshabalala (Committees).

1. **Opening**

The Speaker opened the meeting at 08:35.

2. **Apologies**

Apologies were tendered on behalf of Mrs S V Kalyan and Ms M T Kubayi, Mr J H van der Merwe and Dr C P Mulder.

3. **Consideration of the agenda**

The agenda was adopted as proposed.

4. **Consideration of minutes of meeting of 7 November 2013**

The minutes of 7 November were adopted.

5. **Matters arising**

Mr Greyling enquired whether the *Independent Systems and Market Operator Bill*, which was on the Order Paper for a Second Reading debate at the end of the 2013 annual session, would still be considered by the House. He said that the Committee on Energy had finalised the Bill long before the end of the year and it was not clear why it was not processed immediately thereafter. Mr Xaso advised that when the House adjourned the previous year, the Bill was under Further Business and therefore had lapsed in accordance with the Rules. If the Assembly wanted the Bill back on the Order Paper, it would have to revive it by way of a resolution.

Mrs Kilian said that according to NA Rule 316, only motions and other business, other than bills, on the Order Paper on the last sitting day of an annual session, lapse at the end of that day. Mr Xaso said that NA Rule 316 should be read together with Rule 298, which provides that all Bills introduced in the Assembly and which on the last sitting day of the House, appear on the Order Paper for First or Second Reading, lapse at the end of that day, unless the Assembly decides otherwise.

6. **Report by the Committee Section**

Mr Tshabalala presented a document containing information on the following issues: Bills before NA committees, Bills initiated by committees and other matters before committees.

The Chief Whip of the Opposition asked why certain slides had been omitted during the presentation and what was meant by further deliberations. Mr Tshabalala indicated that the information on the slides he had omitted had not changed since the last meeting of the Committee. Mr Frolick indicated that committees were not being rushed to finalise legislation they were urged to follow due process in processing all Bills and, if necessary, they should conduct extensive deliberations.

The Chief Whip of Opposition said that although the *Restitution of Land Rights Amendment Bill* had been finalised, members of the DA had found that the Bill did not contain provisions on its financial implications to the state. Although DA members had requested the Finance Committee to consider the matter, their request was turned down and the Committee proceeded to adopt the report. As a result, the DA would submit a minority report in this regard and what transpired in the committee amounted to an act of rushing through legislation. Mr Frolick reminded the meeting that the

Democratic Alliance had made a similar complaint last year that the Portfolio Committee on Police had rushed deliberations on the *Private Security Industry Regulation Amendment Bill* and the Bill was consequently recommitted to the committee. However, it was later discovered that all the issues raised had been sufficiently dealt with.

Mrs Kilian asked why the Interim Joint Committee on Scrutiny of Delegated Legislation had delayed the finalisation of the supply chain management system for Parliament. Mr Frolick said that the committee had to consider numerous legal opinions it had received and it was confident that it would finalise the matter before the deadline of 19 February. Mr Xaso informed the meeting that both the portfolio and select committees on Finance had already reported on the matter in November 2013 and that the reports of the Interim Joint Committee on Scrutiny of Delegated Legislation were only for information purposes.

Mrs Kilian enquired about what would happen to the *Insurance Laws Amendment Bill* if a decision was made that the committee would not proceed with the Bill and whether a report on the Bill had to be compiled. Mr Tshabalala replied that the Standing Committee on Finance had indicated that it required more time to consider the Bill and it was possible that the Bill may lapse in terms of NA Rule 316(2). Mr Xaso added that the Bill would indeed lapse unless it was withdrawn by the person in charge of it before the end of the Term of Parliament.

7. **Report by Constitutional and Legal Services Office (CLSO)**

Ms Mbata presented a report on bills before Parliament and reported that the following Bills were ready for Second Reading and consideration:

- *Private Security Industry Regulation Amendment Bill*
- *Mental Health Care Amendment Bill*
- *Tourism Bill*
- *South African Language Practitioners Council Bill*
- *Science and Technology Laws Amendment Bill*
- *Customs Duty Bill*
- *Customs and Excise Amendment Bill*
- *Customs Control Bill.*

Ms Mbata added that the *Property Valuation Bill* and the *Rental Housing Amendment Bill* had been tagged recently. The Chief Whip of Opposition enquired whether the list of bills presented was final and whether the committee would be advised of a priority

list of legislation. Ms Mbata said two more bills were still being processed for introduction.

8. **Consideration of draft Parliamentary programme**

Mr Schneemann presented the draft Parliamentary Programme for the First Term as follows:

Committees were scheduled for 11-12 February and the State-of-the-nation Address for Thursday, 13 February at 19:00. The debate on the State-of-the-nation Address would begin on Tuesday, 18 February, continue on Wednesday, 19 February and the President would reply to the debate on Thursday, 20 February. He said that parties had agreed that there would be no motions or members' statements on 18, 19 and 20 February and on the Budget Day scheduled for Wednesday, 26 February.

A number of bills were scheduled for Second Reading debates from 24 to 28 February and 4 to 14 March, and a condolence motion for Mr C T Moni was scheduled for 25 February.

Mr Schneemann said that with regard to the plenary of 12 March scheduled to start at 15:00, clarification would be sought from the Leader of Government Business whether it could be scheduled for 14:00. The Division of Revenue Bill, previously scheduled for 13 March, was re-scheduled for 12 March. A Joint Sitting was provisionally scheduled for 13 March the last day of the Term of the Fifth Parliament for farewell speeches.

The Chief Whip of Opposition stated that he was concerned that Questions sessions which were reflected in the previous draft Parliamentary programme had been removed and Questions to the President were also not scheduled at all. He said that a question session should only be removed if parties did not submit questions for a particular question day. Furthermore, it was the function of the Programme Committee to implement the rules regarding the scheduling or programming of the business of the Assembly. He said that it was also the function and responsibility of the Speaker to ensure that those particular rules were complied with. Mrs Dlakude suggested that the Assembly should rather focus on processing the remaining legislation before the end of the Fifth Parliament.

The Chief Whip of Opposition indicated that Rule 4 provides that no convention or rule of practice should limit or inhibit any provision of the NA rules. Mrs Kilian added that the rules were very clear that the President must take Questions in the House at least once every term and the Deputy President once every second week. She suggested that provision be made for the Deputy President to answer Questions on one of the Wednesdays if the

President was not available. The Speaker urged the Whips to consult and resolve the matter.

Mr Xaso informed the meeting that the Speaker had received a letter from Mr J H van der Merwe requesting a debate on “the impact of cancer on society and economy, and government’s response thereto”. The Speaker requested the Programming Whip to find a suitable slot for the debate on the motion.

9. **Announcements**

Mr Xaso indicated that the NA Table staff was available to assist members to familiarise themselves with the new electronic system installed in the Chamber from 10:00 – 16:00 until Wednesday, 12 February, and requested Whips to encourage members to attend.

10. **Closure**

The meeting adjourned at 09:25.