

JOINT RULES COMMITTEE



Chairpersons:
Speaker of the National Assembly
Chairperson of the National Council of Provinces

Committee Secretaries:
Regina Mohlomi ☎ 2739
Jodi-Anne Borien ☎ 3017

DRAFT MINUTES OF PROCEEDINGS
Wednesday, 26 October 2005 Old Assembly Chamber, 11:15

Chairpersons: Ms B Mbete (The Speaker)
Mr MJ Mahlangu (The Chairperson of the NCOP)

National Assembly	National Council of Provinces
Bapela, K O	Kgoshi Mokoena, M L
Doidge, G Q M (House Chairperson)	Mzizi, MA
Doman, W P	Van Heerden, F J
Ellis, M J	Vilakazi, J N
Gibson, D H M	Windvoël, V V Z (Chief Whip: NCOP)
Goniwe, M T	
Green, L M	
Greyling, C H F	
Jeffery, J H	
Johnson, C B	
Kalyan, S	
Mahlangu-Nkabinde, G L (Deputy Speaker)	
Masutha, T M	
Mfundisi, I S	
Modisenyane, L J	
Mulder, C P	
Neil, A C	
Newhoudt-Druchen, W S	
Ngaleka, E	
Rajbally, S	
Seaton, S A	
Sibanyoni J B	
Van der Merwe, J H	

Staff in attendance:

Z A Dingani (Secretary to Parliament); M Coetzee (Deputy Secretary to Parliament); K Hahndiek (Secretary to the NA); L Matyolo (Secretary to the NCOP); N Keswa (Manager: Legislation and Oversight Division); K Mansura (Undersecretary: National Assembly); T Molukanele, M Griebenow (NA Table); D Ramurunzi, F Jenkins (Legal Services Office); R Mohlomi (NA Table), J Borien, B Nonyane (NCOP Procedural Services Office); LB Mapholoba (Office of the Speaker)

1. Opening and welcome

The Chairperson of the NCOP opened the meeting at 11:15.

2. Apologies (Item 1 on agenda)

Apologies were tendered on behalf of Messrs F Bhengu, HP Maluleka, TS Setona, DJ Sithole, and OM Thetjeng, and Ms F Chohan-Kota, Ms SV Kalyan, Ms MP Mentor, Ms MP Themba, and Ms A van Wyk.

3. Consideration of agenda (Item 2 on the agenda)

The agenda, as presented, was agreed to, with the addition of the following item proposed by Mr Goniwe:

- Accommodation at Parliamentary Villages for political party support staff

4. African Peer Review Mechanism (Item 3 on the agenda)

The Speaker said that the African Peer Review Mechanism was an important mechanism that had been created to ensure that African countries assisted one another to undergo an introspection of how they conducted themselves. The process was not meant for any one particular entity, for example the government, but for the nation as a whole. She added that the time had come for South Africa to be reviewed, and that the peer review process would start off with the very important exercise of self-assessment by the country. The Country Self-Assessment is the first step out of five in the review process. That step involved South Africa assessing itself and producing a self-assessment report, and on the basis of that report, other structures would participate in the review process and engage with the country on the issues tabled in the report.

The Speaker further said that it should be realised that South Africa was looked upon as the yardstick for the improvement of the Peer Review Mechanism process, and the participation of Parliament would enhance that opportunity for improvement. The approach taken was that Parliament would engage itself in an independent process, designed by the institution itself. For that purpose, structures had been formed, among other things, to deal with the various aspects of the APRM Questionnaire.

The APRM questionnaire covered four aspects, namely Democracy and Good Political Governance, Economic Governance and Management, Corporate Governance and Socio-Economic Development. The first aspect of the questionnaire, namely Democracy and Good Political Governance, involved a review of Parliament, not only by the institution itself, but also by the South African society as well.

The Speaker concluded by saying that the outcome at the end of the five-stage Peer Review Mechanism process was a programme of action for the country, proposed by the collective of African countries participating in the process. She said that not only would Parliament itself benefit from the proposals coming out of the review process, but would also benefit with regards to proposals that would be made for the institution to further follow up what the country should do to respond to the outcomes of the process.

Dr Gabriel explained that the Presiding Officers had established structures to give effect to Parliament's independent involvement in the Peer Review process, namely the Joint Coordinating Committee and four Ad Hoc Joint Committees. The Joint Coordinating Committee, chaired jointly by the Presiding Officers, was responsible for the overall management and monitoring of the APR process in Parliament. The four Ad hoc Joint Committees were based on the main sections of the APRM questionnaire, and were responsible for preparing responses to specific questions and objectives in the questionnaire.

Dr Gabriel explained that Parliament was involved in stage one of the five-stage process, which was scheduled for completion by the end of November. Parliament's approach to stage one of the process had been to engage with the questionnaire as a guideline, but to also identify key strategic issues in the various aspects, where Parliament would have a value-added impact on the whole peer review process. Included in that was a comprehensive media and communication strategy, as well as the regular channels used by committees of Parliament to engage with the public. Public hearings would be held in the provinces. Furthermore, a series of 18 community meetings would be held in collaboration with the various municipalities.

Dr Gabriel said that an orientation workshop for Members had been scheduled for Friday, 28 October 2005, where research institutes had been invited to make presentations on the philosophy behind the African Peer Review Mechanism, dealing specifically with the national structures and processes that the review mechanism stipulates, and to engage with Parliamentarians on a definition of the role for Parliament in the African Peer Review Mechanism.

Mr Gibson said that the report had been tabled in a professional manner. He said that the Democratic Alliance fully supported the peer review process and the party would do what it could to assist to produce an honest and good report about the country. He pointed out that Members of the Democratic Alliance had been selected by the Presiding Officers to serve on the Ad hoc Committees without any consultation with the party, and without considering whether or not those Members had other duties to perform. The party had, however, agreed to allow them to continue serving.

Mr Gibson said that Members were experiencing problems in regard to being released from their normal duties, particularly those political duties that flowed from the local government elections. He further pointed out that a DA Member who had been selected to serve on one of the Ad hoc Joint Committees was unavailable to do so.

The Chairperson of the NCOP announced that the Ad hoc Joint Committees were chaired by the following Members: Mr M R Baloyi, Ad hoc Joint Committee on Democracy and Good Political Governance; Mr V G Smith the Ad hoc Joint Committee on Economic Governance and Management, Ms B A Hogan the Ad hoc Joint Committee on Corporate Governance, and Mr M R Mohlaloga the Ad hoc Joint Committee on Socio-Economic and Development.

Mr Van der Merwe said that the Inkatha Freedom Party was also unhappy about the manner in which members of the Ad hoc Joint Committees were appointed.

Responding to Mr Gibson's concern regarding the availability of the DA member to serve on an Ad hoc Joint Committee, Mr Windvoel said that the understanding was that a member was required from the NCOP, not necessarily from the DA. The decision on a replacement had therefore been finalised.

The Chairperson of the NCOP thanked all Members who supported the Peer Review Mechanism process, and encouraged them to avail themselves for meetings of the ad hoc Committees.

NOTED :

Information and progress report on the African Peer Review Mechanism.

4. Parliament's International Relations Policy (Item 4 on the agenda)

Mr Bapela referred to a brief report that had been distributed earlier to Members, and stated that a Task Team on Parliament's International Relations Policy had been established by the Joint Rules Committee on 24 August 2005, with the mandate to complete its work by the end of October 2005. He reported that the Task Team had met three times, and had, in these meetings considered the mandate of the Task Team, and distributed reference documents relating to Parliament's international relations.

Mr Bapela said that a draft report had been generated, but still required further editing and engagement by members of the Task Team. He further reported that the Task Team would not be able to complete its work by the end of October, and requested that the deadline for the submission of the report be extended to the first meeting of the Joint Rules Committee in 2006.

It was **AGREED** that :

That the Task Team on Parliament's International Relations Policy be given additional time to complete its task; the Task Team to present a report to the Joint Rules Committee at its first meeting the following year.

5. Accommodation of political party support staff at parliamentary villages (additional agenda item)

Mr Goniwe mentioned that the matter had been discussed in a National Assembly Rules Committee meeting in October 2005. He said that the African National Congress wanted to appeal to the Presiding Officers to consider making interim arrangements with the Department of Public Works while the legislative process relating to accommodation of political party support staff at Parliamentary villages was being considered.

Responding to an enquiry by the Chairperson of the NCOP, Mr Goniwe explained that the Chief Whips' Forum had discussed the matter of accommodation facilities which were unused within parliamentary villages. Under the current arrangement, the villages were governed by the Department of Public Works, even though it was Members of Parliament who stayed there. The legislation that was being worked on aimed at giving powers to Parks Boards, thereby allowing participation by residents in the governance of the villages.

Mr Goniwe added that empty buildings were being vandalised, while staff members had no accommodation. He said that the ANC's proposal was that the envisaged legislation should give Members required accommodation in the villages, and Parliament was urging the Minister to the members occupying the facilities. He proposed that it would be better to consider selling the villages to provide a decent housing subsidy to Members so that they could buy their own houses.

Mr Mzizi wanted to know whether the reason for some flats standing empty could be attributed to involved, to enable parties to decide on the matter or accommodation elsewhere. He said that the issue of guidelines had been discussed repeatedly at the Chief Whips' Forum, they had not been drafted yet.

Mr Madisevane said that the empty flats the Chief Whip referred to were all single-bedroom flats. He said that the measure to be put in place until formal

Mr Goniwe said that he wanted to place it on record that if the staff members of the Democratic Alliance were criminals, it must be understood that the ANC Caucus did not have criminals in their employ. He added that the ANC took serious offence to the statement made by Mr Gibson.

The Chairperson of the NCOP agreed with Mr Mzizi, and remarked that the problem of crime could be investigated and addressed.

Mr Goniwe said that the ANC was making the request recognising that parties and individual Members had a role in the decision making process. He said that the ANC experienced serious problems in that the party, even with the allocations received from Parliament, was unable to recruit suitable candidates from across the country because of extremely expensive accommodation in Cape Town. Responding to the remark about double subsidisation, he said that the work of Parliament and political parties had to be subsidised so as to ensure that the necessary skills were acquired to improve the quality of the work of Members and of Parliament in general.

Mr Windvoël proposed that parties make submissions to the Presiding Officers to decide on interim measures.

Ms Seaton said that while she agreed with Mr Windvoël's proposal, she believed that Members should have a say in the decision that would be taken. She urged the Presiding Officers to take into consideration the possibility of cases of unfair labour practice being initiated against parties, since accommodation could not be provided to all staff members.

Mr Baloyi said that the proposal was for interim arrangements, and did not exclude consideration of the concerns that had been raised. He suggested that Presiding Officers should consider the request and the concerns raised.

The Chairperson of the NCOP said that the Presiding Officers would apply their minds and report back.

It was **AGREED** that:

The Presiding Officers would consider the issues raised and pursue with the Department of Public Works interim measures that could be put in place with regard to the accommodation of staff within the parliamentary villages, pending the necessary legislation being enacted.

6. Closing

The Chairperson of the NCOP adjourned the meeting at 12:45